



## **POLICE REVIEW COMMISSION REGULAR MEETING MINUTES**

**Wednesday, September 19, 2007  
7:00 P.M.**

**North Berkeley Senior Center  
1901 Hearst Avenue, Berkeley**

**1. CALL TO ORDER BY CHAIRPERSON SHARON KIDD AT 7:24 P.M.**

**ROLL CALL AND ATTENDANCE**

Present: Chairperson Sharon Kidd  
Commissioner Kamau Edwards  
Commissioner Jonathan Huang  
Commissioner William White

Absent: Vice Chair Michael Sherman  
Commissioner Sherry Smith

PRC Staff: Victoria Urbi, PRC Officer  
Maritza Martinez, Administrative Support

BPD Staff: Sgt. Juster and Lt. Greenwood

**2. ORDER OF AGENDA**

No changes.

**3. PUBLIC COMMENT:**

Cynthia Lee was concerned about medical records being withheld from citizens while giving the right to police emergency to have access to them. She has been denied access to her records.

**4. APPROVAL OF MINUTES**

A. Regular Meeting: September 5, 2007

**Motion to approve minutes. M/S/C (White/Edwards) Motion passed.**

Ayes: Kidd, Edwards, Huang and White. Noes: None.

Abstain: None. Absent: Sherman and Smith.

**5. OLD BUSINESS**



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- A. Joint Commission on Public Commons for Everyone Initiative (PCEI)  
In response to Mayor Bates and City Manager Phil Kamlarz's initiative, Lauren Lempert and Jim Hynes from the City Manager's office discussed the PCEI and process for obtaining community input on this initiative. Some of the ideas are to improve downtown areas by creating public bathrooms, improve housing programs, restrict smoking in commercial areas, among other things.

In order to generate revenue for this initiative the City is considering increasing the parking meter fees. This increase would be used exclusively for this purpose.

Ms. Urbi asked what was the purpose of the initiative and whether there was another city that has a similar initiative?

Mr. Hynes stated that the City of Santa Cruz is implementing this program, and currently it is happening in cities all over the United States. There is a slide from Santa Cruz that could be shown at our next meeting. The purpose of this initiative is business retention.

The homeless need more programs during the day time in order to help them stay away from drugs, crimes, etc. Statistics show that people who have committed crimes do not have a place to go after they are released from jail and they usually relapse and end up going back to jail. In order to avoid this, Berkeley is trying to find the right program to service this population.

Ms. Lempert and Mr. Hynes would like to meet again at a PRC meeting next month and share some of their findings.

6. **PRC OFFICER'S REPORT** (For Discussion or Action)

- A. Staffing update: Introduction of Barbara Mann, PRC Investigator.

Ms. Mann is a public interest attorney with extensive experience working with low income, homeless and mentally ill clients. She was also a volunteer attorney for the Homeless Action Center in Berkeley.

- B. Lawsuit update: On Friday, September 14, 2007, there was a court hearing. The court ruled in favor of BPA. The PRC appeal should conclude around 2009. In the meantime, the PRC will conduct closed hearings until the appeal of the lawsuit is settled in court. Also, the PRC is revising the regulations to conform with the court order that the PRC comply with Penal Code 8327 and the Peace Officers Procedural Bill of Rights. The newly revised regulations will be provided to the Commissioners for their review and, will hopefully start hearings in November.

Commissioner White asked if findings would become part of police records and if access to Internal Affairs reports would change.

Ms. Urbi stated that the details will be worked out with the City Attorney's Office.

Chairperson Kidd asked if there is something in writing stating if Commissioners or the PRC Officer writes the findings.

Ms. Urbi stated that in the past, it took a long time to get the Commissioners to write the findings and this required a lot of follow up. This delayed getting the findings to the City Manager and Berkeley Police Department. Therefore, she wrote the findings to expedite the process and sought the final

approval of the findings report from the Chair of the Board of Inquiry.

Commissioner White showed concern about the PRC Officer writing the findings and having the Commissioners review them afterwards, as it might not be a reflection of what Commissioners want to say. If a revision were made, he would like the Commissioners to be in agreement.

- C. Status of complaints: Currently, there are 71 complaints open.
- D. Commission vacancies: There are three vacancies, with open seats from the Mayor, Councilmember Maio and Councilmember Olds. A letter was handed out to Commissioners for their review regarding Commission vacancies before it is presented to Council on this matter.
- E. Comments:  
Commissioner Huang hopes that a full Commission is in force before the Commission Orientation takes place.

**7. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT**

The Chief had nothing to report.

**8. COMMITTEE REPORTS (For Discussion or Action)**

- A. Subcommittee: Draft Regulation for Investigations of First Amendment Activities.
  - a. Commissioner Sherman was not present at this meeting. Therefore, there was no report.
- B. Subcommittee: Review of BPD's Evidence Theft Issues.
  - a. Commissioner White stated that they are working in the final stages of the draft. They are scheduled to meet with City Manager Phil Kamlarz and Chief Hambleton the week of October 15 to review their comments for assessment and approval.

**9. COMMUNICATIONS**

Attached.

**10. ADJOURNMENT**

Meeting was adjourned at 8:25 P.M.