



POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

**Wednesday, October 10, 2007
7:00 P.M.**

**South Berkeley Senior Center
2939 Ellis Street, Berkeley**

1. CALL TO ORDER BY CHAIRPERSON SHARON KIDD AT 7:15 P.M.

ROLL CALL AND ATTENDANCE

Present: Chairperson Sharon Kidd
Vice Chair Michael Sherman
Commissioner Kamau Edwards
Commissioner Jonathan Huang
Commissioner George Perezvelez
Commissioner Sherry Smith
Commissioner William White

Absent: None

PRC Staff: Barbara Mann, PRC Investigator
Maritza Martinez, Administrative Support

BPD Staff: Lt. Hart

2. ORDER OF AGENDA

3. PUBLIC COMMENT

Bonnie Hughes said PCEI is an old initiative that keeps coming back. Instead monies could be used to provide food and housing. She has lived in Berkeley for seventeen years and feels safe with homeless people being around. She does not understand why they are viewed as unsafe. It is destructive to say that it is not safe in the downtown areas and Telegraph Avenue.

Anne Wagley, a Berkeley resident and Member of the Peace and Justice Commission, stated that she has raised a number of children in the past and they all felt very comfortable hanging out on Shattuck Avenue, going to the movies, and taking public transportation and they never felt unsafe around the homeless or heard any comment from anyone saying they felt unsafe.



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Muggs (played a song).

Michael Diehl, Berkeley Mental Health Commission Vice Chair and a member of Copwatch, witnessed on Friday a young fellow who came out of Alabama and who had been to the City once before but had a different experience this time, he pulled out his sleeping bag near People's Park and was awakened by a police officer with a gun in his face in an effort to clear the streets.

Zachary Runningwolf recently brought forward a recall for Mayor Bates on this Public Common law which is a war against everybody, he said.

Andrea Prichett stated that the Berkeley police should be held accountable for their acts. She feels the more power that is given to the police, the more vulnerable the homeless will be. This is law enforcement against the most vulnerable members of our City. Historically, the homeless people have been disadvantaged and have the hardest time accessing the Commission and anything related to police accountability.

4. APPROVAL OF MINUTES

a. Regular Meeting: September 19, 2007

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

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

Abstain: Sherman, Smith and Perezvelez. Absent: None.

5. OLD BUSINESS

a. National Association of Civilian Oversight of Law Enforcement Conference

i. Staff report:

Barbara Mann, along with Victoria Urbi and Commissioners, attended the conference. In Barbara's experience, the NACOLE conference was very educational.

ii. Debrief from Commissioners

Chairperson Kidd said it was interesting to see how other agencies operate and how they differ from the ones in California.

Commissioner White stated what was different is, in California, Copley is closing the public hearings of police misconduct.

Vice Chair Sherman was impressed by having representatives from Europe. He found interesting to see how other agencies were moving forward in light of Berkeley having to deal with the closed hearings very soon. He would like to see that the complainant, just like the Berkeley police officers, has the right to appeal the Commission's findings. Commissioner White clarified that there is an appeal process for the complainants, which is findings centered on submission of new evidence, and is rarely utilized. Vice Chair Sherman would also like to see complainants represented before the PRC.

b. Joint Commission on Public Commons for Everyone Initiative (PCEI)

- i. Staff reports on community forum
Lauren Lempert stated that there seems to be confusion related to this initiative. There are some misconceptions due to reporters' inaccuracy. This initiative is about expanding supportive programs such as creating more public bathrooms and housing opportunities, restrict smoking in commercial areas, restricting lying on the sidewalk, increasing the number of parking meters and parking meter fees to help with the funding of these services.

Commissioner Perezvelez suggested that laws against urination should be enforced.

Commissioner Smith said creating more public bathrooms should improve behavior.

Commissioner White doesn't see how enforcing the penalty will improve the quality of life.

Commissioner Smith said that urination and defecation in the public place should continue to be charged as a misdemeanor instead of an infraction.

Vice Chair Sherman showed concern about the carts that are taken away from the homeless because they contain all their possessions. He believes before charging for a misdemeanor, cities should provide the proper facilities.

Jim Hynes said that they are working towards this goal. They want to provide services before enforcement takes place.

Barbara Mann shared some concerns related to the PCEI. She would like to know if they are basing this initiative on some statistics, why the current laws are not enforceable, wonders why there has been no feedback from BPD, etc. She noted that you cannot criminalize someone for the status of lying on a sidewalk, but you can levy criminal actions for obstructing the sidewalk.

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

- a. Revised Regulations and training on closed hearing procedures update
Ms. Urbi hopes to draft regulations by December 3.
- b. Status of complaints: Currently there are 73 cases open.
- c. Commission vacancies: There are two vacancies, with open seats from Councilmember Maio and Councilmember Olds. Commissioner George Perezvelez was appointed and sworn in, immediately prior to today's meeting.

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

No report.

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

- a. Subcommittee: Draft Regulation for Investigations of First Amendment Activities.
 - i. Commissioner Sherman's update
Mark Schlosberg would like to meet with the Commission the week of October 15th. If he is not available, he will provide pertinent information.

- b. Subcommittee: Review of BPD's Evidence Theft Issues.
 - i. Commissioner White's update on status of policy report
Will meet October 12 for review of the final draft. After this, the plan is to meet with the City Manager and Chief Police.

9. **COMMUNICATIONS**

Attached.

10. **ADJOURNMENT**

Meeting was adjourned at 8:35 P.M.