



POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, October 24, 2007
7:00 P.M.

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER BY CHAIRPERSON SHARON KIDD AT 7:05 P.M.

ROLL CALL AND ATTENDANCE

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

Absent: Commissioner William White
Commissioner Kamau Edwards

PRC Staff: Victoria Urbi, PRC Officer
Rebecca Webb, Administrative Support

BPD Staff: Chief Hambleton
Lt. Greenwood

City Staff: City Auditor Ann-Marie Hogan

2. ORDER OF AGENDA

Moved Item #4 to Item #6.

3. APPROVAL OF MINUTES

A. Regular Meeting: October 10, 2007

Motion to approve minutes. M/S/C (Smith/Sherman) Motion passed.

Ayes: Kidd, Sherman, Huang, Perezvelez and Smith. Noes: None.

Abstain: None. Absent: Edwards and White



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4. PUBLIC HEARING: SUBCOMMITTEE POLICY REPORT ON EVIDENCE THEFT ISSUES WITHIN THE BERKELEY POLICE DEPARTMENT

A. Policy report presentation by Subcommittee Chairperson William White

Due to Subcommittee Chairperson White's absence, Commissioner Smith presented the report. Commissioner Smith reported that a PRC subcommittee was formed when it was learned that there was evidence theft of drugs that went undetected and unreported. The Subcommittee consisted of three commissioners and two citizens. She stated that the investigation was very difficult due to the lack of cooperation from the police department with regard to releasing information and that the police union threatened them with a lawsuit, which prevented them from interviewing line officers. The Subcommittee decided unanimously to present this report to the full Commission.

B. Staff report

Ms. Urbi outlined the next step for the report. She presented the memorandum from the City Manager, who wanted to be at the meeting, but needed more time to review the Subcommittee's recommendations. The City Manager and Chief of Police would like to comment on the report at the next PRC Meeting. The Commission will vote to approve the report at the November 7 meeting. If approved, it will be forwarded to the City Council.

C. Berkeley Police Department Response

Chief Hambleton stated that some of the recommendations are already in place, and others he was waiting for the report to put the recommendations in place. He stated that he has had one week to review this report, which was not long enough to give a full response. He will meet further with the City Manager who will give a full response at the November 7 meeting.

D. Discussion

Chairperson Kidd asked to hear from the citizens on the Subcommittee.

Jim Chanin restated the lack of BPD cooperation. He expressed displeasure with the memorandum from the City Manager that it creates an aura they were shut out when the Subcommittee wanted them there. He also stated that the PRC must be more diligent now that there will be closed hearings.

Andrea Prichett asked the PRC not to let this end with the report, and added that they needed access to documents.

City Auditor Anne-Marie Hogan stated that they performed an audit on the police department's cash evidence accounts and found no improper withdrawals. Those accounts are currently closed and the BPD now runs their cash through the City account system. The Chief added that he had requested this audit and closure of the accounts long before the PRC investigation started.

Chairperson Kidd questioned the wording of "intent" on the City Manager's memorandum to which Ms. Hogan responded she believed that he meant he wanted to know what the intent behind the finding was to be able to properly understand the finding.

Commissioner Huang expressed he had expected a response from the City Manager, and asked why the Subcommittee did not adopt the Oakland PD's model for an early warning system to which Ms. Urbi stated that model has a number of problems. Ms. Prichett also added that the two agencies do not work in the same way and that the policies BPD had in place would have worked if

it had been implemented.

Vice Chair Sherman stated we could look at how other agencies that deal with life and death situations, for example hospitals, handle drug abuse by employees. He also stated that it's hard to report family and friends to which the Chief responded it's also hard to detect and that they are working on the language of their policies to make reporting requirements more clear.

Chief Hambleton pointed out that the Auditor's office has created a City-wide fraud prevention training that all City employees are required to attend, including police staff.

Ms. Hogan explained that the training emphasizes that each employee is responsible for reporting fraud.

E. Public Comment

Nick Chambers stated that fraud prevention in the workplace can be reported easily by using the internet, which would prevent whistleblower issues. Transparency is an essential element of democracy and that we don't have transparency. We cannot say that this is a democratic institution.

Valerie Artese asked Chief Hambleton if he agreed with the findings of the report and would he be responding to each recommendation separately. He responded that he would reserve comments until the City Manager responds, but that he agreed with most of the findings, and that he would like to respond to each recommendation separately.

Nathan Murthy stated that a functional city government must have cooperation on all levels, and that the cooperation was severely lacking.

Eugene Nulman stated it is shocking that in a progressive city like Berkeley, that the police department did not pass information along to PRC.

Jake Gelender wanted to congratulate the PRC and the subcommittee that the report is strong that it pointed out failures and encouraged the PRC to approve the report as it stands.

5. NEW BUSINESS

A. Chair and Vice Chair Elections

a. Staff Report

Chairperson Kidd stated that Commissioner White requested that the elections be moved to the November meeting, when he can be present. Commission agreed that they should wait until all Commissioners are present to vote.

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

A. Hearings update

Ms. Urbi reported that hearings will now be closed to the public, and two of the three Commissioners will be allowed to ask questions. The new regulations have been sent to the City Attorney. The PRC will vote on the new regulations at the November 7 meeting.

B. Status of complaints

There are 73 open complaints.

C. Commission vacancies

There are two vacancies from Councilmembers' Maio and Olds. Ms. Urbi drafted a letter at Chairperson Kidd's request to the Mayor to help fill the vacancies. The Commissioners had no objections to the letter.

D. Comments:

Commissioner Sherman stated that he would like to have an appeal process and legal representation for complainants. He stated that PRC could work with Boalt Law School to assist with the representation.

Commissioner Huang stated that there is already a program in place with Boalt.

Ms. Urbi stated that both questions have been forwarded to the City Attorney's Office, and clarified that Boalt is used to assist the complainant and that complainants are made aware of their availability as part of the hearing process.

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

Chief Hambleton reported there are four sworn vacancies and expecting more due to retirement. BPD will be hiring eight officers to go through the academy in January. Three are in field training now. Four to five are off injured. There are five dispatcher openings. He expects 1 to 1 ½ years before BPD is fully staffed.

There will be a pandemic flu training at the BPD on October 25.

The BPD has been updating General Orders and Regulations this past year. They hope to get it transferred electronically and posted to the City intranet, and eventually to the internet. They signed the agreement for the New World Software System. Their current data management system is very old and does not work effectively.

Vice Chair Sherman asked Chief Hambleton in regards to PCEI, does he think that the laws we have are sufficient, to which he responded he thought some changes were in order.

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

A. Subcommittee: Draft Regulation for Investigations of First Amendment Activities.

a. Staff update

The next meeting is scheduled for Tuesday, October 30, 5:00 PM at the South Berkeley Senior Center.

9. **COMMUNICATIONS**

Attached.

10. **ADJOURNMENT**

Meeting was adjourned at 8:37 P.M.