



POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

**Wednesday, December 12, 2007
7:00 P.M.**

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

**1. CALL TO ORDER BY CHAIRPERSON WILLIAM WHITE AT 7:05 P.M.
ROLL CALL AND ATTENDANCE**

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

Absent: Commissioner George Perezvelez

PRC Staff: Victoria Urbi, PRC Officer
Rebecca Webb, Administrative Support
Drei Munar, UC Berkeley Intern

BPD Staff: Lt. Hart
Sgt. Reece

2. ORDER OF AGENDA

No Changes.

3. APPROVAL OF MINUTES

A. Regular Meeting: November 7, 2007

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

Ayes: Edwards, Kidd, Sherman, Smith and White. Noes: None.

Abstain: None. Absent: Huang and Perezvelez.



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4. OLD BUSINESS

A. SUBCOMMITTEE POLICY REPORT ON EVIDENCE THEFT ISSUES WITHIN THE BERKELEY POLICE DEPARTMENT

a. Staff report

Ms. Urbi reported that Chief Hambleton is not available for the next City Council meeting, so the Evidence Theft Report will be presented on January 29, 2008. She asked the Commission if they had any strong disagreement to any of the BPD's response to the Report that they would like her to add in her report.

b. Commission discussion

Commissioner Smith asked for and received clarification that Ms. Urbi was asking should the PRC let the Report stand alone, or should they specifically state disagreement they may have with the BPD's response. Commissioner Smith stated that she thought the Commission should let the Report stand alone.

Ms. Urbi stated that she would finish her written report and show it to the PRC in January. She asked the Commissioners to contact her if they had anything they would like her to add.

c. Commission action

None.

5. NEW BUSINESS

A. ANNUAL REPORT FOR 2005-2006

a. Staff report

Ms. Urbi stated that she had emailed to the Commission the completed 2005-2006 Annual Report and asked that the PRC approve it if there were no changes they thought it needed. She will present the findings and statistical significance at the January Commission meeting.

b. Commission action

Motion to approve 2005-2006 Annual Report. M/S/C (Smith/Kidd) Motion passed.

Ayes: Edwards, Kidd, Sherman, Smith and White. Noes: None.

Abstain: None. Absent: Huang and Perezvelez.

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

A. Draft of meeting schedule for 2008

Ms. Urbi stated that there were two items to consider: changing the meeting place to the South Berkeley Senior Center exclusively, and changing the meeting time from 7:00 to 6:00 PM. She said that although the intention for both locations was to get more public participation by having meetings at two different locations, the North location was physically difficult for PRC Staff, who had to set up tables and chairs, often alone.

Commissioner Smith added that at the North location, the PRC meeting conflicted with two other commission meetings at the same time. She also did not think that only having one location would deter the community from attending.

The Commission decided to change the 2008 meetings to the South Berkeley Senior Center location exclusively.

The Commission decided to change the meeting time to 6:30 PM.

B. Hearing update

Ms. Urbi stated that there was a hearing scheduled for December 13, 2007, that had to be cancelled due to the officer having a family emergency. She passed out a sign up sheet for the Commissioners to sign up for January hearing dates.

C. Status of complaints

There are 78 open cases.

D. Commission vacancies

There are two Commission vacancies.

7. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Lt. Hart stated that there was no report today.

Commissioner Sherman congratulated the Berkeley Police Department for receiving an "A" grade after an audit of their public records, which was reported in the Oakland Tribune.

8. COMMITTEE REPORTS (For Discussion or Action)

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

a. Subcommittee Chairperson Sherman's update

Commissioner Sherman stated that the meeting they had scheduled was cancelled due to the absence of Mr. Schlosberg and not having the BPD's response. The next meeting will be in late January.

b. Discussion

Ms. Urbi added that at the last Subcommittee meeting, Commissioner Sherman stated that he believed the Subcommittee only needed one more meeting. Commissioner Sherman said they were very close to completing the Policy Report.

9. PUBLIC COMMENT:

Cynthia Lee spoke about her case that was to be discussed in closed session. Chairperson White interjected that she may not want to speak about that during the regular meeting. Ms. Lee stated that she had already spoken about it at the City Council Meeting.

Commissioner Sherman pointed out that that it does not make sense that Complainants are able to discuss their entire case in open forum, and yet the PRC must hold its hearings in private. Ms. Urbi stated that the Complainant is not under the court order to keep the privacy of officers and that the Commission is under the court order.

10. COMMUNICATIONS

Attached.

Closed Session

The Police Review Commission will recess into closed session to discuss and approve petitions for late filing.

11. LATE FILE PETITIONS

A. Case No. 2134 – Complainant Cynthia Lee

Motion to reject late file 2134. M/S/C (Sherman/Smith) Motion passed.

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

Abstain: None. Absent: Perezvelez.

B. Case No. 2144 – Complainant Edward Holly

Motion to reject late file 2144. M/S/C (Sherman/Edwards) Motion passed.

Ayes: Edwards, Huang, Sherman, Smith and White. Noes: Kidd.

Abstain: None. Absent: Perezvelez.

C. Case No. 2148 – Complainant Lisa Conley

Motion to accept late file 2148. M/S/C (Kidd/Huang) Motion passed.

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

Abstain: None. Absent: Perezvelez.

D. Case No. 2158 – Complainant Andre Hall

Motion to accept late file 2158. M/S/C (Kidd/Edwards) Motion did not pass.

Ayes: Edwards, Huang, Kidd. Noes: Smith and Sherman.

Abstain: White. Absent: Perezvelez.

Chairperson White commented that the Commission should send a letter to the City Manager to ask the BPD Internal Affairs department to work in tandem with the PRC in terms of giving the PRC knowledge of case outcomes. Commissioner Sherman added that it should state that if in the future the PRC were to have public hearings again, then the PRC would not need the case outcomes.

Commissioner Smith replied that although she did not see BPD complying, it would not hurt to ask.

Chairperson White said that he will work with Ms. Urbi to draft a letter.

12. ADJOURNMENT

Meeting was adjourned at 7:53 P.M.