



## POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, June 25, 2008  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

### 1. CALL TO ORDER BY VICE CHAIR SHARON KIDD AT 7:05 p.m.

#### ROLL CALL AND ATTENDANCE

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

Absent: Chairperson William White  
Commissioner Kamau Edwards

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Lt. Files (Department Representative), Sgt. White (IAB), Sgt. Wilson (IAB)

### 2. ORDER OF AGENDA

Public comment was moved to Item #7 on the agenda.

### 3. APPROVAL OF MINUTES

A. Regular Meeting: June 11, 2008

**Motion to approve minutes. M/S/C (Smith/Perezvelez) Motion carried.**

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

Abstain: None. Absent: Edwards, White.

Commissioner Sherman stated that on page 3 of the minutes, section iii, he wanted to add the following sentence: *"This action was unprecedented and sets a bad precedence" (this was related to reading an electronic mail message into the record at the last Commission meeting).*



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**4. OLD BUSINESS**

A. Review Allegations from Statistical report

1. Summary report - Commissioner Huang: He met with Ms. Urbi and reviewed how allegations are drafted and entered into the database. He concluded that the total number of allegations were accurate, since there were no cases closed in 2007. He stated that the number of allegations is reduced after a case has been closed and was heard before a board of inquiry.

Commissioner Perezvelez stated that there should be a statement on the PRC website that explains the increase in the number of allegations, so that the public understands why the number was so high.

2. Staff update: Ms. Urbi stated that a more accurate number in reviewing the Statistical Report is the number of complaints filed and not the allegations, since PRC could not close any cases in 2007 and the allegations could not be revised after a hearing. The average number of complaints filed each year is consistently between 40-45 complaints a year. The way in which Internal Affairs and PRC drafts their allegations will be different because IAB are sworn officers and PRC are civilians.

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

- A. Hearing update: The next hearing is scheduled on July 1. Complainant's name is Thuon Chen and the Commissioners are Huang, Edwards and Sherman.

B. Status of complaints: 75 open complaints.

- C. Comments: There will be no Subcommittee meetings, Commission meetings or hearings in the month of August when City Council goes into recess and the Commission takes its break.

On August 5, 2008, BPD and the Fire Department will have National Night Out, which is a national neighborhood crime prevention day. City staff and police officers will visit various neighborhoods to meet the community and promote crime prevention. Commissioners are encouraged to volunteer on this day to conduct community outreach.

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

Ms. Urbi stated that the Chief could not make the Commission meeting that night, because he was attending the annual Exchange Club dinner, which was honoring Sergeant Andrew Rateaver as the "Officer of the Year," chosen by the Berkeley Police Association.

Lt. Files stated that the Chief had nothing to report.

Commissioner Smith asked about another officer, who was honored at the City Council meeting the previous night. Ms. Urbi stated that the officer was Officer Frankel, who was honored by Councilmember Anderson for doing outstanding work in his district. Officer Frankel was recently transferred to the Public Information Officer position.

**7. PUBLIC COMMENT**

Richie Smith discussed the Juneteenth Festival and wanted to know from BPD why it was cancelled this year. She stated that the festival has been continuous for the past 21 years. The event recognizes the former slaves in Texas, who were released 2 and half years after slaves were supposed to be freed, because they had to finish their crops.

Lt. Files stated he was at Councilmember Anderson’s community meeting addressing this issue regarding the Juneteenth event. Lt. Files stated that the organizer for the event did not meet the timely filing requirements for obtaining a permit, which is issued by the City and not BPD.

Ms. Smith stated that when there are Juneteenth events, there are typically many more officers than when there are festivals like the Albany street fair.

Commission Sherman stated that police are present at festivals for security reasons and police do not issue the permits.

Vice Chairperson Kidd suggested adding the Juneteenth topic on the next Commission meeting agenda.

Ms. Urbi asked how the Juneteenth event relates to the work of the Police Review Commission.

Commissioner Smith stated that PRC does not deal with permits and that Ms. Smith was trying to get clarification on a rumor regarding why the Juneteenth event was cancelled.

Commissioner Sherman asked what would PRC do with this topic if it were on the agenda for the next meeting?

Vice Chairperson Kidd stated she would work with Ms. Smith on getting this issue addressed.

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

**A. Evidence Theft Subcommittee**

1. Update on City Council meeting on June 24, 2008 and next steps: Commissioner Smith stated that she along with Commissioner Kidd and Ms. Urbi attended the Council meeting. PRC was granted virtually everything, i.e. 25 out of the 27 recommendations from the January meeting. Councilmember Moore requested to put the agenda item on the Consent Calendar and they accepted the report as is. She thanked Commissioners Kidd and White, Jim Chanin and Andrea Prichett for working on the investigation and report to City Council. She was pleased with the results.

**B. Criminal Intelligence Subcommittee**

1. Update on Subcommittee meeting on June 17, 2008 and next steps: Commissioner Huang stated that the Subcommittee met to discuss final changes and they were waiting for Captain Gustafson to discuss a few more changes with the Chief. Ms. Urbi stated that one of the sticking points of disagreement was that PRC audit the criminal intelligence files of BPD. The Chief was concerned that PRC does not have an “auditor” function and has not historically conducted this type of work. The Subcommittee requested that perhaps BPD could provide statistical information on the criminal intelligence files. It was pointed out that San Francisco’s Office of Citizen Complaints audits their police department’s criminal intelligence files, but that

was as a result of an incident that occurred.

**9. PUBLIC COMMENT**

**Motion to re-open public comment. M/S/C (Huang/Sherman) Motion carried.**

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

Abstain: None. Absent: Edwards, White.

Zachary Running Wolf Brown was disturbed about the Copley Press decision. There should be concern regarding the 286 evidence bags of narcotics that was stolen from the property room. The cancellation of the Juneteenth event was an embarrassment.

**10 COMMUNICATIONS**

Attached.

**11. PUBLIC COMMENT: Limited to items 11, 12, and 13 only. None.**

<b>Closed Session</b>
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**The Police Review Commission recessed into closed session to discuss and take action on the following items:**

**11. LATE FILE PETITION**

A. Case No. 2201 – Complainant Stephen Pitcher

**Motion to deny the late file petition of Case No. 2201.**

**M/S/C (Huang/Perezvelez) Motion carried.**

Ayes: Huang, Kidd, Perezvelez, Sherman, Smith. Noes: None. Abstain: None. Absent: Edwards, White.

**12. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE**

A. Case No. 2171 – Complainant Philip Pickering

**Motion to dismiss Case No. 2171.**

**M/S/C (Huang/Sherman) Motion carried.**

Ayes: Huang, Kidd, Perezvelez, Sherman, Smith. Noes: None. Abstain: None. Absent: Edwards, White.

B. Case No. 2095 – Complainant Theodore Bolton

\* No action taken pending letter on closure of cases.

**\* Motion for PRC staff to provide to the Commission a list of all cases with a summary of the allegations and their deadlines, so the Commission could decide which cases to close. M/S/C (Perezvelez/Sherman) Motion withdrawn by Commissioner Perezvelez.**

**\* Motion for PRC staff to draft a letter to complainants, whose cases have expired under Government Code 3304's one-year deadline to investigate cases, to inform them that their case would be dismissed due to the court order.**

**M/S/C (Smith/Sherman) Motion carried.**

Ayes: Huang, Kidd, Perezvelez, Sherman, Smith. Noes: None. Abstain: None. Absent:

Edwards, White.

**13. RECOMMENDATION FOR SUMMARY DISMISSAL**

A. Case No. 2194 – Complainant Arsene Kounde

**Motion to dismiss Case No. 2194.**

**M/S/C (Perezvelez/Smith) Motion carried.**

Ayes: Huang, Kidd, Perezvelez, Sherman, Smith. Noes: None. Abstain: None. Absent:  
Edwards, White.

B. Case No. 2099 – Complainant Zachary Runningwolf Brown

\*No action taken pending letter on closure of cases.

**14. ADJOURNMENT**

Meeting was adjourned at 10:00 p.m.