



Police Review Commission

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

Wednesday, September 10, 2008  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER BY CHAIR 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 George Perezvelez  
Commissioner Michael Sherman

Absent: Commissioner Sherry Smith

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Chief Hambleton  
Lt. Files  
Sgt. White

BPA: Ofc. H. Wellington

**2. ORDER OF AGENDA**

No changes.

**3. PUBLIC COMMENT**

None.

**4. APPROVAL OF MINUTES**

A. Regular Meeting: July 23, 2008

**Motion to approve minutes. M/S/C (Kidd/Huang) Motion carried.**

Ayes: Edwards, Huang, Kidd, Perezvelez and White.

Noes: None. Abstain: Sherman. Absent: Smith.



## 5. OLD BUSINESS

- A. Update on cases that have expired beyond one year pursuant to Government Code Section 3304.

Ms. Urbi reported that the Court of Appeal hearing occurred on August 7, 2008. The Court will render a decision by November 7, 2008, so PRC was advised by the City Attorney's office to postpone closing any cases before the Court of Appeal makes a decision. If the Court of Appeal agrees with the Trial Court's decision that PRC must maintain closed hearings, then PRC will close the cases that expired beyond the one-year deadline. If the Court of Appeal overturns the Trial Court decision or if they state that PRC is not a disciplinary process, then some of those cases could still be heard at a board of inquiry.

**Motion to send a letter to complainants, where their cases may have expired beyond the one year statute, to update them that PRC is awaiting the Court of Appeal decision.**

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

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman and White.

Noes: None. Abstain: None. Absent: Smith.

- B. Court of Appeal Hearing Update

Ms. Urbi provided an update on the Court of Appeal hearing that took place on August 7, 2008.

- C. National Night Out Update

Vice Chair Kidd stated she had a nice time at the National Night Out. She forwarded a message to the Chief and to the PRC. She met a lot of members of the community. Ms. Urbi stated that the two PRC Investigators also attended and heard a lot of positive comments about Berkeley Police.

- D. National Association for Civilian Oversight of Law Enforcement Conference, October 27-30, 2008 in Cincinnati, Ohio.

Ms. Urbi reported that information on the conference is included in the agenda packet. Due to the budget, the PRC could not send a Commissioner.

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

- A. Status of complaints: 79 cases. Closed a total of 30 cases in 2008.

- B. Hearing update: Next hearing is on Oct. 2. Commissioners Sherman, Smith and Huang.

- C. Comments: Ms. Urbi announced the memorial of Sergeant Paul Starzyk of the Martinez Police Department on September 11, 2008. Chair White suggested that PRC send a condolence card to the family of Sgt. Starzyk.

## 7. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton reported that staffing continues to be in good shape and they are fully up to strength. There are two officers in the academy and six in field training. In Administrative Support, they need more staff to do data entry. They eventually plan to switch over to the New World Computer System, where officers will have the capacity to enter information into the

Records Management System through lap top computers in their patrol vehicles. This will allow crime reports to go into the Records system immediately.

There are delays in hiring a Community Services Officer (CSO). This has held them back on the progress of the Evidence Theft recommendations; because a CSO will handle the drug evidence and they need to get a 5% incentive pay to handle the additional responsibilities. This is subject to the meet and confer process with the union.

Also, all officers will take part in Ethics Training, where the Chief will provide an introduction and the City Auditor will conduct the training. The Chief will provide the training handout to the Commission.

The Chief also discussed the Urban Shield Training, which is a training of SWAT Teams and law enforcement agencies throughout the Bay Area. BPD will go through exercises including active shooters, hostage situations, assaults on airplanes and exercises in the Caldecott Tunnel. They will also participate with the University of California Police in SWAT Team exercises.

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

### **A. Criminal Intelligence Subcommittee**

- a. Subcommittee recommendation to Commission to approve BPD's draft of Criminal Intelligence policy.

The Subcommittee met before the Commission meeting and was not ready to approve BPD's draft policy. Comm. Sherman had additional questions to BPD that related to the events that occurred at the Republican National Convention and Democratic National Convention.

Ms. Urbi stated that she would forward Comm. Sherman's questions to the Chief and Capt. Gustafson.

- b. Action: None.

### **B. Crowd Control Policies Subcommittee**

The Subcommittee's next meeting was scheduled on September 15, where they will review BPD's 2<sup>nd</sup> draft policy.

## **9. COMMUNICATIONS**

Ms. Urbi asked if the letters to Senator Romero and Chris Morray-Jones were okay to send.

Officer Wellington stated that the Berkeley Police Association objected to the letter to Senator Romero. He raised a question about the Commission sending this letter on City letterhead and it may raise issues about their ability to be neutral.

**Motion to approve both letters and to change the letter to Senator Romero with the following:**

- (1) Page 2, 2<sup>nd</sup> paragraph, 1<sup>st</sup> sentence to be changed to: "PRC believes that closed hearings erode public trust."**

**(2) Page 2, 2<sup>nd</sup> paragraph, last sentence to be changed to: “We believe that closed hearings sets a dangerous trend away from government transparency.”**

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

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman and White.

Noes: None. Abstain: None. Absent: Smith.

**10. PUBLIC COMMENT: Limited to items 11, and 12 only.**

None.

Comm. Sherman requested a point of personal privilege to Chair White and stated the following:

To Officer Wellington

I think that I can speak for the rest of my fellow commissioners AND the PRC office when I say that we share with everyone, but especially with the officers of the Berkeley Police Department, a collective sense of grief and sadness at the loss of life of one of your fellow comrades, Sgt. Paul Starzynk of the Martinez Police Department, husband and father of three.

Speaking personally for myself, I will continue to work to improve or correct BPD policies with which I have concerns and issues – as I am doing now by my work on two subcommittees. I will also continue to work seriously and objectively on what is the most important work of this Commission – Boards of Inquiry.

Nevertheless, my years on the PRC has educated me to a strong understanding and appreciation of the dangers, challenges and difficulties faced by police officers as they carry out their daily duties and a deep sense of sorrow when one is taken from us in the performance of those duties.

Again, we, the Police Review Commission, join the Berkeley Police Department in mourning the loss of one of your own.

**Closed Session**

**The Police Review Commission recessed into closed session to discuss and take action on the following items:**

**11. RECOMMENDATION FOR SUMMARY DISMISSAL**

A. Case No. 2168 – Complainant Eddie Hooker

Motion to close Case No. 2168. M/S/C (Sherman/Kidd) Motion carried.

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman and White.

Noes: None. Abstain: None. Absent: Smith.

B. Case No. 2187 – Complainant Joseph Britton

Motion to close Case No. 2187. M/S/C (Perezvelez/Sherman) Motion carried.

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman and White.

Noes: None. Abstain: None. Absent: Smith.

**12. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE**

A. Case No. 2160 – Complainant Cynthia Lee

Motion to close Case No. 2160. M/S/C (Edwards/Kidd) Motion carried.

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman and White.

Noes: None. Abstain: None. Absent: Smith.

B. Case No. 2175 – Complainant Cynthia Lee

Motion to close Case No. 2175. M/S/C (Edwards/Kidd) Motion carried.

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman and White.

Noes: None. Abstain: None. Absent: Smith.

**13. ADJOURNMENT**

Meeting was adjourned at 8:15 p.m