



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, October 15, 2008
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY VICE-CHAIR SHARON KIDD AT 7:07 p.m. ROLL CALL AND ATTENDANCE

Present: Vice Chair Sharon Kidd
Commissioner Kamau Edwards
Commissioner Jonathan Huang
Commissioner Sherry Smith

Absent: Chairperson William White
Commissioner Michael Sherman
Commissioner George Perezvelez

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Chief Hambleton
Lt. Files
Sgt. Wilson (Internal Affairs)

BPA Rep: Officer Wellington

2. ORDER OF AGENDA

Vice-Chair Kidd requested to remove item #10 off the agenda to set up as a separate meeting with all Commissioners present.

3. PUBLIC COMMENT:

No public Comment.

4. APPROVAL OF MINUTES

A. Regular Meeting: September 10, 2008

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

Ayes: Edwards, Huang and Kidd.

Noes: None. Abstain: Smith. Absent: Perezvelez, Sherman, White.



- B. Regular Meeting: September 24, 2008
Approval of minutes carried over until November 12 meeting.

5. OLD BUSINESS

A. Discuss Court of Appeal decision update

Ms. Urbi stated that a joint closed session meeting has been scheduled with the City Council and Commission on October 28 at City Hall. Given the Court of Appeal's ruling that affirmed the trial court decision, the City Attorney will discuss whether the City should continue to pursue the appeal to the State Supreme Court. Attorney Art Hartinger will discuss the merits of appealing the decision. PRC will continue to operate under the current regulations with closed session hearings. The confidentiality of officers must be maintained, and as such, case reports should be handled with precaution.

B. Staff update on Letter to State Senator Gloria Romero

Ms. Urbi reported that this letter would have to come from City Council. PRC could recommend to City Council to send this letter. Staff will submit the recommendation as a report to City Council from Chairperson White and the Commission.

Commissioner Smith stated that she believed PRC had sent letters previously without approval from City Council. She stated that to send a thank you letter from the Commission and to have PRC staff revise the letter as a City Council report and recommendation seemed bureaucratic. This was a surprise.

Ms. Urbi stated that the Commission can send letters on its own to individuals, but when sending to outside agencies, legislative bodies and the like, it must come from the City Council, because the Commission functions in an advisory capacity. However, she will relay Commissioner Smith's concerns to the City Manager's office.

6. NEW BUSINESS (For Discussion or Action)

A. Commission Chair and Vice Chair Elections on November 12, 2008

- 1. Discussion to move Commission Elections to December 10 after the City Clerk certifies the results of the City Council election.

Ms. Urbi stated that there was a suggestion to move the elections for Commission Chair and Vice Chair until after the City Council election, because there may be new appointments to the Commission.

- 2. Action

Motion to move the Commission elections to December 10.

M/S/C (Edwards/Smith) Motion carried.

Ayes: Edwards, Huang, Kidd and Smith.

Noes: None. Abstain: None. Absent: Perezvelez, Sherman and White.

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

A. Hearing update

A hearing is scheduled for October 20.

- B. Status of complaints and staff update on letter to complainants updating them on their case pursuant to Government Code Section 3304.

Ms. Urbi stated there are 81 open cases. Staff will recommend to close 43 of these cases, leaving the Commission with 38 cases. At the September 24 meeting, Commissioner Sherman suggested that the Commission decide whether or not to meet on October 22. If commissioners do not meet on October 22, the Commission will consider the closure of the 43 cases on November 12. She asked whether they wanted to consider the closure of cases on either October 22 or November 12.

Motion to move the recommendation of the 43 case closures to November 12.

M/S/C (Smith/Edwards) Motion carried.

Ayes: Edwards, Huang, Kidd and Smith.

Noes: None. Abstain: None. Absent: Perezvelez, Sherman and White.

8. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton stated that the BPD has been fully staffed since July. The department is still working on processing people for hire in the case that there are vacancies. There was a large community meeting several weeks ago, following a double homicide and shooting. This has caused BPD to look at community engagement practices. Being fully staffed is allowing BPD to assign more officers in the south Berkeley area. Officers are also increasing interaction with youth at the recreation centers. Residents have become more energized to establish neighborhood watch groups and become more involved with the police.

The BPD Turkey ride was a success. More money was raised this year than in the past. Turkey baskets will be offered at both Thanksgiving and Christmas. BPD will also be doing the Toys for Tots distribution for Berkeley.

Commissioner Smith asked if it was true that the communications system between BPD and UCPD are in fact incompatible, to which Chief Hambleton responded that it was. Commissioner Smith asked if that was being worked on. Chief Hambleton responded that there are a couple cars that have UCPD's radios in BPD cars to be able to listen in. There are several options to change their systems to be able to communicate with other agencies. New FCC regulations will require Berkeley to change their systems by 2013.

9. COMMITTEE REPORTS (For Discussion or Action)

A. Criminal Intelligence Subcommittee

Ms. Urbi stated that Commissioner Sherman had follow-up questions for Captain Gustafson. BPD had already sent a final draft to the Subcommittee. Ms. Urbi forwarded those questions to Chief Hambleton and Captain Gustafson.

Chief addressed Commissioner Sherman's concerns by adding a quote of the First Amendment, so it is clear. Commissioner Sherman had a question about cooperating with outside agencies, which was covered near the end of the order. Chief Hambleton stated that Commissioner Sherman's suggestion for a preamble of the Commission's statement was declined.

B. Crowd Control Policies Subcommittee: Next meeting October 21.

Commissioner Huang stated that the Subcommittee is meeting with Captain Ahearn on October 21, and he believed the Subcommittee's work would be complete by early next

year. Ms. Urbi stated that the draft policy is already in the final draft stages. Once the Subcommittee approves it, then it goes through BPD's internal review process and then City Attorney.

10. COMMISSION TRAINING (A handout will be provided at the meeting)

Ms. Urbi stated that Chairperson White suggested that the Commission receive training on boards of inquiry (which was removed from this agenda for a future date). This is a continuation of Commission training from the September 24 meeting, which included a BPD tour. Chairperson White strongly encouraged ride-alongs for commissioners who have not taken one.

Commissioners Huang, Edwards and Smith stated that they had not done a ride-along.

11. COMMUNICATIONS

A. Attached.

12. PUBLIC COMMENT: Limited to items 13 and 14 only.

Closed Session

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

13. LATE FILE PETITION

A. Case No. 2110 – Complainant John Snyder
Motion to accept late file of Case #2110.
M/S/C (Smith/Kidd) Motion carried.
Ayes: Edwards, Huang, Kidd and Smith.
Noes: None. Abstain: None. Absent: Perezvelez, Sherman and White.

14. RECOMMENDATION FOR SUMMARY DISMISSAL

A. Case No. 2206 – Complainant Douglass Russell
Motion to summarily dismiss Case #2110.
M/S/C (Edwards/Kidd) Motion carried.
Ayes: Edwards, Huang, Kidd and Smith.
Noes: None. Abstain: None. Absent: Perezvelez, Sherman and White.

15. ADJOURNMENT

Meeting was adjourned at 8:10 p.m.