



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, January 14, 2009
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY CHAIRPERSON SHERRY SMITH AT 7:00 p.m. ROLL CALL AND ATTENDANCE

Present: Chairperson Sherry Smith
Vice Chair George Perezvelez
Commissioner Russell Bloom
Commissioner Vonnie Gurgin
Commissioner Sharon Kidd
Commissioner Michael Sherman
Commissioner William White

Absent: Commissioner Kamau Edwards
Commissioner Jonathan Huang

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Lt. Files
Sgt. Friedman
Ofc. Wellington

Chairperson Smith welcomed Commissioner Gurgin to the Commission, and asked that she introduce herself. Commissioner Gurgin stated that she is a long-time Berkeley citizen, has a doctorate in Criminology from UC Berkeley, and is now retired.

1. ORDER OF AGENDA

There were no changes to the order of agenda.

2. PUBLIC COMMENT:

None.



3. APPROVAL OF MINUTES

A. Regular Meeting: December 10, 2008

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

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

4. NEW BUSINESS

A. Police Review Commission and Berkeley Police Department Websites

a. Chairperson Smith will discuss the public's access to complaint information.

Chairperson Smith stated that she had received communication that the Complaint Form was not readily accessible on PRC and BPD websites. She asked the BPD representatives if they could look into why the form might not be readily accessible on the BPD website.

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

A. Status of complaints

There are 35 open complaints. The next hearing is scheduled for January 21. Ms. Urbi stated that there needs to be more Commissioners signing up for hearings. PRC Regulations state that the Commissioners are expected to hear an approximate equal number of cases over each three month period, and currently the numbers are uneven. She recommended that the new Commissioners observe a hearing first before sitting on a hearing.

B. Update on Officer-Involved Shooting Policy Hearing at Oakland

In December, Ms. Urbi, Investigator Barbara Mann, and Commissioners' Kidd and White attended an Officer-Involved Shooting policy hearing in Oakland.

Commissioner Kidd felt that it was not well organized, and therefore more of the public did not attend. She stated that those who did attend did not get what they expected out of the hearing due to the format. However, Jim Chanin gave a helpful presentation.

Ms. Urbi stated that Chairperson Smith requested a recording of the hearing, which is available, but based on Commissioner Kidd's comments, it may not be helpful for our purpose. Chairperson Smith said she would take Ms. Urbi's recommendation to not order a copy.

C. Comments:

Ms. Urbi reminded the Commission that there will be a crime report workshop from Chief Hambleton to the City Council on January 27, 5:00 p.m.

Chairperson Smith asked for information on PRC's Board of Inquiry for Berkeley's officer-involved shooting. Ms. Urbi answered the report is still being written, and it should be finished by February.

Commissioner Kidd expressed concern that the hearing has been pushed back, because earlier it was believed that the hearing would be in January. Ms. Urbi responded that it has been pushed back due to conflicting priorities of cases that will expire.

Chairperson Smith recommended that PRC work to set possible dates, so that the most Commissioners possible can attend. Ms. Urbi suggested a tentative date of February 9, pending the schedules of the officer and his representative.

Commissioners requested that they receive the entire BPD report. Chairperson Smith requested that Commissioners come into the PRC office to pick up the copy rather than taking the expense to mail them.

Officer Wellington requested that care be taken to maintain the confidentiality of the report when making and distributing copies of the report.

6. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

There was no report from Chief Hambleton's office.

Commissioner Bloom asked Lt. Files if Chief Hambleton was still planning on presenting to the Commission regarding tasers on January 28. Lt. Files responded that he had not been updated, and therefore it should still be planned.

Commissioner Sherman asked if at the end of the presentation, is there a structure in place to form a Subcommittee or have the City Council set up a task force. Chairperson Smith stated that she preferred that the Commission have that discussion for further steps at the conclusion of the presentation.

7. COMMITTEE REPORTS (For Discussion or Action)

A. Regulations Review Subcommittee (Bloom, Kidd, Sherman)

Chairperson Smith stated that Commissioner Perezvelez would also be on the Subcommittee, and he will serve as Chair.

Ms. Urbi stated that the Subcommittee was to meet on January 29, however could they meet on January 26 instead, to which they answered they could. Ms. Urbi added that she had extended an invitation to the BPA.

Commissioners asked for clarification on the selection of Subcommittee Chairperson. Ms. Urbi responded that the Commission Chairperson selects the Subcommittee members, and that the selection of the Subcommittee Chair is silent. The Subcommittee will choose its own Chair.

Ms. Urbi asked all Commissioners to recall the Boards of Inquiry they have sat on, what worked and did not, and to provide suggestions for changes, so that the Subcommittee could review all recommendations.

B. Crowd Control Policies Subcommittee (Huang, Kidd, Sherman)

Commissioner Sherman reported that the Subcommittee received an email from Captain Ahearn that the draft policy is with the Chief for finalization, and then it will come back to the Subcommittee for final review.

C. Criminal Intelligence Subcommittee (Huang, Sherman, White)

a. Staff Report

Staff is going to send an informational report to City Council on what the Commission had approved on the Criminal Intelligence Policy, and the work of the Subcommittee. The report will be forwarded to the Commission once it is complete.

8. COMMUNICATIONS

A. Attached.

Chairperson Smith asked the Commissioners to pay particular attention to the meeting schedule, as there are two meetings that are outside of the normal meeting schedule: April 7 and September 2.

Ms. Urbi directed attention to the Commissioner Attendance Report, and a news article written by BPA's attorney. She also directed attention to the Budget Fact Sheet, that PRC will have to cut 4% of its budget.

Chairperson Smith spoke about the recent BART shooting, and stated that BART has no police oversight committee. She stated that she had spoken with Ms. Urbi about the possibility of recommending to City Council that they offer PRC to consult with BART directors about how citizen review works.

Commissioner Sherman stated that there is planned legislation to set up a police oversight agency for BART, and added that this topic should be added to the next agenda for discussion and action.

10. PUBLIC COMMENT: Limited to items 11 through 13 only.

Closed Session

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

11. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

A. Case No. 2172 – Complainant Minella Jordan

Motion to administratively close case #2172. M/S/C (Sherman/Kidd)

Motion carried.

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

B. Case No. 2193 – Complainant Chonita Chew

Motion to administratively close case #2193. M/S/C (Sherman/Kidd)

Motion carried.

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

C. Case No. 2198 – Complainant Kelly Bradley

Motion to administratively close case #2198. M/S/C (White/Kidd)

Motion carried.

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

D. Case No. 2210 – Complainant John Snyder

Motion to proceed to investigate case #2210. M/S/C (Bloom/Perezvelez)

Motion carried.

Ayes: Bloom, Gurgin, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: None. Absent: Edwards, Huang.

12. RECOMMENDATION FOR SUMMARY DISMISSAL

A. Case No. 2181 – Complainant Arin Weitzman

Motion to summarily dismiss case #2181. M/S/C (Kidd/Perezvelez)

Motion carried.

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

B. Case No. 2182 – Complainant Arin Weitzman

Motion to summarily dismiss case #2182. M/S/C (Kidd/Perezvelez)

Motion carried.

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

C. Case No. 2183 – Complainant Arin Weitzman

Motion to summarily dismiss case #2183. M/S/C (Kidd/Perezvelez)

Motion carried.

Ayes: Bloom, Kidd, Perezvelez, Sherman, Smith and White.

Noes: None. Abstain: Gurgin. Absent: Edwards, Huang.

13. HEARING DECISION UPDATE

A. Case No. 2197 – Complainants Peter Kafin and Zappa Montag

14. ADJOURNMENT

Meeting was adjourned at 9:15 p.m.