



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, November 10, 2010
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY CHAIRPERSON GEORGE PEREZVELEZ AT 7:00 P.M. ROLL CALL AND ATTENDANCE:

Present: Chairperson George Perezvelez
Vice Chair Russell Bloom
Commissioner Vonnie Gurgin
Commissioner Kiran Shenoy
Commissioner Michael Sherman
Commissioner Sherry Smith

Absent: Commissioner William White

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Chief Meehan, Captain Harris, Lieutenant Files, Sergeant Wilson and Officer Kaplan.

2. ORDER OF AGENDA

Agenda item 8A was moved to 5A.

3. PUBLIC COMMENT

None.

4. APPROVAL OF MINUTES

A. Regular Meeting: October 13, 2010

Motion to approve minutes. M/S/C Smith/Gurgin. Motion carried.

Ayes: Bloom, Gurgin, Perezvelez, Shenoy, Sherman and Smith.

Noes: None. **Abstain:** None. **Absent:** White.

5. BERKELEY POLICE DEPARTMENT'S REPORT

A. Chief's report on BPD Reorganization

Chief Meehan provided a copy of the new Berkeley Police Department organizational chart. He stated that the reorganization was based on the number of priorities established and on what the BPD is trying to accomplish to avoid redundancy of duties. Most

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changes were implemented effective September 19, 2010. The purpose of the changes were: 1) to improve communication and information sharing across functions; 2) to make sure all employees are used to the maximum effect; and 3) to coordinate BPD resources to more effectively address crime and community concerns.

Captain Cynthia Harris oversees the new Professional Standards division, which will focus on improving systems and processes. It will consist of reviewing and updating policies in alignment with local, state and national standards. The Professional Standards division will also include hiring personnel and training.

The former Support Services Division and Field Support Division have been combined into the Support Services Division, which includes Records, Dispatch, Property, Evidence and General Management information under one civilian manager. Captain Dennis Ahearn is the new commander of the Investigations Division. The Special Enforcement Unit is now under the Task Force, which was formerly under Field Support Division, which makes the SEU more responsive to patrol and investigations.

Crime analysis has been expanded to focus on the top locations, times and people. Homicide and Robbery are now combined into the Crimes Against Persons unit. Patrol is now under the command of Captain Eric Upson. The largest change in operations is the responsibilities of the watch commanders, who are now responsible for one of four areas throughout the City. Area or Watch Commanders oversee a certain area of the City.

The Area Coordinators were formerly working under the Field Support Division, but are now working directly in patrol for each of the Area Commanders. This ensures that the community concerns are addressed at a higher level.

6. PRC CHAIR PEREZVELEZ'S REPORT

Presentation on Lesbian, Gay, Bisexual and Transgender (LGBT) issues and sensitivity Training by Pacific Center's Leslie Ewing, Executive Director, and Louise Monsour, Clinic Director. Chair Perezvelez introduced the two speakers in order to explore the possibility of a future BPD training on LGBT issues. Ms. Ewing stated that currently, the Pacific Center, incorporated in 1973, is the only organization providing mental health, family counseling, youth programs, training and other LGBT services in Alameda County. They have approximately forty licensed therapists, who volunteer their time and provide training to interns on a weekly basis.

Ms. Monsour handed out informational literature. She has worked in the field for eighteen years and has done multiple trainings. She would like to create a win-win situation for the community and the police department. She stated that there is a long history of violence against LGBT groups in this country. This organization wants to make sure that there is enough education, training and support within the department, so that when dealing with these groups, a level of discomfort will go down. When officers are in a situation that is potentially explosive, e.g. domestic violence, a hate crime, etc., officers can have the adequate skills to handle it in a sensitive way.

A. Questions and Answers

The commissioners and members of BPD asked the speakers several questions.

7. NEW BUSINESS

A. Berkeley Police Association questions for PRC

At the last Commission Meeting, BPA asked PRC staff to address the following questions:

a. Policy on retired officers.

Ms. Urbi stated that under the regulations, the PRC accepts all complaints filed within 90 days of the alleged misconduct, unless it is a late file. Once the PRC accepts a complaint, staff can recommend to administratively close the case to the Commission, if the officer is no longer an employee with BPD. However, if the allegations and the facts of the case warrant other issues to investigate, for example a complainant alleges an inadequate investigation; the case was assigned to another officer; and there might be a continuing inadequacy, the staff will investigate that allegation. There is no provision in the regulations that allows staff to reject a complaint against a retired officer.

b. How Mediation is handled

Staff continues to explain the process to complainants and follow up within two days, if appropriate. In some cases, complainants are outright adamant that they do not want mediation, so staff has noted this in the case file. Staff is also beginning to include in the investigative reports a paragraph explaining why a complainant did not want mediation or staff's attempt to discuss mediation with the complainant.

The BPA representative, Officer Kaplan, stated that a concern the BPA has is that they fully support the idea of encouragement of resolution through mediation. If the attempt was to encourage mediation, and if that is not being done, then they hope that the PRC tell the complainants that the officer is willing to mediate rather than just saying, "These are your options."

Comm. Smith asked if a complainant chooses mediation, does the complaint go into the officer's personnel file and would the complaint be investigated? Ms. Urbi stated that a complaint that is forwarded for mediation does not go into the officer's personnel file and the complaint does not get investigation. Comm. Smith pointed out that the electronic mail from Carol Denney (see Communication in 11/10/10 agenda packet) regarding what happens to a complaint if the complainant chooses mediation is not included on the PRC complaint form.

c. Number of complaints filed in 2010

Ms. Urbi reported that PRC has received 21 complaints so far this year.

B. Draft Statistical Report of 2009

a. Commission discussion

The Commission recommended some changes to the 2009 Statistical Report draft.

**Motion to accept the 2009 statistical report for presentation to the City Council
M/S/C Perezvelez/Bloom. Motion carried.**

Ayes: Bloom, Gurgin, Perezvelez, Shenoy, Sherman and Smith.

Noes: None. **Abstain:** None. **Absent:** White.

8. OLD BUSINESS

A. Officer-Involved Shooting Policy Recommendations - staff update

Ms. Urbi reported that around March 2010, Commissioner Smith gave the officer-involved shooting policy recommendations to Chief Meehan. Ms. Urbi also provided a copy of the subcommittee's recommendations to Chief Meehan.

Captain Harris offered to review the recommendations and give comments in the next few weeks or to wait for the final report on the Officer-Involved Shooting that occurred in June. Capt. Harris stated that there was some question as to whether or not the Commission wanted to review that and did not know if there were going to be other recommendations as a result of that incident.

Commissioner Smith suggested that the best plan might be to adopt that which the Commission can, rather than to move it all over to another investigation to see if anything comes out of that and add more. Captain Harris asked for the subcommittee meeting notes in order to compare with her notes. Commissioner Smith asked if BPD could get back to the Commission by the first of the year on those recommendations without the subcommittee having to reopen and revisit those recommendations all over again. Chief Meehan stated that BPD's goal is to have it to the Commission before the first PRC Commission Meeting of the year.

B. Smoking Ordinance Policy Complaint – staff update

Carol Denney first made a reference to mediation in her email stating, "You might want to include that particular information in your materials, so that people who are trying to evaluate whether or not to use mediation have a chance to know."

Regarding the smoking ordinance, Ms. Denney stated that she lives near six bus stops full of smokers at the corner of University Avenue and San Pablo Avenue. She hopes that BPD utilizes City resources to improve policy compliance to help reduce the community's exposure to second-hand smokers.

Ms. Urbi reported that at the September 15, 2010 meeting, there was a motion to accept the policy complaint, and there was discussion to have staff draft a letter to the Chief stating that each Captain should discuss the ordinance during line-up and that all the officers should be aware of this ordinance through a training bulletin. The Chief provided a memorandum to the Commission, which is in the agenda packet. There is a well established policy (Training and Information Bulletin #276) in place that complies with the mandates and goals of the ordinance.

The memorandum further states that all sworn personnel have received this bulletin and are expected to understand and implement the policy. BPD works with the Public Health Department to promote smoking cessation programs, and it is within the officer's discretion to cite people, or to educate them, or to provide a warning.

Motion to accept the staff's recommendation to the Commission that the PRC close the policy complaint with no further staff action. M/S/C Smith/Sherman. Motion carried.

Ayes: Bloom, Gurgin, Perezvelez, Shenoy, Sherman and Smith.

Noes: None. **Abstain:** None. **Absent:** White.

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

- A. Hearing update: Ms. Urbi reported that there is a hearing on December 2. The complainant is Carol Denney. The PRC will attempt to schedule one to two more hearings in December.
- B. Status of complaints. Since the last meeting, two new complaints have been filed. There are currently 13 open complaints.
- C. A thank you letter to former PRC Commissioner Kamau Edwards was included in the agenda packet. It was suggested that a similar letter be sent to former Commissioner Jonathan Huang.

10. COMMUNICATIONS

- A. Attached

11. PUBLIC COMMENT: Limited to item 12 only.

None.

12. RECOMMENDATION FOR CLOSURE

- A. Case No. 2263 – Complainant Celso Simao

Motion to administratively close Case No. 2263. M/S/C Smith/Sherman. Motion carried.

Ayes: Bloom, Gurgin, Perezvelez, Shenoy, Sherman and Smith.

Noes: None. **Abstain:** None. **Absent:** White.

13. ADJOURNMENT

Meeting was adjourned at 9:30 P.M.

VU:mgm