



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

**Wednesday, June 23, 2010
7:00 P.M.**

**South Berkeley Senior Center
2939 Ellis Street, Berkeley**

1. CALL TO ORDER BY CHAIRPERSON GEORGE PEREZVELEZ AT 7:05 P.M. ROLL CALL AND ATTENDANCE:

Present: Chairperson George Perezvelez
Commissioner Kamau Edwards
Commissioner Vonnie Gurgin
Commissioner Jonathan Huang
Commissioner Sherry Smith
Commissioner William White

Absent: Vice Chair Russell Bloom
Commissioner Kiran Shenoy
Commissioner Michael Sherman

City Staff: Christine Daniel, Deputy City Manager

PRC Staff: Victoria Urbi, PRC Officer
Mary Matambanadzo, Administrative Support

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

2. ORDER OF AGENDA

No change.

3. PUBLIC COMMENT

None.

4. APPROVAL OF MINUTES

A. Regular Meeting: June 9, 2010

Ms. Urbi requested to delete “and to make impartial, objective selections” from item 7(D).



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

Ayes: Edwards, Gurgin, Perezvelez, Smith, and White.

Noes: None. **Abstain:** Huang. **Absent:** Bloom, Shenoy, and Sherman.

5. BERKELEY POLICE DEPARTMENT (BPD) REPORT

A. Chief's report

1. Update on Part 1 crime rates by Chief Meehan

Chief Meehan presented the Commission with statistics on Part 1 crime, which includes: homicide, rape, robbery, aggravated assault, burglary, larceny, auto theft, and arson. He discussed Part 1 crime at the national, state, and local levels. In the past forty years, the crime rates has fluctuated up and down and peaked in 1971, 1981, 1992, and 2002. He compared Berkeley's crime rates with other cities. In Berkeley, property crime is higher than violent crime.. BPD's goal is to reduce property and violent crime rates by 10%.

Comm. Edwards asked Chief Meehan how crime rates are cleared. Chief Meehan stated that if there was a homicide last year, this would get reported to the FBI and tracked in the *Uniform Crime Reporting*. But if the crime was resolved this year, the department does not go back and change the data, so it would not be reflected in the UCR.

As of 2008, BPD employs 1.7 officers per 1,000 of the population.

2. Presentation on Uniform Crime Reporting (UCR) by Captain Harris

Captain Harris provided a handout titled, *Uniform Crime Reporting (UCR)*, and presented a historical overview and outlined details of UCR, which is a collective effort nation-wide to report crime. UCR began in the 1920's by the International Association of Chiefs of Police. In 1952, the State of California began participating in UCR. Captain Harris defined Part 2 crime as all other crime that is not defined as Part 1. She discussed the methodological and organizational context of UCR, and its usefulness to law enforcement agencies. More information on UCR can be obtained at the Federal Bureau of Investigation's webpage at <http://www.fbi.gov/ucr/ucr.htm>.

6. OLD BUSINESS

A. Regulations Revision

1. Response from the City Manager's Office regarding the Commission's recommendations to revise the PRC Regulations for Handling Complaints Against Members of the Police Department presented by Christine Daniel, Deputy City Manager.

On behalf of the City Manager, Ms. Daniel thanked the Commission for their hard work and time in developing recommendations to improve the Regulations. On June 18, 2010, the City Manager presented the Commission with its comments on the draft Regulations, which stated the following concerns:

1) Un-redacted police reports (Section III.D.1); 2) censure of commissioners (Section V.D.3); and 3) informing the Commission on discipline after a Board of Inquiry (Section VII.E.3).

Ms. Daniel also suggested that the section that deals with "Complaint does not allege prima facie misconduct or is frivolous or retaliatory" (page 7, Section IV.A.1) under Administrative Closure should be moved to Boards of Inquiry, Summary Disposition (page 12, Section IV.C.3). The reason is that when a case is recommended for closure because it does not allege prima facie misconduct, there is some level of an investigation.

The reasons set forth in closing cases under the Administrative Closure are because of procedural reasons and closing a case because the complaint does not allege prima facie misconduct is a substantive reason.

2. Commission Discussion or Action

Some Commissioners believed an investigation would be unnecessary if a complaint, on face value or intuitively, does not allege prima facie misconduct or is frivolous or retaliatory. Commissioners clarified that if a case is recommended for administrative closure and an investigation appears warranted, then Commissioners can deny the recommendation.

Motion to adopt the City Manager's recommendations from the memorandum dated June 18, 2010 regarding the draft Regulations.

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

Ayes: Edwards, Gurgin, Huang, Perezvelez, Smith and White.

Noes: None. **Abstain:** None. **Absent:** Bloom, Shenoy, and Sherman.

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

A. Hearing update: The staff is preparing 2 cases for a hearing in July.

B. Status of complaints: There are 14 open cases, and if the late-file is approved, there will be 15 open cases.

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

A. Ordinance Subcommittee: Next meeting will be on July 28, 2010 at 6 p.m.

B. Search of Homes Subcommittee

1. Subcommittee awaiting BPD's response to recommendations.

2. Next meeting is tentatively scheduled on June 30, 2010.

9. **COMMUNICATIONS**

A. Attached

10. **PUBLIC COMMENT: Limited to item 11 only.**

None.

Closed Session

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

11. **LATE FILE PETITION**

A. Case No. 2263 – Complainant Celso Simao

Motion to accept Late File Petition. (Smith/Gurgin) Motion carried.

Ayes: Edwards, Gurgin, Perezvelez, Smith, and White.

Noes: None. **Abstain:** Huang. **Absent:** Bloom, Shenoy, and Sherman.

Mr. Simao was present to discuss his late file petition.

12. **ADJOURNMENT**

Meeting was adjourned at 8:25 p.m.