



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, July 8, 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 Kamau Edwards
Commissioner Vonnie Gurgin
Commissioner Sharon Kidd
Commissioner William White

Absent: Commissioner Russell Bloom
Commissioner Jonathan Huang
Commissioner Michael Sherman

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Chief Hambleton, Lt. Rolleri, Sgt. J. Wilson, Officer Wellington

2. ORDER OF AGENDA: Move agenda item #5A to the Regular Meeting on September 23rd.

3. PUBLIC COMMENT: None.

4. APPROVAL OF MINUTES

Motion to approve June 10, 2009 minutes. M/S/C (Perezvelez/White) Motion carried.

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

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

On page 8 of the packet, add “vacant” to five sworn positions *vacant*.

5. OLD BUSINESS

A. Berkeley Police Department’s vehicle pursuit of suspects on May 16 (See Berkeley Daily Planet Article): This item was moved to the meeting on September 23.

B. Berkeley Police Department’s Crowd Control General Order

- a. Commissioner Huang's Subcommittee report: Staff reported that the subcommittee approved the draft general order and the Commission should have reviewed the order. The next step was for the Commission to approve it.
- b. Discussion: None.

c. Action

**Motion to approve BPD's Crowd Control General Order. M/S/C (White/Perezvelez)
Motion carried.**

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

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

C. BART's proposal for civilian oversight of police board

- a. Commissioner White's update on last BART meeting and disciplinary process.

Commissioner White reported that BART plans to adopt a hybrid auditor model with a civilian review board. The board would make the final determination on the auditor's recommendations. The auditor could recommend discipline. The 9 BART directors could each appoint 9 board members, the police department would appoint 1 board member and there would be 1 at-large board member, totaling 11 board members. It has not been determined when this model would go into effect.

6. NEW BUSINESS

A. Commission Half-Day Weekend Retreat

- a. Staff report: purpose of retreat is to discuss mission, long-term strategic plan and priorities.

Chairperson Smith stated that she discussed the possibility of a retreat with staff. Staff discussed the importance of clarifying the PRC's mission and developing a strategic plan to make the Commission's work more meaningful and efficient. Oftentimes, the PRC has been confronted with urgent issues and the Commission typically takes a reactionary response, rather than considering the PRC's priorities. A mission and strategic plan might help in prioritizing the work. We could also discuss outreach, improving meetings, check in on hearings and do some team-building.

- b. Commission discussion: A poll was taken and no commissioners objected to a retreat plan.
- c. Set date and possible planning committee: August 8, 9:30-1:30pm at the Berkeley Yacht Club (location tentative). Chairperson Smith and staff will plan the agenda.

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

- A. Hearing update: Staff reported that there is one hearing set for July and possibly one more is currently being scheduled. Staff handed out a calendar of all the PRC meetings, subcommittee meetings and hearings in July.
- B. Status of complaints: 20 open cases. There was one new complaint since the last meeting.
- C. Staffing and budget update: As previously discussed, the City requested that all departments cut 4% of their budget due to the current cuts in the City's budget. Consequently, PRC's

Office Specialist II (OS II) position was changed to a half-time position to meet the City's target reduction plan. The OS II maintained her full-time job, but she was transferred to another department.

Also, the PRC Investigator has been out on medical leave for the past 4 months and is expected to return by September 4. However, it is uncertain whether she will return. Currently, the PRC only has 2 staff positions, which includes the PRC Officer and the Office Specialist III. The PRC Officer has been investigating the cases, preparing cases for hearings, running the office, working on subcommittees and conducting a search for the part-time OS II position.

- D. Comments: *The PRC Officer may make announcements or provide information to the Commission in the form of an oral report. The Commission will not take action on such items but may request the PRC Officer place an item on a future agenda for discussion.*

Staff sent out memorandums to Commissioners, who have outstanding confidential reports. The confidential reports should be returned to PRC staff in order to maintain confidentiality and so staff could shred the reports. Please keep the cover page with the Commissioners' names on the reports, so staff could track which Commissioner returned a report. If a Commissioner believes s/he has returned a report, then disregard the notice.

National Night Out is on August 4. Commissioners are encouraged to participate. Chief will discuss in more detail during his report.

Staff took a poll of Commissioners, who completed a police ride-along. Commissioner Edwards needs to complete one.

8. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton stated that Commissioners could take more than one ride-along and also encouraged Commissioners to take them.

If Commissioners wish to participate in National Night Out (NNO), they should be at the Public Safety Building by 5:30-6:00pm. BPD will pass out the location of the NNO block parties. Last year, since all City department heads, various employees and community members participated, BPD ran out of vehicles to take people to the parties. He suggested that people bring their own cars this year and they could drive to the parties and visit the different communities.

Chief Hambleton discussed a recent news story showing cities with high crime rates and Berkeley was ranked as one of the most unsafe cities. However, the statistics were misleading, because Berkeley does not have a high violent crime rate, but rather ranks high in property crimes, i.e. thefts. Another news article debunked the statistics.

There are 5 sworn vacancies. Next June-July, the department expects many retirements. BPD is currently recruiting new officers. BPD received about 200 applicants and only 10 will be hired.

9. COMMITTEE REPORTS (For Discussion or Action)

- A. **Officer-Involved Shooting Subcommittee:** The subcommittee met before the Commission meeting and staff will set the next meeting via electronic mail. Captain Harris discussed the 7 recommendations and gave the police department's feedback and proposed changes. The

subcommittee will revise some of the language and meet one more time to discuss the final changes.

B. Regulations Review Subcommittee: Next meeting is on July 15, 6:00pm. Staff will forward Comm. Perezvelez's notes to Officer Wellington. Staff will make changes to the Regulations and forward the revisions to the subcommittee.

C. Search of Homes Subcommittee: Commissioner White reported that he needs more information on the cases. Staff stated that case information is considered confidential personnel information and the subcommittee's charge is to review the current policies on search of homes and come up with policy recommendations. Staff is willing to attend the next subcommittee meeting to offer some policy recommendations, based on the past pattern of complaints. The next meeting will occur in September.

D. Mutual Aid Subcommittee: Staff requested one Commissioner to volunteer, since one subcommittee member had to drop out. There were no volunteers, but since three commissioners were absent, staff will ask again at the next meeting. BPD completed the revisions to the Mutual Aid pacts and staff brought copies of the pacts for the subcommittee members. Staff will set up a subcommittee meeting.

10. COMMUNICATIONS

A. Attached.

11. **PUBLIC COMMENT:** Limited to item 12 only. None.

Closed Session

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

12. LATE FILE PETITION

A. Case No. 2233 – Complainant Charlotte Rogina

Motion to approve Late File. (Perezvelez/Gurgin) Motion carried.

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

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

13. ADJOURNMENT

Meeting was adjourned at 8:45 p.m.