



Police Review Commission

## **POLICE REVIEW COMMISSION REGULAR MEETING MINUTES**

Wednesday, March 11, 2009  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

### **1. CALL TO ORDER BY ACTING CHAIRPERSON GEORGE PEREZVELEZ**

**AT 7:02 p.m.**

#### **ROLL CALL AND ATTENDANCE**

Present: Acting Chair George Perezvelez  
Commissioner Russell Bloom  
Commissioner Vonnie Gurgin  
Commissioner Jonathan Huang  
Commissioner Sharon Kidd  
Commissioner Michael Sherman  
Commissioner William White

Absent: Chairperson Sherry Smith  
Commissioner Kamau Edwards

PRC Staff: Victoria Urbi, PRC Officer  
Vanessa Dougherty, PRC Intern

BPD Staff: Chief Hambleton  
Lieutenant Files  
Sergeant J. Wilson  
Officer Wellington

### **2. ORDER OF AGENDA**

There were no changes to the order of agenda.

### **3. PUBLIC COMMENT:**

Ms. Ruby Cosper stated that she had been waiting for a year to go forward with her case. Ms. Urbi informed her that the Commission would discuss her case during the closed session.



#### 4. APPROVAL OF MINUTES

A. Regular Meeting: February 11, 2009

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

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

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

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

B. Status of complaints

Ms. Urbi stated that there are currently 31 open complaints.

C. Comments:

Ms. Urbi informed the Commission that there is a hearing on March 17<sup>th</sup> for Virgil Lockett at 6:00 p.m. with Commissioners' Sherman, White and Perezvelez.

The Regulations Subcommittee will meet on March 16<sup>th</sup> with Commissioners' Perezvelez, Sherman, Kidd and Bloom in attendance.

Ms. Urbi asked Commissioners if they were available April 15 to schedule a hearing for the Anita Gay case. Commissioner Sherman may have a potential scheduling conflict, which has yet to be determined. Ms. Urbi explained she would confirm the time with Chairperson Smith and proceed with the date as proposed.

Ms. Urbi mentioned that she had just received an update from Commissioner Sherman regarding the BART police department civilian oversight agency and she would include it in the agenda for the next meeting.

#### 6. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton gave a brief update on the Berkeley Police Department's budget. He explained that things look worse than he had previously stated. There is a Budget Presentation workshop to City Council on March 17<sup>th</sup> at 5 p.m. He expressed that the BPD has already implemented some of the proposals that he had mentioned in the report he gave during the last meeting. For next year they are planning on eliminating one Captain and one Administrative Sergeant position in exchange for a new Lieutenant position.

Chief Hambleton informed the Commission that there were three sworn vacancies within the BPD, although one does not count so there are two that the BPD has not yet decided whether they are going to fill or not. BPD's 1% target equals to \$40,900 in savings, which entails that they must keep a few spots vacant for awhile. He mentioned that a few employees were going to be retiring within the next year, which may aid in attaining their budget goals without having to lay people off.

Commissioner Sherman inquired whether the recently passed stimulus bill would benefit BPD. Chief Hambleton replied that he believed the funding from the stimulus bill would be primarily going to counties losing large amounts of officers, which he explained was fortunately not a problem for the BPD since their budget proposal does not include laying anyone off. However he did explain that the City of Berkeley was indeed getting substantial money from the stimulus package. Chief Hambleton informed the Commission that the BPD gets government grants annually which has been whittling away over the years. BPD perceived these grants to be one-time money that could be spent, for example, on equipment needs.

Commissioner White inquired into the status of BPD's coverage of the local high schools. Chief Hambleton explained that although the school district had said they wanted officer coverage for their schools, they never made a commitment to fund it. However, there is one school resource officer assigned to Berkeley High School. He also mentioned that they used to have one officer assigned to each middle school, which was no longer the case.

## 7. COMMUNICATIONS

### D. Attached.

Acting Chair Perezvelez explained that the attached documents included the letters from Mr. Buffington, Commissioner Kidd, the response from the City Manager and Mr. Orloff. She then asked the Commission if they had any questions regarding anything related to these documents. Commissioner Bloom asked if PRC should create a policy to require that PRC must be informed on the absence of charges brought against an officer without having to inquire into it. He was concerned about the District Attorney's policy of notifications. Chief Hambleton explained that most likely the DA was thinking of his own process, not the PRC's process. Commissioner Bloom then proposed that PRC create an internal policy to request a presence or absence of charges so they are not left guessing. Vice Chair Perezvelez agreed and liked that it covered all the bases. Ms. Urbi explained that officer-involved shootings are very rare in the City of Berkeley. She stated that this is why it took so long to get a response, as well as why no such internal policy had yet been created.

## 8. PUBLIC COMMENT: Limited to items 9 through 11 only.

None.

### Closed Session

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

## 9. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

### A. Case No. 2157 – Complainant Ruby Cospier

**Motion to postpone review of case #2157 until Commission meets with Acting Assistant City Attorney, Sarah Reynoso. M/S/C (Perezvelez/Kidd) Motion carried.**

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

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

### B. Case No. 2195 – Complainants Shadae Pettit-Cornell and Rita Pettit

**Motion to administratively close case #2195. M/S/C (Sherman/Bloom) Motion carried.**

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

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

## 10. RECOMMENDATION FOR SUMMARY DISMISSAL

### A. Case No. 2211 – Complainant Charles Jackson

**Motion to summarily dismiss case #2211. M/S/C (Sherman/Gurgin) Motion carried.**

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

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

### B. Case No. 2185 – Complainant Larita Davis

**Motion to summarily dismiss case #2185. M/S/C (White/Gurgin) Motion carried.**

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

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

**11.** Pursuant to the court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, and Government Code section 54957, the Police Review Commission recessed into closed session to prepare for the Board of Inquiry hearing in Case #2188, Officer-Involved Shooting.

**12. ADJOURNMENT**

Meeting was adjourned at 9:30 p.m.