



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES-REVISED

**Wednesday, March 10, 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
Vice Chair Russell Bloom
Commissioner Vonnie Gurgin
Commissioner Jonathan Huang
Commissioner Sharon Kidd
Commissioner Michael Sherman
Commissioner William White

Absent: Commissioner Kamau Edwards
Commissioner Sherry Smith

PRC Staff: Lillian Mayers, Acting PRC Officer
Maritza Martinez, Administrative Support
Mary Matambanadzo, Administrative Support
Catherine Choe, UC Berkeley Intern

BPD Staff: Chief Meehan, Captain Ahearn, Sergeant Friedman, Officer Wellington,
and Officer Bartalini

2. ORDER OF AGENDA

3. PUBLIC COMMENT

4. APPROVAL OF MINUTES

A. Regular Meeting: February 24, 2010

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

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

Noes: None. **Abstain:** White. **Absent:** Edwards and Smith.



5. NEW BUSINESS

- A. Discuss Ordinance amendment to change the twice a month Commission meeting requirement, and other possible Ordinance changes.

Commissioner Sherman moved, and Commissioner Huang seconded, recommending that the City Council place on the ballot an Ordinance amendment that would eliminate the bimonthly Commission meeting requirement, which passed by a majority vote of those present (White voted no, and Smith and Edwards were absent). Ms. Mayers stated that such a change would give the Commission more flexibility, and might save the city money.

Commissioner White suggested that fewer meetings would reduce the PRC Officer's and other staff's work time. Commissioner White suggested, and Commissioner Gurgin agreed, that they wait for PRC Officer Victoria Urbi to return before proposing an Ordinance amendment. Commissioner Huang mentioned that the social and political conditions of the City of Berkeley have changed since the Ordinance was enacted, and that amending the Ordinance could save the city money. Commissioner Sherman moved, and Commissioner Gurgin seconded, tabling the motion, which passed by a unanimous vote of those present (Smith and Edwards were absent)

Chair Perezvelez moved and Commissioner Huang seconded, the creation of a subcommittee to discuss possible Ordinance changes, which passed with Commissioner White being the only no vote. The Commissioners agreed to think about it and discuss who wants to be on the subcommittee at the next meeting. Commissioner Sherman discussed a timeline and the Commissioners agreed that June or July of 2012 is the earliest that an Ordinance amendment can be ready to place on the ballot.

6. OLD BUSINESS (For Discussion or Action)

- A. Draft revision of General Order X-1 that deals with the Barricaded Subject Hostage Negotiation (BSHN) Team.

Captain Ahearn confirmed that the after action report is available to the public several weeks after the event and that the Mental Health Crisis Team, although not a member of the BSHN Team, is available 24 hours a day, 7 days a week and is called upon frequently. He said that the changes were started in 2008, to streamline procedures and bring them in line with other teams in the area, and that a physical fitness component has been added.

- B. Discuss holding meetings at different venues.

Commissioner White said that public attendance at Commission meetings has drastically decreased since meetings have been held exclusively at the South Berkeley Senior Center. He suggested that it might be more convenient for Berkeley residents to attend meetings if their locations were varied; he suggested alternating between North and South Berkeley. Commissioner Bloom said he did not notice greater attendance when meetings were held at different venues. Commissioner Gurgin suggested that public participation decreased after the Boards of Inquiry were closed, and Commissioner Sherman agreed. Commissioner Sherman suggested West Berkeley as another venue. Downsides to alternating venues are difficulties parking and it can be confusing to the public.

Motion to alternate meeting locations between North and South Berkeley, starting in 2011. M/S/C (White/Perezvelez) Motion carried.

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

Noes: Gurgin and Kidd. **Abstain:** None. **Absent:** Smith and Edwards.

- C. Report on 2008 statistics.

Ms. Mayers reported that the percentage of African-American complainants in the 2008 statistical report is incorrect because of the way co-complainants were counted. She said that, in addition, there were three inter/multi/bi-racial complainants, and suggested that there be another category created. Commissioner Perezvelez recommended that such a category be created for the 2009 statistical report.

Motion to write a letter to the City Manager and the Deputy City Manager, forwarded to Council Members Moore and Anderson, explaining the discrepancy in the numbers that appear in the 2008 statistical report. M/S/C (Perezvelez/Bloom) Motion carried.

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

Noes: None. **Abstain:** None. **Absent:** Smith and Edwards.

7. PRC OFFICER'S REPORT

- A. Hearing update: Hearings have been scheduled for March 16 and March 29. There are plans to schedule two hearings in April.
- B. Status of complaints: One new complaint has been filed, bringing the total number of complaints to 21.
- C. Comments: Ms. Mayers reported that, according to PRC Regulations, any complaint submitted to the Commission for closure should be submitted for administrative closure; however, since January 2009, 11 cases have been closed as summary dismissals, and six were closed without a unanimous vote. Ms. Mayers will consult with Deputy City Attorney Sarah Reynoso about whether these cases must be revisited or a memo to each file will be adequate.
Motion to determine whether these cases must be reopened and, if so, to forward any letters reopening them to Officer Wellington. M/S/C (White/Perezvelez) Motion carried.
Ayes: Bloom, Gurgin, Huang, Kidd, Perezvelez, Sherman and White.
Noes: None. **Abstain:** None. **Absent:** Smith and Edwards.

8. BERKELEY POLICE DEPARTMENT'S REPORT

- A. Chief's report.
Chief Meehan requested that the 2008 statistical report corrections be submitted with some fanfare, and that the 2009 numbers be included as well. He reported that it is Zachary Cruise Pedestrian Awareness Month, and that Berkeley is one of the worst cities in California as far as the number of bicycle and pedestrian accidents; he also stressed the importance of pedestrian safety.
The Chief encouraged Commissioners to come on ride-alongs so they can observe first-hand what police officers do.
Chief Meehan noted that current budget news is uniformly bad, and that the City is under significant financial stress. He promised that, regardless of any cuts, the number of officers on the street will not be reduced.

9. COMMITTEE REPORTS (For Discussion or Action)

- A. Mutual Aid Pacts subcommittee – update and recommendation.
The recently submitted mutual aid pacts were unanimously approved for inclusion in the binder and submission to the City Council, and the subcommittee was dissolved.
- B. Search of Homes subcommittee (White, Huang, Edwards and Gurgin).
The subcommittee will meet at 6:30 p.m. on March 24, before the next Commission meeting, to make recommendations.
- C. Regulations Review subcommittee (Perezvelez, Bloom, Kidd and Sherman).
The subcommittee will meet at 5:30 p.m. on March 24 to review, discuss and make recommendations about the proposed revisions.

10. COMMUNICATIONS

11. ADJOURNMENT

Meeting was adjourned at 9:15 p.m.