



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

Wednesday, January 13, 2010
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER BY CHAIRPERSON GEORGE PEREZVELEZ AT 7:03 P.M. ROLL CALL AND ATTENDANCE:

Present: Chairperson George Perezvelez
Vice Chair Russell Bloom
Commissioner Kamau Edwards
Commissioner Vonnie Gurgin
Commissioner Michael Sherman
Commissioner William White

Absent: Commissioners Jonathan Huang, Sharon Kidd and Sherry Smith.

PRC Staff: Lillian Mayers, Acting PRC Officer

BPD Staff: Chief Meehan, Officer Wellington, Officer Bartalini, Lt. Rolleri and Sgt. Friedman

Other City Member: Lisa Caronna, Deputy City Manager

2. ORDER OF AGENDA

The order of the agenda was moved. Item 6d was moved up to 6a.

3. PUBLIC COMMENT: *Speakers are generally allotted up to three minutes. To ensure adequate time for action items on the Agenda, the Commission may limit the number of public speakers during the public comment period.*

4. APPROVAL OF MINUTES

A. Regular Meeting: December 9, 2009

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

Ayes: Bloom, Edwards, Gurgin, Perezvelez, Sherman, and White.

Noes: None. **Abstain:** None. **Absent:** Huang, Kidd and Smith.



5. NEW BUSINESS

- A. Lisa Caronna, Deputy City Manager, introduced Acting PRC Officer, Lillian Mayers. She stated that Ms. Mayers has worked for the City for numerous years as a Senior Hearing Examiner at the Rent Board. Ms. Mayers is an attorney who will be assisting the PRC part time, while Victoria Urbi is on leave. Ms. Urbi is scheduled to return on April 1.
- B. Introduction of Chief Michael Meehan. Chief Meehan started working for the BPD on December 14, 2009, and stated that he is very approachable and is looking forward to an amicable relationship with the PRC.

6. OLD BUSINESS (For Discussion or Action)

- A. Discuss Commission's goals for 2010
Chairperson Perezvelez listed some goals such as: review the Annual Report as a method of measuring success; continue the hearing process; continue the work of the subcommittees; implement the recommendations of the regulations subcommittee; and increase community outreach. Commissioner Bloom added: explore and expand the mediation process as a way of resolving conflicts between police officers and citizens, and keep an eye on the legislative process.
- B. Discuss implementing the community outreach program.
Commissioner Gurgin wondered what happened to the Police Review Commission brochures that the interns had worked on last year. It just needed a few revisions. The Commission will look into that.
- C. Discuss conducting meetings at different venues, e.g. North Berkeley, West Berkeley or other locations.
There was discussion among Commissioners on this subject. No action was taken at this time.
- D. Discuss the allegations process and concerns raised by the Berkeley Police Association.
Commission Chair Perezvelez stated that here have been concerns raised by the BPA related to how PRC allegations are written. These concerns have been addressed by the PRC Office and the City Attorney. He proposed to start working on this issue in order to find a resolution, and requested that the BPA send a formal letter to the Acting PRC Officer, Lillian Mayers, specifying their concerns. Vice Chair Bloom suggested that, in the meantime, the Commission could get started to resolve the matter in a way that is satisfactory to all parties. Officer Wellington gave a little background about this concern. He stated that what motivated the formation of the regulations review subcommittee was the annual report from two years ago, which showed a dramatic increase in the number of allegations that were charged, and which did not have a corresponding change in the number of complaints. Some adjustments were made by the staff and the Commission without input from the BPA. The BPA looks forward to having a productive discussion to get this matter resolved. Lisa Caronna stated that the way allegations have been done in the past has changed over time. She agreed with Chair Perezvelez that the BPA should more specifically set forth the problems or the issues.

- E. Discuss 2008 Statistical Report on increase in the number of African American complainants.
- a. Staff update
Ms. Mayers stated that, based on her understanding from Ms. Urbi, this item was discussed by the City Council in October 2009 and a Commission member thought that the City Council had said that PRC should look into it, but that is not what the City Council said. She suggested that the Commission form a subcommittee if they want to research this issue. Chairperson Perezvelez remembered a discussion that took place regarding this matter, where the Commission asked Ms. Urbi to start looking at the numbers of complaints received from African Americans now and again in the middle of the year to determine if there is a pattern, but no information has been received as of yet. Commissioner White added that he had requested from Ms. Urbi a comparison snapshot of police officer composition currently and five years prior, in order to look at the differences, but has not received that report either. Ms. Caronna offered to provide that information once Commissioner White gave her the exact dates.

Commissioner Edwards opined that the PRC receives a number of complaints a year, which seem to be concentrated in a certain group of people more than others, and in certain areas. He suggested that the PRC should look at the type of interaction officers are having with civilians in those areas. Commissioner Bloom asked Ms. Caronna if she could provide the following information: a) Numbers from other cities with offices of citizens' complaints and the percentages of complainants by race. b) What is the demographic in Berkeley? He said that comparing the percentage of arrests with the percentage of complaints would provide some insight. Ms. Caronna said she will check into it.

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

- A. Hearing update. The PRC held two hearings in January and plans to schedule two in February.
- B. Status of complaints: there are 23 cases open, of which two are new since the last meeting.
- C. 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 that the PRC Officer place an item on a future agenda for discussion.*

8. BERKELEY POLICE DEPARTMENT'S REPORT

Chief Meehan did not provide a report.

9. COMMITTEE REPORTS (For Discussion or Action)

- A. Mutual Aid Subcommittee update
Commissioner Bloom reported that the last time the subcommittee met, there was discussion about the removal of many of the federal agency mutual aid pact agreements from the binder that, by ordinance, was to be made available to the City Council and citizens of Berkeley for review. He said the subcommittee's interpretation of the ordinance was that these agreements should remain in the binder, and they requested that Matthew Orebic, Deputy City Attorney, who advised Chief Hambleton regarding their removal, attend tonight's meeting and explain his legal analysis. Ms. Mayers stated that the BPD had agreed to reinstate the agreements, and that is why Mr. Orebic did not attend this meeting. Vice Chair Bloom added that the subcommittee would further analyze and make recommendations to the full Commission regarding those agreements and their placement in the binder.

Ms. Mayers stated that the BPD will give the Commission a timeframe for reinstating the agreements.

B. Regulations Review Subcommittee update

Chairperson Perezvelez reported that the subcommittee had provided Ms. Urbi with some recommendations, which should be forwarded to the City Attorney's office for their review. After review, the proposed regulation changes will come back to the subcommittee. Ms. Mayers stated that Sarah Reynoso, Assistant City Attorney, has the regulations, and Ms. Mayers will follow up and provide updates at the next meeting.

10. COMMUNICATIONS

A. Attached

11. PUBLIC COMMENT: Limited to item 12 only.

Closed Session

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

12. RECOMMENDATION FOR SUMMARY DISMISSAL

A. Case No. 2234 – Complainant Joel Baker

Motion to approve above referenced file for summary dismissal. (Gurgin/Edwards)

Motion carried.

Ayes: Bloom, Edwards, Gurgin, Perezvelez, Sherman, and White.

Noes: None. **Abstain:** None. **Absent:** Huang, Kidd and Smith.

13. ADJOURNMENT

Meeting was adjourned at 9:40 p.m.

Maritza