



Police Review Commission

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

Wednesday, May 13, 2009  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

### **1. CALL TO ORDER BY CHAIRPERSON SHERRY SMITH AT 7:03 p.m.**

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

Present: Chairperson Sherry Smith  
Vice Chair George Perezvelez  
Commissioner Russell Bloom  
Commissioner Vonnie Gurgin  
Commissioner Jonathan Huang  
Commissioner Sharon Kidd  
Commissioner Michael Sherman  
Commissioner William White

Absent: Commissioner Kamau Edwards

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

BPD Staff: Lt. Rollerli  
Sgt. Wilson

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

Item 12 and the closed session was withdrawn; the complainant did not attend the hearing.

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

There was no public comment.

### **4. APPROVAL OF MINUTES**

A. Regular Meeting: April 22, 2009

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

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

Noes: None. Abstain: Bloom. Absent: Edwards, White and Sherman.



## 5. NEW BUSINESS

### A. Presentation by U.C. Berkeley Interns Vanessa Dougherty and Nancy Perez: Projects completed at the PRC.

- a. Student interns will discuss and present drafts of community outreach materials, your rights brochure and other work they completed during their internship.  
The PRC was voted best intern site for the Cal in Local Government Program. Vanessa and Nancy discussed their project and distributed copies of the “Know Your Rights” and “Informational” brochure.

Ms. Urbi stated that the brochures were still a draft and would need to be reviewed by the City Attorney’s Office.

- b. Question and answer

Vanessa and Nancy said that during the internship, they learned about police procedures regarding detention, searches, and warrants.

### B. Public Hearings

- a. Staff report on past public hearings, need, feasibility and requirements.

Ms. Urbi commented that if the community submits a petition with over 50 signatures, then the PRC could hold a public hearing on a police matter. This was done with crowd control and the Marine Recruitment office in Berkeley, which was based on need from the community.

Commissioner Sherman commented that before it was not based on need and that the meetings served the purpose of community outreach.

Vice Chair Perezvelez commented that meeting locations should change to serve different sectors of the community.

Chairperson Smith suggested that the meetings should move to different senior centers and the City Council members within that district should be invited to host the meetings.

Commissioner Sherman suggested that the PRC should present the annual report at a City Council meeting.

- b. Commission discussion on possible topics for public hearings.

Chairperson Smith suggested the meetings in other locations could start in the fall.

### C. Commission Agenda Items

- a. Staffs report on how to place items on the agenda and agenda process.

Ms. Urbi stated that if the commissioners want to place an item on the agenda, they should send the item to the PRC office by the Friday after the last Commission meeting. For example, if the Commission meets on May 13, the agenda item is due by May 15. Chair Smith reviews the draft agenda on May 15 and it is finalized by May 19. PRC staff will send out agenda packets by May 20. The agenda item should be detailed and state a purpose for Commission discussion.

## 6. OLD BUSINESS

### A. Bart Police Department Review Committee

- a. Commissioner White and staff report on May 2<sup>nd</sup> meeting regarding civilian oversight models

Commissioner White and Ms. Urbi attended the BART Police Department Review Committee on May 2<sup>nd</sup> and they gave a presentation on the PRC model. They gave an overview of the complaint process and information about the commissioners.

- b. Staff report on May 16<sup>th</sup> meeting  
Staff reported that the meeting was moved from May 16 to May 15.

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

### **A. Hearing update**

- a. Case #2223, Complainants Allez moy and Pearl Thomas: May 11<sup>th</sup> Board of Inquiry cancelled and rescheduled to June 1 (Comm. Gurgin, Kidd, Smith).  
Ms. Urbi reported that case #2154, complainant Virgil Luckett has been scheduled for June 8 (Commissioners Sherman, White, Perezvelez).

### **B. Status of complaints**

Ms. Urbi stated that currently there are 21 open cases.

### **C. Comments:**

Ms. Urbi distributed a draft of the 2008 PRC Annual Report. She said that the new annual report included a complaint form as well as information regarding the commissioners' work. Commissioners' comments are due on May 26.

## **8. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT**

There was no report from Chief Hambleton.

## **9. COMMITTEE REPORTS (For Discussion or Action)**

### **A. Officer-Involved Shooting Subcommittee (Chair Smith, Comm. Perezvelez and Edwards)**

- a. Update on May 13<sup>th</sup> meeting  
Chairperson Smith reported staff had submitted recommendations, which the subcommittee discussed. Staff will make the additions to the recommendations from the subcommittee, which will then be sent to Chief Hambleton for comments before the final approval of the Commission. There will also be special public comment devoted to this topic in June. Staff will also invite Chief Hambleton or his designee to present to the Commission the procedure when an officer-involved shooting occurs.
- b. Next meeting  
The next meeting has not yet been scheduled.

### **B. Regulations Review Subcommittee (Comm. Perezvelez, Bloom, Kidd, Sherman)**

- a. Update on April 29<sup>th</sup> meeting  
Vice Chair Perezvelez reported that the subcommittee is still in the process of reviewing the entire list of regulations because some are conflicting with each other. He reported that the subcommittee is revising the 1993 regulations, which were subject to a meet and confer, and the changes made in 2007 as a result of the closed hearing case.

Commissioner White stated that in 2005, he was part of a committee that made revisions to the 1993 regulations and the current subcommittee should be working on the revisions made in 2005 and 2007 and not the regulations from 1993.

Ms. Urbi stated that the 2007 changes were not subject to a meet and confer, because the changes were made in order to comply with the court order to close hearings and make investigative records confidential. Ms. Urbi stated that the 2005 regulations were not

incorporated because those changes were not part of a meet and confer with the police union and the City. The revisions made in 2005 will be forwarded to the subcommittee.

- b. Next meeting: June 3  
The next meeting will be at 6 p.m. on June 3.

C. Search of Homes Subcommittee (Comm. Edwards, Gurgin, Huang, White)

- a. Next meeting: May 19  
The meeting will be held on May 19.
- b. See Communications from Chief Hambleton  
Commissioner Bloom commented that the commissioners should pay close attention to the Point of View article in the agenda packet. This article comes from the District Attorney's office and provides a different perspective.

Vice Chair Perezvelez suggested that PRC obtain the Amicus Brief from the ACLU on the latest court decision on searches and seizures, which contradicts the Point of View article.

Commissioner Kidd asked if that in light of Commissioner Edwards' absence, she would like to be on this subcommittee. Chairperson Smith responded that all Commissioners are welcome to attend any subcommittee meeting; that there is only a minimum of three commissioners.

D. Crowd Control Subcommittee (Comm. Huang, Kidd, Sherman)

- a. Next meeting  
Staff sent subcommittee members possible dates.
- b. Subcommittee received updated draft policy from Capt. Ahearn  
Once the date has been finalized, staff will send out the agenda.

**10. COMMUNICATIONS**

- A. Attached.

**11. ADJOURNMENT**

Meeting was adjourned at 8:10 p.m.