



Police Review Commission

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

Wednesday, May 27, 2009  
7:00 P.M.

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

### **1. CALL TO ORDER BY CHAIRPERSON SHERRY SMITH AT 7:04 p.m.**

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

Present: Chairperson Sherry Smith  
Vice Chair George Perezvelez  
Commissioner Kamau Edwards  
Commissioner Vonnie Gurgin  
Commissioner Sharon Kidd  
Commissioner Michael Sherman  
Commissioner William White

Absent: Commissioner Russell Bloom  
Commissioner Jonathan Huang

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Lt. Rolleri  
Sgt. J. Wilson  
Ofc. Wellington

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

There were no changes to the order of agenda.

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

A member of the public inquired about the outcome of Case #2157. Ms. Urbi stated that in response to this case and others similar to it, the Commission opened a subcommittee regarding searches of homes, and third parties involved.

A member of the public inquired as to how to file a complaint. Ms. Urbi explained how to file a complaint with the PRC.

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

A. Regular Meeting: May 13, 2009

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

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

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Noes: None. Abstain: Edwards. Absent: Bloom, Huang.

## **5. NEW BUSINESS**

### **A. Commission discussion of the Berkeley Police Department's vehicle pursuit of suspects on May 16.**

#### **a. Action and next steps.**

Ms. Urbi reported that she received inquiries from Commissioners following the incident and provided the following background. In July, 2007, a new vehicle pursuit policy was enacted, including recommendations from a PRC subcommittee. There was a community meeting May 26, 2009, sponsored by Councilmember Moore of District 2, which included discussion of this most recent vehicle pursuit incident.

Vice Chair Perezvelez inquired if the homicide victim in this case had an affiliation with PRC. Ms. Urbi responded he was a complainant, whose case was to be heard on May 6. However, he did not show up to the hearing.

Commissioner White stated that vehicle pursuits are dangerous, and recalled that former Chief Butler forbade pursuits due to their dangerous nature. The policy failed, because two bystanders were killed. We should learn from this incident and proactively pursue new alternatives to vehicle pursuits.

Commissioner Sherman responded that the policy did not necessarily fail, because we do not know all of the facts in the case, particularly whether it was a high speed pursuit.

Vice Chair Perezvelez noted that there are no speed restrictions in the current policy, and that should be looked into.

Lt. Rolleri reported that both officers and suspects were traveling at 45-50 mph.

Commissioner Sherman inquired as to how soon after the shooting took place did police arrive, to which Lt. Rolleri responded within 30 seconds.

Vice Chair Perezvelez asked if there are any restrictions regarding pursuits like there are in Los Angeles, and does BPD have communication capability with Oakland. Lt. Rolleri responded that Berkeley has one of the most restrictive policies in the state of California, and that 12 patrol cars are equipped with Oakland radios, which were operational that night.

The Commission took no action on vehicle pursuits.

### **B. Commission priorities for 2009**

#### **a. Commission discussion on case priorities and number of policy subcommittee meetings.**

Commissioner Gurgin stated that she felt the time frame between when a case is filed to when it goes to hearing is too long, and recommended that case hearings should be at a higher priority than policy subcommittees.

Vice Chair Perezvelez stated that he made a similar statement in 2008, and agreed that the cases should be the highest priority. However, sometimes things happen that causes PRC to reevaluate policies. He encouraged Commissioner Gurgin to attend the Regulations Subcommittee meeting, where they will be discussing investigation time limits.

Ms. Urbi responded that case deadlines are tight. For the Chief to consider cases for discipline, the investigation and hearing must be completed within 120 days. However, sometimes cases extend beyond 120 days when there is criminal prosecution or if the officer is unavailable. She stated that she will no longer attend Policy Subcommittee meetings, and keep the focus on investigating cases.

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

A. Hearing update

There are three hearings scheduled in June. Staff is working on scheduling one more on June 22.

B. Status of complaints

Since the last Regular Meeting, PRC received two new complaints, bringing the total to 22 open complaints.

C. Statistical Report update

Ms. Urbi expressed appreciation to Commissioners for their comments on the draft statistical report. The City Manager's Office is still reviewing the report, after which it will be ready for publication. Upon checking if PRC can make a presentation to City Council, the City Manager has yet to make that decision.

D. Comments:

The Juneteenth event will be on June 13, which Commissioners have expressed interest in the past. Ms. Urbi stated that there are a lot of meetings and hearings in June, and the Commission may want to consider canceling a regular meeting.

Ms. Urbi stated that she received a message from Jim Chanin regarding the Mutual Aid agreements. In 1973, Ordinance 4640, mandates that each year, City Council must review BPD's mutual aid agreements. In the past, City Council has asked PRC to review the agreements and recommend approval. She will put this topic on the agenda for the next meeting to discuss. Commissioner Sherman requested a copy of Mr. Chanin's message.

Motion to cancel June 24 Commission Meeting. M/S/C (Edwards/Sherman) Motion carried.  
Ayes: Edwards, Gurgin, Kidd, Perezvelez, Sherman, Smith and White.  
Noes: Kidd, Perezvelez. Abstain: None. Absent: Bloom, Huang.

**7. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT**

Chief Hambleton is on vacation, and therefore there was no report.

**8. COMMITTEE REPORTS (For Discussion or Action)**

A. Officer-Involved Shooting Subcommittee

Ms. Urbi stated that the next step is to forward the recommendations to Chief Hambleton. There will be a public hearing regarding Officer-Involved Shootings on June 10, from 6:00 – 8:00 p.m., followed by the regular Commission meeting.

B. Regulations Review Subcommittee

Vice Chair Perezvelez reported that the next meeting is June 3. This meeting is open to the public and all are encouraged to attend. He requested that if Commissioners had information from the Regulations review in 2005, to please provide it to the Subcommittee.

C. Search of Homes Subcommittee

The next meeting is June 16.

D. Crowd Control Subcommittee

The next meeting is June 9. The final policy will be reviewed and if no objections, will be sent to the Chief for final review.

**9. COMMUNICATIONS**

A. Attached.

Chairperson Smith commented about the letter that was sent anonymously, and asked Lt. Rolleri if he knew anything about it, to which he responded he had no knowledge.

Commissioner White stated that he and Commissioner Kidd attended a meeting regarding the BART officer involved shooting on May 22. BART officials presented a draft of the civilian oversight model they are pursuing, which Commissioner White handed out. They are considering an independent auditor model with a Citizen Advisory Board component. Citizens were unhappy with the draft, which did not seem to include much citizen involvement. They will meet again June 8.

**10. ADJOURNMENT**

Meeting was adjourned at 8:15 p.m.