



Police Review Commission

ACTION MINUTES OF THE REGULAR MEETING OF THE POLICE REVIEW COMMISSION

North Berkeley Senior Center
1901 Hearst Street
Berkeley, California

Date: Wed. February 27, 2002 (Corrected)
Time: 7:30 p.m.

1. ROLL CALL 7:45 PM

Commissioners Present: DeBose, Ritchie, Sherman (8:45), Schlosberg, Sternberg, White

Commissioners Absent: Gleich (Excused), Farrell, Mayor Dean's Seat is Unfilled

PRC Staff: Barbara Attard

BPD Staff: Sgt. Morizono, Lt. Aldinger

2. PUBLIC COMMENT

Andrea Prichett of Copwatch stated that she is interested in and curious to see how the Commission will follow up on the intelligence issues.

3. MINUTES OF THE FEBRUARY 13, 2001 MEETING

Schlosberg/Ritchie (Moved/Seconded) to approve the meeting minutes. Passed unanimously with DeBose abstaining.

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

a) New Filings—Two since last meeting.

b) Boards of Inquiry:

Upcoming Boards of Inquiry were discussed. The Commission raised concerns about unfilled seats on the PRC and the impact that unfilled seats have had on other Commissioners needing to



2121 McKinley Av., Berkeley, CA 94703 TEL: (510) 644-6716 FAX: (510) 644-6570 TDD (510) 644-6915
E-Mail: prc@ci.berkeley.ca.us Website: <http://www.ci.berkeley.ca.us/prc/>

cover extra Boards of Inquiry, and some Boards being delayed because of the unavailability of Commissioners. The Commission asked staff to write a letter (under Chair DeBose's signature) to Mayor Dean asking that she fill the seat vacated in August by Commissioner Bennett.

c) Recommendation for Summary Dismissal, PRC Case #1889, Complainant Philip Lewis

Commissioner Sternberg stated that he would approve the Summary Dismissal, but cautioned the Commission that issues regarding probation and stay away orders should be looked at carefully.

Ritchie/Schlosberg (Moved/Seconded) to approve the recommendation for Summary Dismissal. Passed unanimously.

5. BPD CHIEF'S REPORT

Chief Butler attended the PRC meeting to discuss BPD intelligence gathering guidelines.

6. COMMITTEE REPORTS (For Discussion or Action)

7. OLD BUSINESS (For Discussion or Action)

a. BPD Involvement in Intelligence Gathering

- Update on Council Item
- Discussion Involving Chief Butler Regarding BPD Intelligence Guidelines

Chief Butler stated that BPD has no intelligence-gathering unit. The only intelligence gathered is regarding narcotics trafficking. The request by the Justice Department to question two Berkeley residents was merely a request for aid, and because the people were no longer living in Berkeley there was no further action taken. BPD would like to assess these requests on a case by case basis. The Department of Justice and the US Attorney's office has supported BPD in the past and BPD is dependent upon and needs to have a relationship with them. Chief Butler stated that when faced with a request by another department they ask: Why is this information needed? Is this the right thing to do?

The Commission asked Chief Butler if there could be a policy statement in a BPD Regulation or General Order that BPD will not collect intelligence data regarding First Amendment activities. Chief Butler stated that he would entertain this. **The PRC established an Ad Hoc Committee to propose language for a policy on intelligence gathering. Chair Ritchie, Commissioners Sherman and Sternberg agreed to be members.**

Commissioner Ritchie stated that the PRC had asked BPD and BUSD to come to a PRC meeting to discuss the role of and any written guidelines for BPD officers in BUSD schools. Chief Butler stated that this is an extensive topic, but a meeting could be planned.

8. NEW BUSINESS (For Discussion or Action)

a. PRC Elections of Chair and Vice Chair

Commissioner Ritchie was elected Chair of the PRC and Commissioner White was elected Vice Chair.

Commissioner Ritchie thanked Commissioners DeBose and Schlosberg for their work and leadership as Chair and Vice-Chair of the PRC last year.

b. DEA Raids of Medical Marijuana Facilities

Commissioner Sherman read two proposed resolutions to be forwarded to the City Council regarding DEA raids of two Bay Area medical marijuana clubs and the arrest of Ed Rosenthal.

Sherman/Schlosberg (Moved/Seconded) to forward proposed resolutions to the Council.

Withdrawn. The Commission asked that Commissioner Sherman provide copies of the resolutions to the PRC to enable the Commission to review the language of the resolutions.

This item will be placed on the agenda for the next PRC meeting.

9. COMMUNICATIONS

10. ADJOURNMENT **Schlosberg/Ritchie (Moved/Seconded) to meeting at approximately 9:15 PM. Passed unanimously.**