



Police Review Commission

**POLICE REVIEW COMMISSION
REGULAR MEETING
ACTION MINUTES**

**North Berkeley Senior Center
1901 Hearst Street
Berkeley, California**

**Date: Wed., July 24, 2002
Time: 7:30 p.m.**

1. ROLL CALL -7:40 PM

Commissioners Present: Clark, DeBose, Mapps, Ritchie (7:50), Sternberg White,

Commissioners Absent: Gleich, Perez-Santiago, Sherman, (All Excused)

PRC Staff: Barbara Attard

BPD Staff: Acting Chief Meisner, Sgt. Morizono, Lt. Ahearn

2. PUBLIC COMMENT -None

3. MINUTES OF THE JUNE 26, 2002 REGULAR MEETING

DeBose/Clark (Moved/Seconded) to approve the meeting minutes. Passed unanimously with DeBose and Sternberg abstaining.

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

Barbara Attard introduced Acting Chief Meisner. Chief Meisner stated that he looks forward to a productive relationship with the Commission. He will be making a Chief's report at PRC meetings. This is an important time in the history of BPD—the department will have had a turnover of 120 officers since 1995. The City Manager has instructed him to assertively run the department during his time as acting chief.

a) New Filings—Two since last meeting

b) Boards of Inquiry—Upcoming Boards were discussed

c) Recommendation for Administrative Closure—PRC Case #1920—Filed by Mr. Edwards

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Barbara Attard informed the PRC that Mr. Edwards has moved and not informed staff as to his whereabouts. Staff attempted to contact him for a scheduled hearing on his case but found different tenants at his former residence.

Ritchie/White (Moved/Seconded) to approve the recommendation for administrative closure. Passed unanimously.

d) Policy Updates

The following outstanding policy issues were discussed:

- Police in Schools—At the PRC Meeting of November 13 representatives of BPD and BUSD will be asked to discuss parameters of police in the schools and juvenile Miranda issues.
- Community Policing—There will be a Community Meeting in north or east Berkeley on September 25 and a Forum on Community Policing on October 23
- Police Searching Mouths of Suspects for drugs—A new BPD policy has been developed, Training and Information Bulletin #280. A training video was also shown to officers. The policy and video will be provided to the PRC to determine whether the PRC would like to continue to work on this policy issue.
- ADA Training—Staff has met with BPD and the ADA coordinator. On-going roll call training is being recommended. The Council item needs to be written and presented.
- Use of control holds and pain compliance holds in demonstrations—Staff has met with Carol Denny and BPD. Staff will write a recommendation and present it to the commission
- PRC Procedures Revisions—Staff will work on this over the August break and bring recommendations to the Commission in the fall.
- A new policy complaint on responding to calls for assistance for child custody-related civil stand-bys is in progress.

e) Stipend Requests Due—Any stipend requests through June should have been submitted.

5. BPD CHIEF'S REPORT—No additional report

6. COMMITTEE REPORTS (For Discussion or Action)--None

7. OLD BUSINESS (For Discussion or Action)

a. BPD Cooperation With Federal Law Enforcement Authorities—Draft Policy

The draft policy was introduced by Chair Ritchie. Assistant Chief Meisner stated that he would like to work on this with the PRC and suggested looking at orders that other cities have. A subcommittee of Chair Ritchie and Commissioner Sternberg will continue to develop this. Andrea Prichett stated concerns that the hate crime policy that is being developed could include intelligence gathering. She also would like to see specific language in the policy about use and destruction of videotapes.

DeBose/Sternberg (Moved/Seconded) to request staff to draft a letter from the PRC to the Council supporting Council member Worthington's Resolution Opposing the Patriot Act. Passed with White abstaining.

b. Letter to Alameda County Court RE: Computerized Records of Probation Stipulations

The letter was reviewed. **Sternberg/Clark (Moved/Seconded) to approve the letter and forward it to the City Council to send to the Alameda County Board of Supervisors. Motion Withdrawn.**

Mapps/Clark (Moved/Seconded) to approve the letter and forward it to the City Council to send to the Alameda County Board of Supervisors with authority to strengthen the closing and correct any technical errors. Passed unanimously.

Sgt. Morizono stated that BPD will be conducting a roll call training based on the training bulletin that requires officers to get supervisory approval before making arrests based on computerized records of probation stipulations.

8. NEW BUSINESS (For Discussion or Action)

a. PRC Policy Case #1871 filed by Andrea Prichett—High Speed Chases by Outside Jurisdictions (CHP)

Barbara Attard introduced the policy issue and the staff recommendation to write a letter to CHP. Chair Ritchie recommended that PRC ask Council to write to some state legislators to ask them to bring legislation to establish some state standards for chases in line with the Berkeley model. Commissioner Clark discussed a chase in Los Angeles in which the followed the suspect with a helicopter. Commissioner DeBose asked that staff check to see what the Berkeley helicopter policy is. Andrea Prichett discussed the item and suggested that the PRC file a complaint with the CHP.

Ritchie/Sternberg (Moved/Seconded) to have a 2-prong response: 1) to send a direct letter to the CHP, and 2) draft a Council item asking state legislators to set standards for high speed pursuits. The letter should be sent to the Governor, the local State Senator and Assemblyperson and the chairs of the Transportation and Public Safety Committees. Passed unanimously.

Andrea Prichett asked that the letter to the CHP include the language that the man who was killed in the high-speed chase was an innocent bystander and that the CHP violated its own policy.

b. PRC Draft 2001 Annual Statistical Report Review

Barbara Attard discussed the draft Annual statistical Report for 2001 (error in agenda). The PRC received 57 cases in 2001, up from 50 in 2000, but a comparable number to the 59 complaints received in 1999. A high number of cases (30) resulted in Boards of Inquiry in 2001, with 19 cases administratively closed and 3 policy cases going to the full commission. “Discourtesy” allegations rose from 28 to 55, nearly a 100% increase; there was a 28% decline in excessive force allegations received, from 36 to 26; and a decline in discrimination allegations, from 14 to 8. In 2001, there were no outstanding trends in sustained allegations of misconduct. Of cases that were completed in Boards of Inquiry in 2001, 19 cases resulted in findings with at least one sustained allegation (sustained). The report will go through a review process with other staff and in the City Managers office before going to print.

c. Planning for September Special Meeting

The sub-committee will be working on this.

9. COMMUNICATIONS

Commissioner Mapps asked about the follow-up meeting with the BPA. Staff will contact BPA to try to schedule a meeting for the fall.

10. ADJOURNMENT

**DeBose/Ritchie (Moved/Seconded) to adjourn the meeting at approximately 9:40 PM.
Passed unanimously.**