



Police Review Commission

## ACTION MINUTES OF THE REGULAR MEETING OF THE POLICE REVIEW COMMISSION

South Berkeley Senior Center  
2939 Ellis Street  
Berkeley, California

Date: Wed., October 9, 2002  
Time: 7:30 p.m.

1. ROLL CALL 7:35 PM  
Commissioners Present: Clark, Mapps, Ritchie, Sanchez-Resnik, Sherman, Sternberg, White, Yang  
Commissioners Absent: DeBose  
PRC Staff: Barbara Attard  
BPD Staff: Sgt. Delaney, Lt. McBride
2. PUBLIC COMMENT—None
3. MINUTES OF THE SEPTEMBER 25, 2002 SPECIAL MEETING  
**White/Sanchez-Resnik (Moved/Seconded) to approve the meeting minutes. Passed unanimously with Mapps and Clark abstaining.**  

The PRC complimented PRC intern Annie Chung for her complete minutes of the September 25 meeting.
4. PRC OFFICER'S REPORT (For Discussion or Action)
  - a) New Filings—Three since last meeting

**POLICE REVIEW COMMISSION OFFICES: 1900 Addison Street #300, Berkeley, CA 94704**

TEL: 510.981.4950 TDD: 510.981.6903 FAX: 510.981.4955

e-mail: [prc@ci.berkeley.ca.us](mailto:prc@ci.berkeley.ca.us) [http:// www.ci.berkeley.ca.us/prc/](http://www.ci.berkeley.ca.us/prc/)

b) Boards of Inquiry

- Commissioner signed up for upcoming Boards on:

October 24—Case #1934—Mr. Patillo—Commissioners Ritchie, Clark and Sherman  
November 6—Case #1936—Nicole Gillard—Commissioners Sherman, Clark, and Yang  
November 7 and 12—Complainant Brass—Commissioners Sanchez-Resnik, Sternberg

- Problems at October 4 Board of Inquiry:

The Commission discussed handling of disruptive parties at Boards.

**Sternberg/Sherman (Moved/Seconded) Passed with Mapps voting No.: To add language to the PRC Opening Statement from the PRC Regulations, “The Chairperson may exclude unruly or disruptive parties.” Sentence changed from “shall” to “may.”**

Commissioners Mapps, Sanchez-Resnik and Clark expressed concerns about terminating a hearing and spoke in favor of rescheduling a Board if there are disruptive parties.

**Sherman/Clark (Moved/Seconded) Passed with White, Sternberg, and Mapps voting No.: To add language to the Opening Statement, “Everyone at this board of inquiry is expected to respect the hearing process and treat all others present with respect.”**

- Findings/Minority Findings:

Barbara Attard discussed problems with late findings from boards and asked Commissioners to be more diligent in submitting findings in a timely manner.

c) Late Filing Request from Bradley Gore PRC Case #1942

d) Late Filing Request from Corey Yates PRC Case #1943

These two items were handled together. Barbara Attard explained that these cases were mailed to the former PRC location and returned rather than being forwarded. Sarah Barnes, a law student who had assisted the complainants in filing their complaints, stated that they downloaded the complaint form from the PRC website and the address had not been updated at that time to the current address. They were then mailed again and received at the PRC 5 days late. Chair Ritchie stated that he believed that the complainants were prevented from filing timely because of the incorrect PRC address and the failure of the US Postal Service to forward the mail.

**Bryant/Clark (Moved/Seconded) Passed Unanimously to accept PRC Complaints #1942 and 1943 as timely.**

e) Recommendation for Administrative Closure from Renita Johnson PRC Case #1933

Barbara Attard explained that Ms. Johnson has not responded to staff contacts.

**Sanchez-Resnik/Sternberg (Moved/Seconded) Passed Unanimously to administratively close PRC Case #1933.**

f) Policy Updates

- CHP/Alameda County Court Policies—in process.

- BPD ADA Training—Council item being written
- Intelligence Policy—Not yet worked on

g) Stipend Requests Due—for 1<sup>st</sup> Quarter—July through September

5. BPD CHIEF'S REPORT—None—Acting Chief Meisner was out of town.

6. COMMITTEE REPORTS (For Discussion or Action)

7. OLD BUSINESS (For Discussion or Action)

a) Debriefing of September 25 Special Meeting

The Special Meeting was discussed. Chair Ritchie stated that he was disappointed with the turnout, but felt good about the feedback from the community. Concerns were raised about the location of the event and the publicity.

b) Berkeley Police Association Lawsuit—  
Memo from City Attorney Manuela Albuquerque

Commissioner Sternberg expressed his concerns about the letter that the PRC received from City Attorney Manuela Albuquerque regarding the inability of the PRC to discuss litigation in which PRC is a named party in closed session. He asked for a fuller explanation of this issue.

Commissioners raised several issues:

- It is not clear as to whether the issue is public disclosure or attorney/client privilege.
- Do commissioners have any public liability in this lawsuit?

The PRC discussed establishing a subcommittee to look into gaining authorization for the PRC to obtain independent council. Barbara Attard asked the PRC to ask the City Attorney to come to a PRC meeting to discuss the concerns that have been raised.

**Sternberg/Clark (Moved/Seconded): 1) To send a letter to the City Attorney asking for clarification of the City Attorney's October 2, 2002 letter regarding the BPA lawsuit (to be written by Commissioners Sternberg and Ritchie). 2) To set up a subcommittee to approach the City Attorney to meet in closed session to discuss this lawsuit. Passed Unanimously.**

8. NEW BUSINESS (For Discussion or Action)

a) Planning for December 11 Community Policing Public Forum

The upcoming forum was discussed. It was requested that the Forum be held at West Berkeley Senior Center. Chair Ritchie will be working on the planning of this Forum with any other interested commissioners.

b) Planning for November 13 Discussion of Police in Schools

BPD and BUSD will be invited to come to the November 13 PRC meeting to discuss the role of police in Berkeley schools. Staff will send a letter inviting both parties to the meeting to discuss: Parameters of the role of police in schools, juvenile Miranda issues, issues of control at BHS.

9. COMMUNICATIONS

- Letter from Karen Baker
- Letter from Mohamed Ahmed Alqassari
- E-mail from Complainant Jeffery Jensen for inclusion in the public process for the September 25 Special Meeting

10. ADJOURNMENT

**Yang/Clark (Moved/Seconded) to adjourn meeting at approximately 9:45 PM. Passed unanimously.**