



Police Review Commission

POLICE REVIEW COMMISSION SPECIAL MEETING MINUTES

PANEL "COMMUNITY POLICING NOW"

West Berkeley Senior Center
1900 Sixth Street
Berkeley, California

Date: Wed. December 11, 2002
Time: 7:30 p.m.

1. ROLL CALL 7:40 p.m.

Commissioners Present: DeBose (8:30 p.m.), Sternberg, Ritchie, Sanchez-Resnik, Sherman, White

Commissioners Absent: Clark (*excused*), Yang

PRC Staff: Barbara Attard, Najuma Henderson, Annie Chung

BPD Staff: Captain Hambleton, Sgt. Delaney
2. PUBLIC COMMENT (deferred to the business portion of the meeting)
3. MINUTES OF THE NOVEMBER MEETING
Sanchez-Resnik/Sternberg (Moved/Seconded) to approve the meeting minutes. Passed unanimously.
4. PRC OFFICER'S REPORT (For Discussion or Action)
 - a) New Filings - 2 since last meeting
 - b) Boards of Inquiry – Two upcoming Boards were discussed.
5. BPD CHIEF'S REPORT (Deferred to Business Section of the Meeting)
6. COMMITTEE REPORTS (For Discussion or Action)
7. OLD BUSINESS (For Discussion or Action)
8. NEW BUSINESS (For Discussion or Action)

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PANEL ON COMMUNITY POLICING

Introduction of Panel by Chair Ritchie

PRC Chair Ritchie stated that the forum tonight on community policing is the 3rd in a series to assess community satisfaction and dissatisfaction with the BPD and PRC. The panelists have diverse backgrounds in or education on community policing and their insights are particularly significant at this time because the BPD is experiencing more than a 50% turnover since 1995 with retiring officers being replaced by younger officers. Invitations were sent to various people including those who have filed complaints with the PRC as well as those who have attended the past two PRC Community meetings. Ritchie concluded his welcome by defining community policing by its antithesis: that of officers going into neighborhoods to patrol and enforce laws without the development of an organic relationship with the community.

Introduction of Maya Harris West

PRC Officer Barbara Attard introduced Maya Harris West as a top expert on community policing, citing Harris West work with Policy Link. Attard also mentioned Harris West recent addresses at a National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference and at a State Commission on Policing Hearing in San Jose.

Attard also acknowledged L.A. Wood for video-taping the forum tonight and mentioned that it would be televised.

Maya Harris West – “Promise of Community Policing – Problems & Solutions”

Maya Harris West stated that her presentation tonight would focus on the promise of community policing – problems and solutions. Harris West began by stating that community policing is significant because it provides sustainable solutions, as opposed to those that solely focus on enforcement or imprisonment. Successful community policing depends on officers making a commitment to get to know the community and its residents responding in return. New resources for community policing are now available, particularly at the federal level (i.e., Department of Justice).

The main problem is that while new money and resources are available, the nature of policing has not changed. Although there are more officers on the street, they are doing the same thing as previous officers, and those that come to public meetings at times focus on pushing forth their own agendas. The solution to these problems lies in emphasizing improving public relations as opposed to merely increasing the number of officers on the force.

Three ways to ensure that community policing will work:

- 1) It should be the mission of the entire department, not just an add-on program
- 2) Its focus should be on problemsolving by establishing institutional support
- 3) It should involve changes made throughout the entire department

1) A Mission of the Entire Department:

Marginalization occurs when the entire department is not involved in community policing. Those officers that do try to make community policing work are seen as social workers. In San Diego a shift from partial to entire departmental community policing has led to greater success in community policing.

2) Problem-Solving Through Institutional Support:

Training for officers is important. Officers should learn about and build strong partnerships with the various community agencies and resources that exist so that they can work together to best meet community needs. In Boston, the city gave grant money to community-based organizations to strengthen them for this purpose. In San Diego, support teams were created with officers specializing in coming up with innovative solutions to address specific problems in neighborhoods.

3) Departmental Changes:

Institutional changes throughout the entire police department are necessary from the operational aspect, in terms of recruiting and hiring of officers, to police accountability in terms of establishing credibility and building relationships with the community. In San Diego, instead of using census data and census tracts to divide the city, the police department asked communities to give an indication of their sense of where their neighborhoods began and ended, giving the police an idea of social realities from the perspective of the community. In Chicago, when researching poor representation at meetings, the police found that people were not interested in community solutions when their neighborhoods weren't involved.

In Lansing, a website making it possible for citizens to map crimes and resources in 3 counties proved to be an asset. Community grant money was provided by the Department of Justice to put computers in low-income, high-crime neighborhoods to fight crime.

Introduction of Captain Doug Hambleton

Barbara Attard introduced Captain Doug Hambleton as head of the Berkeley Police Department (BPD) patrol division, a 20-year veteran of the Department. She stated that Captain Hambleton would be giving an overview of where community policing has been, where it is now, and where it is going in BPD.

Captain Doug Hambleton: Community Policing in BPD Past, Present and Future

Captain Hambleton stated that in 1992 and 1993, in response to an initiative set forth by Chief Butler, the BPD focused on community policing. Hambleton mentioned a handout provided at the forum with the BPD's mission statement outlined in three main goals:

- 1) Providing quality service to the community
- 2) Engaging in community process
- 3) Problem-solving

He contrasted this mission with that of traditional policing which he described as being response-focused, with officers primarily taking care of calls when they occurred. In the past, police officers served more as criminal experts than community aides, being reluctant to take advice from others on how to best do their jobs. Issuing citations, making arrests and prosecutions were the three main ways officers dealt with crime problems. However, with time, the BPD realized that these were not necessarily the most effective ways of working with the community.

Today, most of what the BPD does is not crime-related. 85% of calls don't involve crime but seek other forms of police service, and today a new movement toward community policing is on the rise with three models:

- 1) Community-oriented policing - engagement with the community in terms of determining priorities;
- 2) Problem-oriented policing (POP) projects – officers working to solve problems;
- 3) Community-oriented and problem-oriented policing – combination of both with dialogue, engagement and goals being set jointly by the police and the community. (i.e., Citizens' Police Academy, youth academy, use of city agencies and social services). This is in contrast to the past when police officers' engagement with the community was more limited and officers spent most of their time driving around in their patrol cars.

The biggest obstacle of community policing is getting the community to become interested in actively trying to solve problems. Because legal constraints are imposed upon institutions, sometimes the best solutions come from the community itself.

These solutions have been successful in part due to the re-organization efforts in the City and the establishment of the Neighborhood Services program. Area coordinators work with community liaisons; beat officers are becoming familiar with their neighborhoods; and area captains have helped the police become more personally involved and efficient today, in contrast to the past when lieutenants would order random officers to take care of needs as they arose.

As far as what the future will hold, Captain Hambleton stated that he is not sure due to the impending hiring of a chief of police. He hopes to work with the community in improving police-community relations.

Introduction of City Auditor Ann-Marie Hogan

Barbara Attard mentioned that Ms. Hogan has recently been re-elected and has served as the Berkeley City Auditor for eight years. She recently conducted a "police staffing" audit for BPD.

Ann-Marie Hogan

Ms. Hogan began her presentation by stating that about a year ago, the BPD wanted to know what the best way would be to optimize the number of positions in responding to emergencies, especially given staffing shortages. Twenty years ago, a study was done by the Police Executive Research Forum (PERF) about how Berkeley was implementing community policing. There was a belief that community policing involved more civilian participation in terms of routine tasks. Interviews with the BPD and the police agencies in 28 other jurisdictions were compiled to create the report.

Today in California, the biggest challenge we face are budget cuts. Because of change in the state retirement system, overhead has doubled for sworn officers with benefits changing from 40% of officers' salaries to 77% of officers' salaries. The costs are driven by the stock market. BPD has just resolved vacancy problems in the force, but must now deal with this new challenge.

The debate on community policing used to be about whether it should be a small, separate unit of the department or involve the entire department. Today police departments are starting to realize the necessity of comprehensive change. The function of the BPD has transformed from that of crime fighting to community responding.

Hogan shared four myths that continue to pervade people's beliefs of what constitutes a good police department: low crime rates, higher arrest rates, high ratio of officers to citizens and the quickness of the response to citizens' calls. Many still believe these qualities characterize an efficient police department.

Hogan talked to 28 other agencies, all of whom had civilianized portions of their staffing starting 20 years ago. She found that education could be a possible solution in terms of dealing with different community problems, i.e.: teaching teenagers how to take care of rented residences upon coming to college. In addition to education, Hogan also stated that non-sworn community service officers may also help in saving, because they cost less; they are easier to recruit; and the jobs attract more minorities and women.

Introduction of Professor Merylee Shelton

Barbara Attard stated that she heard Professor Shelton speak at the National Association of Civilian Oversight of Law Enforcement (NACOLE) Conference in Cambridge. She felt she would be a good addition to the panel. Shelton teaches at San Jose City College in the Communications Studies Department. and she serves on the Human Relations Committee in Santa Clara as well as serving on the Advisory Board of San Jose Police Auditor.

Merylee Shelton

Merylee Shelton stated that the problem of community policing is not recognizing race. People are more comfortable with people who look like them. The problem is, in reality, the people we are surrounded with and are forced to deal with, such as neighbors and co-workers, are not such. When there is not enough diversity training, then we fear what we don't know and fear could then be used as a weapon. Often, the biggest obstacle to community policing lies in officers' fear of dealing with diverse populations which then causes them to use unnecessary force or force that may not have been necessary if they were more familiar with the population. Law enforcement should therefore receive effective diversity training. In her view, psychology, education and developing communications skills are more necessary than criminal justice classes.

Ms. Shelton believes that three scenarios are serious problems in policing:

- 1) Racial profiling,
- 2) Selective law enforcement, and
- 3) Over-representation of African-Americans in the prison population.

Combining force with any of these three problems in policing constitute hate crimes, and law enforcement officers are rarely charged with hate crimes. When the community holds them accountable to such hate crimes, the problems will begin to be solved.

Questions For the Panel From Commissioners:

Question #1: *Sanchez-Resnik*

What are the classifications for Community Service Officers (CSO) and how much are being utilized?

Hogan's response:

More CSO officers are desired but not at the expense of reducing number of officers on street.

Hambleton's response:

The recent Brinks guard incident and a second serious incident occurring simultaneously demonstrated the need for more officers. Despite the engagement of all BPD officers working on the cases, help was needed from other nearby police departments.

Question #2: Ritchie

How can community policing work for populations that are diverse and in conflict with each other, i.e., homeless people in business districts, and/or drug dealing in residential areas?

Hambleton's response:

The police cannot solve such problems without the help of community agencies and should not be expected to solve such problems alone. Currently, the police refer cases involving mental health issues to Mobile Crisis Unit, and drug-related cases to drug treatment centers.

Harris West's response:

Both populations – the police and the community - need to be involved. The police, in particular, need to be involved because they often are the first to respond to homeless and street safety issues.

Shelton's response:

No one group will have all of the solutions. In the worst case, excessive force will be applied toward the mentally ill. For example, in the recent Garcia case in San Jose, a mentally ill husband attempted to commit suicide. The mental health police unit failed to respond so the regular police unit responded and one of the officers, thinking Mr. Garcia was a threat, shot him repeatedly and he died. In the best-case scenario, neither the community nor the police would overreact, but they would consider the mentally ill members of the community and treat them as such.

Harris West's response:

The police can learn to respond better to mental illness by learning about it and working with agencies as opposed to escalating situations by the use of force.

Hogan's response:

Berkeley is one of the few cities that has its own health department. A lot of coordination does exist among police officers and the health department staff. Because of budget shortfalls, the City will be cutting 150 positions. The community needs to make important decisions and be involved in determining what priorities come first, i.e., Is a detox center a priority?

Hambleton's response:

A detox center would be helpful in terms of treating those arrested. The Mobile Crisis Unit is currently being utilized to respond to mental health issues.

Attard's response:

The PRC made a policy recommendation reiterating the protocol to have the Mobile Crisis Unit respond in cases involving mentally ill persons after reviewing a case in which pepper spray was used and the PRC realized that it may have been handled differently if Mobile Crisis was there.

Question #3: Sherman

Has there been any discussion in the BPD regarding new federal guidelines for homeland security and how it will impact community relations? How do we minimize the negative impact that might arise from police departments across the country moving to become stricter in terms of privacy, in light of the recent developments in terrorism and the possible war with Iraq?

Hambleton's response:

Captain Hambleton stated that he works for BPD, not for the federal government. Therefore, he is concerned with the community needs. However, he does expect people to demonstrate against the war with Iraq and believes the BPD is well equipped to handle demonstrations.

Harris West's response:

Supreme Court cases set the minimal standard for citizen protection. Police departments can create provisions that would reinforce constitutional rights. Police departments could set higher standards in terms of adjusting to the changes at the federal level; i.e., resisting interviewing Arab-Americans in a discriminatory manner.

Shelton's response:

She sees herself as primarily a human being. The problems of one member of the community, even if it may not directly affect her, are still considered significant. She cautions the community about the police, stating that some of the worst crimes have been committed by law enforcement.

PUBLIC COMMENT:

Andrea Prichett – Representing CopWatch, Ms. Prichett stated CopWatch does not support community policing because it will empower police. CopWatch's concern with community policing lies mainly in that communities will become led by the police rather than being engaged in a mutual dialogue with the police. The police need to establish a positive relationship with the community first. The homeless do not feel they are a part of the community. The youth do not feel they are a part of the community. She has issues with Commissioners because she believes that there ought to be more emphasis on police accountability and there has not been enough. She noted that there was not good representation at the forum.

William Bryant – A third-generation Berkeley resident having lived in the city for over fifty years, he stated that he came out tonight to speak against racial profiling. A year ago, he was stopped. He stated that he has been waiting and would like an apology in the form of a letter from the police officer for the incident. Bryant concluded his remarks by stating that the biggest problem he feels is that many people cannot relate to the police.

Barbara Allen – A neighborhood association person representing over 100 homes, Allen stated that community policing does work, describing it as a triangle, a partnership. Her neighborhood works with the agencies in solving community problems such as drug and mental health problems. She supports the area coordinators, because they can deal with specific problems in the neighborhood. Allen also mentioned that the police have been especially helpful, particularly in terms of stolen mail and identity theft, sexual harassment, etc., she cited the BPD website as an excellent resource.

Bob Allen – He began his comments by stating that there has been terrific unanimity in the room, but there is one ingredient that has not been addressed: profiling of police officers. Allen believes that the

police are stereotyped in terms of being seen as overzealous and over-powerful. He believes that the police need to be treated with dignity by the community in order for the police to best assist the community.

Shale Well – Ms. Well stated that she grew up in the “hills” and the BPD helped her family at that time. However, as an adult, she feels she has been a victim of selective enforcement, racial profiling and incarceration of African American. She asked how BPD is dealing with the problem of the over representation of African American in the prison population.

Sam Herbert – She has been living in South Berkeley for the past several years and has become involved in dealing with many criminal issues in her neighborhood. She’s seen big changes with Chief Meisner, but believes there has only been lip service given to community policing. She stated that she has received irregular response from the police. She believes that the officers that are great have been penalized for being too proactive. Herbert concluded that she does not want the police to be social workers, but wants them to function as enforcers of the law and protectors of the community.

Willie Phillips – He suggested that there should be ongoing training so officers actually get to know African Americans, Arab Americans and others in the community so they will feel comfortable dealing with them. They should be getting out of their cars and getting to know people in the Berkeley communities.

Trudy Washburn – She recently completed the Citizens Police Academy course. She benefited from the course and encouraged everyone to enroll. Washburn also stated that the police website has been helpful in terms of informing the community of crime statistics.

Annie Chung – U.C. Student, PRC Intern, has learned much about police interaction with citizens through her experience transcribing tapes at the PRC. She asked all of the people present at the meeting to encourage others to get involved so that real change can be accomplished.

Howard Jeter - A teacher in a Bay Area school district, raised some questions. Is there training for police officers in terms of constitutional violations? What is planned to reward officers for getting involved in the community policing process?

L.A. Wood –His neighborhood, District 4 doesn’t have an area coordinator. His neighborhood does not know what crimes exist, what the police do, where they are. He wonders if there have been attempts by the police to gather statistics, facts, etc. to fully understand exactly what officers on patrol do every day.

PANEL RESPONSES TO PUBLIC COMMENTS

Harris West– In regards to police profiling, there needs to be bridge-building, but there also must be care taken to not equate issues. Particular groups feel angrier with the police and are unable to communicate with them due to past relationships. Police accountability should be a requisite. There needs to also be data collected in terms of racial profiling. What are the definitions of police accountability? There needs to be improved curriculum and training. There is an emphasis currently on technical aspects of policing as opposed to the service aspects, particularly in terms of ways to address problems specific to the community they serve. There needs to be more communication among officers to ensure consistency in policing. Mistakes ought to be caught early in order to prevent later constitutional mistakes from occurring.

Hambleton – There is training done on constitutional law issues. The budget for training has been \$85,000 but BPD has been spending closer to \$150,000. BPD has been doing more “roll call” training because there is simply not enough money in the budget for full-day trainings such as was done on gay/lesbian/transsexual/bisexual sensitivity/cultural diversity. Currently, the BPD is working with the PRC in training on disability issues. Because of the staff turnover, training is becoming increasingly important. The new direction of the BPD will largely depend on the direction that will come from the new Police Chief and City Manager.

Hogan – It is the responsibility of citizens to be both supportive and critical of police officers in their community.

Shelton – Police accountability can be possible through active involvement of the community, but this may be an ideal today. The other possibility would be to put constraints on unions in terms of making sure that those officers who are involved in wrongdoing are constrained. When an officer uses violence or does racial/gender/religion profiling, it should be considered a hate crime. When the perpetrator of the hate crime is the police itself, people are thwarted from seeking justice. If one officer who commits a hate crime is held in check, then vast changes can be made. She believes that if some people have problems, it should be considered the community’s problem. Professional mandatory updated training is necessary. Real accountability doesn’t come just from Internal Affairs or Civilian Oversight Commissions.

9. COMMUNICATIONS

10. ADIJOURNMENT

Meeting was adjourned at approximately 10:10 p.m.