



Police Review Commission

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

**South Berkeley Senior Center
2003
2939 Ellis Street
Berkeley, California**

Date: Wednesday, January 8,

Time: 7:30 p.m.

1. ROLL CALL: 7:40 PM

Commissioners Present: Clark, Ritchie, Sherman, Sternberg, White

Commissioners Absent: DeBose, Sanchez-Resnik, Yang, (All Excused)
Mayor Bates' Position is Vacant

PRC Staff: Barbara Attard

BPD Staff: Sgt. Morizono, Captain Miller

2. PUBLIC COMMENT

See Below—Councilmember Spring and Elliott Cohen spoke regarding two agenda items.

3. MINUTES OF THE DECEMBER 11, 2002 SPECIAL MEETING

Sherman/White (Moved/Seconded) to approve the meeting minutes. Passed unanimously with Clark abstaining.

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

a) New Filings—Two Since last meeting

b) Boards of Inquiry

Upcoming Boards for 1/15, 1/27, and 1/30 were discussed.

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c) Late Filing Request from Wally Ghnaim, PRC Case #1945

Sherman/Sternberg White (Moved/Seconded) to continue to meeting of 1/22/03. Passed with Clark voting no. Attorney Garcia will submit supporting information to the PRC by 1/15/03 for inclusion in packet for next meeting.

d) Stipend Requests due for 4th Quarter 2002—Request forms disseminated.

5. BPD CHIEF'S REPORT

Captain Miller discussed recent serious cases that have involved BPD.

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

7. OLD BUSINESS (For Discussion or Action)

a) Council Item—ADA Training for BPD—Pulled from Council Agenda (Item Handled out of Sequence)

Councilwoman Spring stated that she pulled the item because of concerns raised by Michael Minasian regarding BPD Training and Information Bulletin #278 “Service Animals—Permissible Inquiries.” The PRC requested that the Training Bulletin be included in the packet for possible action by the Commission at the next PRC meeting.

b) Police in Schools—Follow-up

This item is to be rescheduled for February 26. Chair Ritchie and Commissioner Sternberg will compose a letter to forward to BUSD and BPD regarding information being requested for the meeting.

c) Community Policing—Follow-up

Chair Ritchie stated that he will prepare an item to present to the Council regarding Community Policing. He invited input from other commissioners.

d) Caloca Update

Barbara Attard reported that there have been eight requests for *Caloca* appeals to date. The sustained allegation in PRC Case 1900 against Officer Singh was overturned in the *Caloca* hearing. Commissioners brought up the following questions/issues regarding the *Caloca* process:

- Commissioners who heard the cases want to be informed of the hearing and offered the opportunity to present at the hearing.
- All PRC commissioners should be able to be present for the hearing.
- The complainant should be informed of the hearing and be allowed to attend.

White/Sherman (Moved/Seconded) to ask the *Caloca* appeal board to: Allow all PRC commissioners to be present for *Caloca* hearings; to allow the commissioners who heard the case to argue the case at the hearing; and to allow PRC complainants to be notified of the hearing and be allowed to attend. If these requests are denied, to request a City Attorney opinion citing the legal barriers to the request. Passed unanimously.

The Commission requested that the City Attorney attend the February 26 PRC Meeting for a closed session on the BPA Lawsuit regarding *Caloca*.

8. NEW BUSINESS (For Discussion or Action)

a) Memo From Weldon Rucker RE: BPD Cooperation With PRC

The Memo was cited and the hearing that prompted the memo was rescheduled.

b) New Council Rules and Procedures

Councilmember Spring discussed concerns that she has regarding the new Council Procedures, particularly the "Rules Committee." She feels that it will prevent items from being presented to the full council. She cited items that she has brought to the Council on behalf of commissions and feels that the new procedures can interfere with this process.

Elliott Cohen stated that he feels that the new Rules Committee is a form of censure. Items that are denied by the Rules Committee must have 5 votes to get back on the Council Agenda.

Sternberg/Sherman (Moved/Seconded) that the PRC urges the City Council to rescind the Rules Committee as passed on December 10, 2002 and return to the fairer and more democratic manner of setting agendas that was used in the past. Passed unanimously.

c) Development of PRC Workplan – to be scheduled

Scheduled for next PRC meeting.

9. COMMUNICATIONS

The following items were in the packet:

- a) ACLU call for Ban on SFPD "Consent" Searches
- b) Annual Minority and Gender Representation Report for City (Pertinent Part)
- c) City Clerk Commissioner End of Year Terms and Vacancy Info Memo
- d) Email from School Board Member Terry Doran RE: Attendance at 11/13/02 Meeting
- e) Email from Karl Reeh, President of Berkeley Safe Neighborhoods Committee
RE: PRC Citizen Involvement
- f) Email Apology from Lt. Stone about Leaving Board of Inquiry
- g) BPD Commendations

Commissioner Clark mentioned a demonstration regarding the Patriot Act at INS in San Francisco.

10. ADIJOURNMENT

Sternberg/Clark (Moved/Seconded) to adjourn meeting at approximately 9:15 PM. Passed unanimously.