



Police Review Commission

## POLICE REVIEW COMMISSION SPECIAL MEETING

### ACTION MINUTES

**West Berkeley Senior Center  
1900-6<sup>th</sup> Street  
Berkeley, California**

**Date: Wed., February 11, 2004  
Time: 7:15 p.m.**

1. **ROLL CALL:** 7:15 PM
- Commissioners Present: Sanchez-Resnik (until 8:30 pm.), Sheen, Sherman, Sternberg (7:45), Radisch, White
- Commissioners Absent: Chung, DeBose Ritchie,
- PRC Staff: Barbara Attard
- BPD Staff: Sgt. Delaney, Capt. Fleming, Lt. Ahearn, Officer Schofield

2. **PUBLIC COMMENT**—
- **7:00-8:00 PM BPD Proposed Canine Program**

**Capt. Fleming** presented the proposed canine program—some highlights of her presentation were:

- The proposal is to acquire and train 2 “find and bark” dogs and 2 current officers will be their handlers. They propose German shepherd dogs that would be kept with the officers’ families, which helps to “socialize” them. Dogs are now bred for intelligence and temperament and will receive 160 hours of training.
- Cost estimates for the program are \$30,000 for startup and \$12-16,000 per year for on-going costs. The funding for the program will be from “asset-forfeiture” funds.
- The dogs would be used to track armed suspects in searches in confined areas and missing persons. Suspects sometimes “give up” when they hear that dogs are going to be used to pursue them.
- Use of canines would be prohibited in crowd control situations and would not be used in dealing with

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homeless persons.

- In the past year canines from other jurisdictions were used 20-30 times. When using dogs from other jurisdictions they follow regulations from their jurisdictions and the City of Berkeley has no control over them.

**Sam Herbert** stated that her neighborhood is in favor of the dog program. They feel that it is a cost effective way of handling certain types of police calls.

**Jim Smith**, officer of several neighborhood groups, stated that BPD is the finest in the nation and deserves support. Most police departments have dogs—they're needed for rescue work.

**Michael Adcock** has done some research about dogs and has found that they can be a liability. He would like some feedback from professionals who work with these types of dogs. He is concerned about dogs going into schools. He asked what types of dogs would be used. Capt. Fleming answered that they are proposing to obtain German shepherds.

**Maris Arnold** feels that it is unacceptable to use dogs in Berkeley and to use dogs to search for people. Best way to enhance police safety is to train officers to be focused, calm and alert.

**Michael Diehl** states that homeless people do not come to these meetings but are concerned about dogs. Will the dogs be used for marijuana? Captain Fleming answered that the dogs will be used to search for armed suspects.

**Andrea Prichett** cannot figure out how one dog would be able to do all of the things that the program plans for the dogs. She is concerned that the dogs would be used in circumstances in which people would be bitten. She is a member of a church that provides support for homeless people. She is concerned that Section 8.d. of the K-9 proposal authorizes deployment of dogs in searching warehouses. Warehouse alarms could be set off by homeless people. This section does not specify that dogs would only be used to search for armed suspects.

**Heather Macleod**, UCB graduate student, feels that chasing people with dogs is demeaning. They are associated with ugly history. She asked what they have been used for in the past. Lt. Ahearn answered that they have been used to search for people who are armed and dangerous. They would not be used against someone who was running away from the police—unless they were armed with a dangerous weapon and were running into a neighborhood where they were endangering citizens.

**Vincente Cruz** is concerned about that his children could get bitten. His uncle had a dog that was fine for many years and then it snapped and bit a kid and broke his leg. He is also concerned that they could be used against demonstrators. If the 2 dogs work out will BPD considers more? BPD responded possibly.

**Willie Phillips** says that dogs remind him of inappropriate use of dogs in the past in Birmingham. He cannot support dogs in the Berkeley community without officers receiving sensitivity training. Dogs are not the problem, the problem is how they have been used.

**Jill Poesner**, a Humane Commissioner, invited people to the next Humane Commission meeting as the K-9 proposal will be on the agenda. When she walks her dog many children run from them from an innate fear. She asks, “How will dogs react to homeless people’s dogs?” The same dogs are not trained to search for people as to sniff out drugs. BPD has done well without dogs. Since the Berkeley Fire Department has a dog, it should be used to search for people.

**Beverly Dove** says that some people have a knee jerk reaction to dogs. Wants to talk about the paradigm of needing more tools to be safe. People will be safe if they are taught respect and love.

**Commissioner Radisch** stated that the PRC has now had 3 meetings with about 50 speakers. The BPD sent the PRC letters with names redacted. He asked why the PRC should give unnamed letters any weight. Capt. Fleming said that she removed the names and email addresses because she did not have the author’s permission to give them out. No one asked that they be redacted.

**Juanita DuVal**—Will there be a K-9 squad? Capt. Fleming answered that there will be only 2 dogs and 2 officers; one dog and one officer makes a team.

**Artensia Berry**, a Mental Health Commissioner, is concerned that mentally ill people may keep running away if they see dogs. BPD responded that they do not intend to use dogs in situations in which people are fleeing.

**Commissiner Sherman** asked what would happen to the dog if the officer is out of service. BPD responded that they act as a team so the dog would be out of service.

**Sanchez-Resnik** asked about the application and interview process for K-9 officers. BPD responded that they haven’t figured out all of the traits that they seek in a handler. If the PRC is interested in being involved a request should be made to the Chief.

**Swaneagle Harijan** asked, “What’s the purpose of titanium teeth in police dogs and how are they installed.” Lt. Ahearn responded that they do not intend to use titanium teeth.

**Chair White** stated that so far BPD has presented a draft proposal, is this what will be sent to Council? BPD responded that the same draft was sent to Council. How often does BPD engage in they types of searches that dogs would be used in? What will the dog be doing the rest of the time? BPD responded that the dogs will only be used in appropriate situations. The handlers will be free to handle other calls when they do not have canine appropriate calls.

*BREAK—8:25-8:40*

- **General Public Comment**

**Vincente Cruz** agrees with Captain Fleming’s decision to redact the letters.

**Andrea Prichett** expressed appreciation to Lt. Ahearn for being helpful in answering questions about use of force reporting requirements.

3. MINUTES OF THE JANUARY 28, 2004 REGULAR MEETING

**Radisch/Sheen (Moved/Seconded) to approve minutes. Passed unanimously.**

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

- a) New Filings—1 since last meeting
- b) Boards of Inquiry—Upcoming boards were discussed

5. BPD CHIEF'S REPORT—None.

6. COMMITTEE REPORTS (For Discussion or Action)

*Caloca* ad hoc Committee—No report.

7. OLD BUSINESS (For Discussion or Action)

- a) *Caloca* Update—Upcoming hearings—Not discussed.
- b) Council Items Update:
  - S1277—Item passed 2/10 on the consent calendar.
  - Helicopters—No action taken—A press release will be put out stating that BPD is following the Council resolution, but there are more helicopters in the air because other jurisdictions monitor BPD radio traffic and offer their assistance.
- c) Officer Involved Shooting of Glennel Givens—Update

Commissioner Radisch reported that the subcommittee has met and has requested some items from BPD. They are requesting a meeting with the City Manager regarding the release of items to the PRC.

Comm. Sternberg feels that the PRC should maintain its position as an independent investigative body.

Comm Radisch states that section D of the PRC Regulations states that the commission may, at any time initiate an investigation into a death case.

8. NEW BUSINESS (For Discussion or Action)

a) Report from Commission on Labor RE: Police Action During Labor Disputes

Howie Miller from the Commission on Labor introduced himself and asked that the PRC consider whether they want to add something the “labor bill of rights.” He will forward the labor bill of rights to the PRC for review.

b) BPD Proposed Canine Program—PRC Recommendations

Chair White asked for a delay in making a decision because there was not a full commission present. He also stated that he would like to see a more specific proposal that includes itemized costs and the type of dogs to be used. There should be review guidelines and/or some specific language regarding discontinuing the program if there are problems.

Commissioner Sherman asked that the commission ask for quarterly reports or annual reporting requirements of all the uses of the dogs.

c) PRC Office Relocation

Barbara Attard stated that the PRC office would be relocating to 1947 Center Street on 2/20.

d) PRC Budget

Barbara Attard stated that the PRC budget is being recommended for cuts of about \$13,000 for the next fiscal year and for about \$58,000 in the following year.

e) Boalt Hall Law Student Representatives for Complainants

Barbara Attard informed the PRC that a “clinic” of Boalt Hall law students is being formed to represent complainants in PRC cases. Commissioner Sternberg asked if complainants are routinely put in touch with representatives. Attard answered that complainants are asked if they would like representation.

9. COMMUNICATIONS

Commissioner Sherman mentioned an article that he would like placed into the packet for the next PRC meeting.

10. ADJOURNMENT

**Sherman/Sheen (Moved/Seconded) to adjourn at approximately 9:15 P.M. Passed unanimously.**