



Police Review Commission

## POLICE REVIEW COMMISSION REGULAR MEETING

### ACTION MINUTES

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

**Date: Wed., March 24, 2004  
Time: 7:40 p.m.**

#### ROLL CALL

Commissioners Present: Chung, DeBose, Radisch, Ritchie, Sanchez-Resnik, Sheen, Sherman, Sternberg, White

Commissioners Absent: None

PRC Staff: Barbara Attard

BPD Staff: Sgt. Delaney, Lt. Ahearn

#### 2. PUBLIC COMMENT

**Merri Mitchell** can relate to both sides in this issue and offered a compromise—to do a survey of different kinds of canine programs—to include privately owned dogs that can be tested in the Berkeley environment.

**Sean Dugar**, Chair of the Youth Commission, informed the PRC that the Youth Commission voted against police dogs. Although the dogs are not supposed to bite or be used for crowd control, there have been such problems, and youth feel at risk.

**Carol Denney** spoke against the canine proposal and is shocked that some Commissioners are in favor of them.

**Owen Sizemore** spoke against the police dogs because they can be used inappropriately.

**Jessica Montiel** is with Copwatch and is concerned because most people have spoken out against the dogs, but about half the commissioners seem to be in favor.

**Swaneagle Harijan** feels that the money should not be spent on dogs at this time. She will go on a water-only fast if the Commission votes in favor of the canine proposal.

**Jacob Crawford** feels that once the canine proposal is passed they can inappropriately expand the program.

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**Vicente Cruz** has been at every meeting. The day of the first PRC meeting regarding police dogs a police dog in Oakland lunged at him. He spoke against the dogs because they can be misused.

**Beverly Dove** is concerned because: 1) that dogs respond to fear, 2) suspects may not actually be criminals and can be shredded by dogs, and 3) cell phones can be mistaken for weapons.

**Osha Neumann** feels that it is inappropriate to spend this money on dogs with the budget issues at hand. The money can be used for homeless people. The police always say they are asking for a program for officer safety, but they haven't made the case. He referred to the warning that is given to suspects—dog will be released and will find and may bite you. He also is concerned that once they establish a canine program, the dogs will be used for other things.

**Karla James** feels that having dogs available 24/7 means that they will be out at all times and may be used to harass young people of color.

**Andrea Pritchett** is not against search and rescue dogs—Berkeley has one. Dogs can be used against resistant suspects. Dogs send a message, and they will be taking them into the schools. There is tension in the community already and she feels that dogs will exacerbate that tension.

**Aaron Aarons** has nothing against dogs but is against them being a tool of the police.

**Michael Adcock** is concerned that there is a misconception that the dogs would be used for search and rescue.

**Lenore Davis** gave time to **Gene Benardi** who is concerned that there are mixed messages given about what the canine program will be.

**Dean Tucker** knows that this is a close vote and wanted to state that dogs are scary and urged the PRC not to vote for them.

**Cynthia Johnson** loves dogs but feels that this use is inappropriate and is not what we need in this community.

**Maris Arnold** stated that if the dogs were used for search we could use golden retrievers, but since BPD wants German shepherds it is clear that they want the dogs for other police purposes. She feels that police must be “fine tuned.” Establishing the canine program would be a step backwards.

**Denisha Delane** is a NAACP Youth Council Advisor and is concerned that the dogs would be used against young people. The police do not have a relationship with the community at this time and the police and Mayor have not met with young people about this topic. She feels that the dogs would be used against young people. She asks the PRC to postpone the vote and establish a dialog with the community.

**Jim Chanin** was speaking for the ACLU, which unanimously voted against the canine proposal. German shepherds are not the best search dogs. To think that Berkeley can do it better is not realistic. At an estimated 20-30 uses per year they should remain a mutual aid program. He feels that at a time when the PRC staff is being cut, this program should not be considered.

**Dianne Sequioa**, speaking as a private citizen, feels that this is divisive at a time when we need to stick together. Dogs must be trained. She suggests a one-year trial with a contractor/trainer and another type of dog should be considered as a test.

**Hal Carlsdad** suggests that they should get a basset hound and put a video camera on it and have it say, “Woof, you’re on candid camera.” He feels that the canine program as proposed is degrading to the dog.

3. MINUTES OF THE FEBRUARY 25, 2004 SPECIAL MEETING

**White/Ritchie (Moved/Seconded) to approve minutes. Passed unanimously with DeBose abstaining.**

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

a) New Filings—3 new cases 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-The committee announced that they will be meeting with the City Manager and City Attorney about this on 5/31.

7. OLD BUSINESS (For Discussion or Action)

a) Caloca Update—Upcoming hearings were discussed.

b) BPD Canine Program Proposal (Moved to top of the Agenda).  
(Item taken after public comment)

**DeBose/Sternberg (Moved/Seconded) to re commend that Council reject the BPD canine proposal submitted by the Chief of Police. Ayes: DeBose, Ritchie, Sheen, Sherman, Sternberg, White. Nays: Chung, Radisch, Sanchez-Resnik. Motion passed.**

**Commissioner discussion:**

**Radisch** stated that he is in favor of the canine proposal and feels that it is akin to the pepper spray issue and the position that the City took in 1982 to allow limited use of dogs and helicopters. This is Berkeley in 2004 and he feels that dogs are a needed tool for officers. Mayor Bates has stated that if there are problems, the program will be terminated. Berkeley is in a time warp here—officers should be able to use the tools available to them.

**DeBose** –Berkeley is different than other places and has always put people first. Dogs are not the kind of tools that Berkeley officers need. She does not trust Mayor Bates on this issue. African Americans have been hunted by dogs in the past. She feels that if Berkeley was on the cutting edge it would not be considering dogs at this time. When the City is considering layoffs, investing funds in dogs is inappropriate. She feels that the estimate for the canine program is low. The asset forfeiture funds can be used for other front line programs like basketball for youth. She urged Commissioners to vote with their hearts and to consider how African Americans would feel when seeing officers with German shepherds.

**White** noted that the pepper spray program has a reporting requirement, but the PRC has not seen a pepper spray report for a long time. He is concerned that if the canine program was passed with reporting requirements, they may be forgotten in time.

**Sheen** supported Commissioner DeBose's comments. He questions Mayor Bates' assurance that the proposal would be discontinued by his action if there was a problem because it would take an action of the full Council to end a program. He suggested that Commissioners who are unsure about the vote should abstain.

**Sherman** is concerned about the safety of police officers in doing their jobs, as well as the rights and concerns of citizens. Commissioners must balance the two in this vote. He was prepared to vote for the program, but feels that the program would not be successful without community support. He reiterated a news story of a recent incident at the SF Airport in which a dog attacked a woman. He will vote against the proposal.

**Chung** stated that the Daily Planet article on this issue implied that she had been pressured by the

Mayor regarding her vote on the canine proposal. She has evaluated this issue from her experience having worked as an intern in the PRC office and as a Commissioner. She is concerned about negative comments made about BPD, as she feels that BPD is one of the best police departments in the country. Her decision will be made based on her evaluation of the issues.

**Sanchez-Resnik** was mentioned in the Daily Planet article –feels that there are compelling arguments on both sides. She has no political agenda–she feels that the dogs can be an important tool for the police.

**Ritchie** was quoted as leaning toward supporting the proposal in the Daily Planet article. He stated that he is not in favor of the program as it has been proposed.

8. NEW BUSINESS (For Discussion or Action)

a) PRC Quarterly Statistics for 2003

Barbara Attard reviewed the Quarterly Statistical Report.

Commissioner Chung asked how people felt about mediation.

The Commission asked for quarterly crime reports and pepper spray reports.

b) Tyrone Jones Timely File—

Issues Regarding Officers Attendance at Board of Inquiry—Item removed from agenda.

c) Angel's Initiative—No action taken on this item.

9. COMMUNICATIONS

Barbara Attard informed the PRC that the first quarter stipend requests are due.

10. ADIJOURNMENT

**DeBose/Radisch(Moved/Seconded) to adjourn at approximately 9:25 P.M. Passed unanimously.**