



Police Review Commission

**POLICE REVIEW COMMISSION REGULAR MEETING
ACTION MINUTES**

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

**Date: Wed., February 9, 2005
Time: 7:30 p.m.**

1. ROLL CALL 7:35 P.M.
Chairperson: Commissioner Sheen
Commissioners Present: Chung, Kidd, Radisch, Ritchie, Sherman,
Smith, Wafer, and White
Commissioners Absent: None
PRC Staff: Dan Silva
BPD Staff: Lieutenant Yuen and Sergeant Delaney

2. PUBLIC COMMENT

None

3. MINUTES OF THE JANUARY 26, 2005 MEETING

Commissioner Ritchie Moved / Wafer Seconded, to approve Minutes. Passed unanimously.

Commissioner Smith noted that in the Minutes of 1/26/05 under Item 4. PRC OFFICER'S REPORT it reads: COMMISSIONERS White / Radisch (Moved/Seconded) to approve the Late File Passed/ with no Commissioners abstaining.

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Commissioner Smith wanted the minutes changed to reflect that she voted NO on this Item. Mr. Silva indicated that the change would be made.

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

- a) New Filings -- Mr. Silva reported 3 new cases have been filed since the last meeting; PRC Case #2056, #2057 and #2058
- b) Boards of Inquiry – Mr. Silva passed around the Master List for the upcoming Boards and the Commissioners signed up for the following Boards of Inquiry: Tuesday February 22, 2005, Case 2039 Norma Harrison / Monday February 28, 2005, Case 2038 Anoronya Kar/ Thursday March 3, 2005, Case 2038 Anoronya Kar/ Tuesday March 1, 2005, Case 2042 Jerry Chin/ Tuesday March 8, 2005, Case 2044 & 2045 Consolidated Barbara Tengeri / Thursday March 10, 2005, Case 2033 Henry Savage / Thursday March 17, 2005, Case 2046 Brian Knight
- c) Recommendation For Summary Dismissal, PRC Case No. 2047 filed by Max Hanavan: Commissioner Sherman Moved /Chung Seconded to approve the Summary Dismissal recommendation. Passed unanimously with No Commissioner abstaining.

5. BPD CHIEF'S REPORT

Lieutenant Yuen reported that the test for the new Chief of Police would take place on Thursday February 10, 2005.

Lieutenant Yuen reported that Chief Meisner sends his thanks for the Commissioners work on the Homeless Policy issues.

6. COMMITTEE REPORTS (For Discussion or Action)

Caloca ad hoc Committee

7. OLD BUSINESS (For Discussion or Action)

- a) *Caloca* Update—Upcoming hearings

Mr. Silva reported that he is awaiting the City's final agreement with the Administrative Hearing Office in Oakland regarding the future of the *Caloca* process and will report when they have reached agreement.

- b) Tyrone Hughes Death in Custody Case—Review of Report and Update at the February 23rd meeting.

Mr. Silva reported that he has reserved the Multipurpose Room at the West Berkeley Senior Center at 7:00 pm on February 23rd, because of the number of people expected on this item. Mr. Silva reminded the Commissioners to be prepared to vote on whether the case warrants a PRC Board of Inquiry or other

PRC action.

- c) Redaction of Records – Review of Draft General Order – Completion of Policy Case #2005 filed by Theodore Bolton.

The Commissioners engaged in a lengthily discussion regarding the merits of the Draft General Order and its recommendations.

Commissioner Ritchie noted that it is not that the categories are unreasonable but the draft does not address who has the discretion in making these decisions. It fails to establish who is responsible if there is a finding of an abuse of discretion; what is the process for reviewing a refusal to release information; and how are redactions contested.

Commissioner Radisch noted that this is not just a problem that the PRC faces but that it is a regional problem facing civilian review agencies, including the OCC in San Francisco. He noted a classic example of misapplied redactions at every stage was the “Glennel Givens” case. Some of the redactions were simply silly.

The Commissioners by consensus:

- 1.) Did not approve the Draft General Order as submitted.
- 2.) Instructed staff to work with the department in formalizing an allegation that can be charged against a sworn BPD member who supervises a non-sworn employee, which employee abuses their discretion regarding redactions in a police report released to the public.

Commissioners White Moved / Ritchie Seconded to have Mr. Silva open discussions with the City Manager, seeking that the City Manager order the department to release unredacted police reports to the PRC as well as redacted reports and that the unredacted reports indicate on their face: NOT TO BE RELEASED TO THE PUBLIC. Passed unanimously with No Commissioner abstaining.

Commissioners Sherman Moved / Smith Seconded to table recommendation number (1) of the draft report regarding the City Manager opening discussions with the union regarding the PRC’s authority to interview its members. Passed unanimously with No Commissioner abstaining.

8. NEW BUSINESS (For Discussion or Action)

None

9. COMMUNICATIONS

No comments

10. ADJOURNMENT

Commissioner Ritchie Moved/ White Seconded to adjourn at approximately 9:30 P.M. Passed unanimously.