



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING ACTION MINUTES

West Berkeley Senior Center
1900 - Sixth Street (at Hearst)
Berkeley, California

Date: Wed., February 23, 2005
Time: 7:30 p.m.

1. ROLL CALL 7:35 P.M.
Chairperson: Commissioner Sheen
Commissioners Present: Chung, Kidd, Radisch, Ritchie, Sheen, Smith and White
Commissioner Sherman arrived after roll call.
Commissioners Absent: Wafer
PRC Staff: Dan Silva
BPD Staff: Lieutenant D. Williams and Sergeant A. Murray

2. PUBLIC COMMENT

None

3. MINUTES OF THE FEBRUARY 9, 2005 MEETING

Commissioner Ritchie **Moved** / White **Seconded**, to approve the Minutes of February 9, 2005.
Passed unanimously. Commissioner Sherman arrived after vote was taken

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

- a) New Filings -- Mr. Silva reported one (1) new case has been filed since the last meeting PRC Case #2059. Mr. Silva reported that there has been an increase in complaints received; during the month of January 2005 ten (10) complaints were received versus January 2004 when five (5) complaints were received. This may be an indication that complaints are on the rise as the winter months are historically the slower months for received complaints.
- b) Boards of Inquiry – Mr. Silva reported that the Board of Inquiry set for Tuesday, March 1, 2005 has been postponed and will be rescheduled.
- c) Budget Update- Mr. Silva reported that the City Manager's Office Departmental Budget Meeting scheduled for Wednesday, February 23, 2005 had been canceled by the City Manager. Mr. Silva reported on the figures he was provided by Lisa K. Malek-Zadeh, Associate Management Analyst.

Commissioner White requested the figures on spending, year to date, by the PRC. Mr. Silva stated that he would have staff provide those numbers to Commissioner White.

5. BPD CHIEF'S REPORT

By Department Representative- Lieutenant Williams reported that on Friday, February 18, 2005, the BPD played the BFD in the second annual charity basketball game. BPD won the game 54 to 37 and the event raised \$2500.00 for the Berkeley Boosters Outreach Program.

Lieutenant Williams reported that Chief Meisner has requested that the PRC form a sub-committee to work with Captain Milled and Lieutenant Lee in reviewing the Berkeley Police Department's Mutual Agreements, Understandings and Policies, 2005 publication. When the review is complete the item will be forwarded to the City Council.

Commissioner Radisch stated that the PRC should act on the Chief's request and form a sub-committee.

Commissioner White **Moved** / Radisch **Seconded** to form a sub-committee to review the Berkeley Police Department's Mutual Agreements, Understandings and Policies 2005 publication. **Passed unanimously.**

6. COMMITTEE REPORTS (For Discussion or Action)

Commissioner Ritchie - Update on the BPD hiring process for the new Chief of Police
Commissioner Ritchie reported that he participated on one of the panels that interviewed prospective candidates. The panel interviewed three (3) excellent candidates from within the department (Captain Miller, Captain Hambleton and Captain Fleming) and an excellent candidate from the San Antonio Police Department. Commissioner Ritchie does not believe that the City Manager had made a decision as of yet.

Commissioner Ritchie reported that the questioning of the candidates was comprehensive and allowed each candidate to fully express his/her ideas.

Commissioner Update on the meeting with the City Manager regarding PRC staffing level

Commissioner Chung reported that she joined Commissioners White and Ritchie at their second meeting with the City Manager. The message to the City Manager was the same as delivered at their first meeting: the PRC can not reduce their staff level to less than four (4) full time staff. The City Manager told them that there was not a lot to report from his end other than that he was going to bring the budget before the City Council on March 15, 2005.

Commissioner Ritchie reported that the Commissioners really need to convey to their appointing Council members the need to maintain four staff members. The office needs a minimum of four full time staff to function professionally. For the last seven years the office has been functioning fairly well with the minimum staff of four people. If you go below four staff persons, the capacity to actually do all the work at a professional level will collapse. This is what they attempted to get the City Manager to understand, and hopefully they succeeded.

Commissioner White explained that part of their conversation focused on the clerical staff. Even if PRC staff was not reduced, other clericals employed with the City may have bumping rights as part of the union agreement with the City. Commissioner White stated that this is a big concern for the Commission because of the learning curve that is associated with the work of the PRC.

Commissioner Chung agreed with the need for the Commissioners to contact their Council members. She stated that she is concerned with the Commission's ability to advance their own policy issues, such as "High Speed Pursuits" and the use of "Tasers." Commissioner Chung pointed out that there is nothing that the Commission can do regarding the number of complaints filed by the citizens of Berkeley except demand that they have the staff on board to address them.

Commissioner Smith advised the Commissioners that there are 44 Commissions and 400 Commissioners in Berkeley and every single Commissioner has been told that it is time to contact your Council member to save their Commission. Commissioner Smith stated that there is one person handling all the Arts Commission and civic arts functions for the entire city with no help. The position has been cut to a half-time position and the other half of her salary is not going to any other city agency. There is no way anybody could stay on staff for that salary. This may result in the complete demise of Civic Arts in the City of Berkeley if the cut actually goes through. Each Commissioner must go see the Council member who appointed them because all the other Commissioners are doing the same thing.

Commissioner Ritchie stated that the PRC is the only Commission in Berkeley that was created by the voters of Berkeley. The Council cannot vote to get rid of the PRC. The PRC has had a part in maintaining the high quality that police department has had for a long time. These are the things that need to be stressed to the Council members.

7. OLD BUSINESS (For Discussion or Action)

- a) *Caloca* Update

Mr. Silva reported that he has not met with Lisa Caronna because she has been off for a week. He will meet with her upon her return and will report back on the progress of the Caloca process.

b) Tyrone Hughes - Death in Custody Case: Action Vote By Commissioners

The Commission had a lengthy discussion on whether the Tyrone Hughes - Death in Custody Case merits a PRC Board of Inquiry.

Before they voted, the Commission asked Mr. Tyrone Hughes Jr. if he wished to address them.

Mr. Hughes, Jr. said that he was there to see what the Commission was going to do about the death of his father, because something had to be done. His main issue was that they did not give any assistance or help to his father. Officer Hamilton left his father in a room where he was convulsing and went to ask other officers what a drug addict looked like and what do they do when they are dealing with one. Mr. Hughes, Jr. stated that when someone is bleeding or convulsing a call should be made to 911 or the medics.

Commissioner Ritchie **Moved** / Kidd **Seconded** to send the Tyrone Hughes - Death in Custody Case to a PRC Board of Inquiry. Passed with a 6 to 2 vote.

For: Commissioners Sheen, Chung, Kidd, Ritchie, Sherman and White

Against: Radisch and Smith

8. NEW BUSINESS (For Discussion or Action)

Election of PRC Officers: Chairperson and Vice Chairperson

Current Nominations: Commissioner Michael Sheen for Chairperson

Commissioner Annie Chung for Vice Chairperson

Commissioner Radisch **Moved** / Sherman **Seconded**, to nominate Commissioner Sheen for Chairperson of the PRC. Passed unanimously.

Commissioner Ritchie **Moved** / Radisch **Seconded**, to nominate Commissioner Chung for Vice Chairperson of the PRC. Passed unanimously.

9. COMMUNICATIONS

None

10. ADJOURNMENT

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