



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING

ACTION MINUTES

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

**Date: Wed., April 27, 2005
Time: 7:30 p.m.**

1. ROLL CALL 7:35 P.M.
Chairperson: Commissioner Sheen
Commissioners Present: White, Wafer, Kidd, Ritchie, Sherman, Smith and Sheen
Commissioners Absent: Chung and Radisch
PRC Staff: Dan Silva
BPD Staff: Lieutenant McBride

2. PUBLIC COMMENT:

Barbara Lubin: Director of the Middle East Children's Alliance, complimented the Berkeley Police Department's handling of the "Bombed out Israeli bus," and rally which was held at Martin Luther King Jr. Park, January 16, 2005. She mentioned that BPD met twice with the organization at the Middle East Children's Alliance to express concerns in preparation before the rally.

Barbara Hennington also attended the "Bombed out Israeli bus," and rally. She referred to a website news article describing the rally as an "antiterrorism rally." In summation she said everyone got to express his or her beliefs and she felt that BPD did an excellent job.

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Osha Neumann stated that he was also at the rally and seconded the comments made regarding the BPD's handling of the rally and that BPD did an excellent job.

Mr. Neumann asked the Commissioners questions regarding BPD Homeland Security concerning mutual aid between the City of Berkeley and their agencies; what kind of oversight the PRC will have over the BPD and their Task Force; and their involvement if there is one, in regards to Homeland Security.

Mr. Neumann commented regarding the Recommendation for Summary Dismissal of Case #2040, Dawn Thalacher.

Attorney Jim Chanin made reference to a letter sent to each Commissioner along with the attached "Portland Article." Jim Chanin commented on the Mutual Aid Ordinance & the PRC's review of this Ordinance; meeting with the BPD; and getting their recommendations to the City Council.

Mr. Chanin stated that he was also speaking for the Local Chapter of the ACLU.

Commissioner Sherman read a section of an article concerning a demonstration that took place at the U.C. Santa Cruz campus, around April 24th, 2005 that allegedly involved the BPD and their paddy wagon being brought to the Santa Cruz campus to deal with the demonstrators.

3. MINUTES OF THE MARCH 23, 2005 MEETING

Commissioners Sherman **Moved** / Kidd **Seconded**, to approve the Minutes of the March 23, 2005 meeting. Passed with White and Sheen abstaining.

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

a) New Filings - Three (3) complaints have been filed since the last meeting: Case #2067 (Elliot Cohen); #2068 (Ahmad Elbakhit) and #2069 (Haro Halton)

b) Boards of Inquiry – Sign up sheet and upcoming Boards were discussed.

c) Recommendation for Summary Dismissal/Administrative Closure (PRC Case #2040 Dawn Thalacher)

Commissioners Ritchie **Moved** / Wafer **Seconded**, to Summarily Dismiss and Administratively Close (PRC Case #2040 Dawn Thalacher) Motion **Passed unanimously**.

5. BPD CHIEF'S REPORT

Lt. McBride discussed the approved purchase of soft body armor for the department.

Lt. McBride stated that BPD will be reduced by seven (7) officers due to budget restraints and also that four (4) vacant Public Safety Dispatchers – will soon be filled.

Commissioner Sherman asked Lt. McBride if he had any knowledge of the U.C. Santa Cruz demonstration. Lt. McBride stated at that time he was Acting Patrol Captain and that he was not aware of any such action.

6. COMMITTEE REPORTS (For Discussion or Action)

Dan Silva asked for confirmation of attendance from the Sub-Committee attending the meeting Thursday, May 5, 2005, with Lt. Lee at the Berkeley Police Department.

7. OLD BUSINESS (For Discussion or Action)

- a) Caloca Update - Attorney Sarah Reynoso discussed procedures and answered questions from Commissioner Ritchie regarding the agreement and appeal procedures between the Director of the Office of Administrative Hearings and the City of Berkeley. She also said that there is an agreement that the first ten (10) or so hearings would be evaluated to see whether the process was cost efficient to both sides.
- b) Commissioner Sherman commented regarding the PRC's purpose, commitment and preparation in reviewing each case. He stated prior disappointment with the CALOCA process and the way the process was being handled by City Hall.

Commissioner White commented concerning the backlog of cases.

Ms. Reynoso stated that there were only four (4) cases at the beginning; one of the officers had retired and another officer is deceased, so there were only (2) upcoming cases. Dan Silva stated that there is one additional officer's appeal that PRC has received.

Ms. Reynoso stated that the Office of Administrative Hearings (OAH) make their decisions within a thirty (30) day period.

Commissioner Sheen asked if there was a timeline for completing the cases that would be evaluated.

Ms. Reynoso stated that an evaluation would be conducted when either ten (10) cases were completed or before the City contract limit of \$25,000 was reached. She discussed the cases that were put on hold, and also that two or three cases would be heard by the hearing officer in one scheduled day.

Commissioner Sheen stated that the PRC Commissioners would like to be informed either upon reaching the \$25,000 amount of the contract or upon the completion of the ten (10) cases.

Dan Silva reconfirmed that the Commissioners would receive a presentation upon completion of the evaluation.

Ms. Reynoso stated that it was not a formal evaluation process but rather one to assess whether the process with OAH works for the City.

c) Tabled PRC Policy Issues:

Glennel Givens Officer Involved Shooting Case – *Update Pending*

Policy Issues Regarding Treatment of Homeless People – *Update Pending*

Redaction of Records—Review of Draft General Order – *Update Pending*

8. NEW BUSINESS (For Discussion or Action)

Dan Silva updated the Commission regarding Policy Complaint Case #2057 Stillwell and #2058 Wallis, with regards to a letter sent to the Commissioners suggesting policy changes on the part of BPD, referring to the “Rally Against Global Terrorism, January 26, 2005, at MLK Jr. Park,”

Commissioner Sheen asked Lt. McBride if he was aware of Chief Hambleton’s position concerning a letter that was sent to him.

Lt. McBride responded that he was not aware of the communication.

9. COMMUNICATIONS

(See attached)

10. ADJOURNMENT

Commissioners Ritchie **Moved**, Smith **Seconded** to adjourn at approximately 8:40 p.m. Motion **Passed** unanimously.