



Police Review Commission

POLICE REVIEW COMMISSION REGULAR MEETING

ACTION MINUTES

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

**Date: Wed., June 8, 2005
Time: 7:30 p.m.**

1. ROLL CALL 7:35 p.m.

Commissioners Present: Chung, Kidd, Radisch, Ritchie, Sheen, Sherman, Smith, Wafer and White

Commissioners Absent: None

PRC Staff: Dan Silva

BPD Staff: Lt. Lee and Sgt. Murray

2. PUBLIC COMMENT

None

3. MINUTES OF THE MAY 25, 2005 MEETING

Commissioner Smith suggested a minor change for clarity under the Chief's Report. Dan Silva acknowledged the change.

Commissioners Wafer/Smith (Moved /Seconded) to approve Minutes. Passed unanimously.

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

- a) Dan Silva reported one (1) new case had been filed since the last meeting, Case #2075 (Theodore Bolton).
- b) Upcoming Boards were discussed. Dan Silva stated that the Board of Inquiry hearing for Complainant Steven DeCaprio, Case #2035 (Rehearing) scheduled for June 3, 2005, was postponed. Mr. DeCaprio felt that he could not get a fair hearing and requested a change from Commissioner Sherman. Dan Silva spoke with Commissioner Sherman and the Commissioner agreed that it would be better for him to step down so that the scheduling of the rehearing could proceed accordingly. Commissioner Wafer volunteered to replace Commissioner Sherman, respectively.

Sign up sheets were distributed and the four (4) Boards of Inquiry have Commissioners seated.

- c) Commissioners were advised to turn in their Monthly Time Record Sheets before the end of the fiscal year.

Dan Silva confirmed with Commissioner Ritchie concerning the Board of Inquiry hearing for the Tyrone Hughes case scheduled for August 3rd and 4th, 2005. He also confirmed with Commissioner Sherman regarding the DeCaprio rehearing scheduled for June 16, 2005.

5. BPD CHIEF'S REPORT

Sgt. Murray reported via Chief Hambleton that the department is moving forward with the purchase of software and hardware for their Crime View System. He commented that the system is an interactive mapping system that will allow the public to access crime data from BPD's website and that it will be at least four months before it will be in use.

It was reported that the request for proposal of the new Computer Dispatch and Record Management System should be issued at the end of the month. The Fire Department's requirements have been added to the request for proposal, which has caused a delay,

Sgt. Murray stated that Officer Kacalek, who was shot several weeks ago, is doing well and hopes to be back to work in a light-duty capacity soon.

6. COMMITTEE REPORTS (For Discussion or Action)

Dan Silva distributed the rescinded documents provided by Lt. Lee, for the BPD's Mutual Agreements, Understandings and Policies 2005 Publication. The PRC Subcommittee requested these documents.

Commissioner Sheen reported that the Subcommittee will be meeting with Mark Schlosberg of the ACLU and he will confirm a date and time for the meeting.

Dan Silva announced that he would be on vacation from June 20-28, 2005.

PRC Subcommittee will meet June 13, 2005 to discuss PRC Regulations and possible revisions.

Dan Silva informed the Commission that the next PRC Meeting would be July 13, 2005, followed by **Recess in August**, and PRC Meetings recommencing September 14, 2005.

7. OLD BUSINESS (For Discussion or Action)

- a.) The Tyrone Hughes Case #2025, has been scheduled for a Board of Inquiry hearing August 3-4, 2005. Dan Silva mentioned that CSO Lee Erby and witness Officer Huerta are scheduled to testify on Wednesday, August 3rd and that the Commissioners already have Officer Linegar's statement and that Thursday, August 4th, Officer Hamilton is scheduled to testify.

Commissioner Radisch asked if Dr. Herman would be available. Dan Silva will do a follow-up regarding Dr. Herman's availability.

- b.) Dan Silva met with Chief Hambleton and explained that the Commissioners had passed a motion tolling the time in Case #2049 (Calvin Morris), beginning when Officer E. Wilson, Badge #93, left on military leave and requested that PRC be notified when he returns. Chief Hambleton acknowledged the request.

- c.) ***Tabled PRC Policy Issues:***

Glennel Givens Officer Involved Shooting Case -- ***Pending***

Policy Issues Regarding Treatment of Homeless People -- ***Pending***

Redaction of Records—Review of Draft General Order -- ***Pending***

8. NEW BUSINESS

Commissioner Sheen commented that he and Commissioner Chung attended the ACLU event concerning the Police Practices and Civil Liberties. He summarized that there were four people on the panel, Jim Chanin, Mark Schlosberg (who are former PRC Commissioners), Sgt. Allen Nomady (from the South San Francisco Police Department) and an officer (from the Berkeley Police Department). The discussion by Mr. Schlosberg pertained to the secrecy and withholding of information and also the lack of openness in California in relation to law enforcement and government agencies. The point of the meeting was to discuss how Civilian Review Boards and Civilian Review Commissions could be put together for cities like Richmond, Albany and other cities throughout the Bay Area.

Commissioner Sheen reported that he was a little disconcerted by some of the comments made by an officer in regards to the Commission.

Commissioner Chung added that the panel was informative regarding the challenges that review boards face in working with the community and the police departments. She commented that the panel stressed the necessity of openness among review boards, the community and the police departments.

Commissioner Chung commented on Sgt. Normandy's (from the South San Francisco Police Department) professionalism and his comments regarding meeting and discussing relevant issues without them becoming personal. She stated that a BPD Officer's comments did disappoint her because she felt that there were great representatives from the BPD that could have represented the department in a more professional manner. Commissioner Chung acknowledged that she would partake in ride-alongs with BPD.

Commissioner Radisch asked if the BPD Officer was there as a spokesman for the Officers' Association, Chief Hambleton, or whether he was there on his own?

Commissioner Sheen answered that he believed the officer was there on his own and was possibly invited on an individual basis, not officially.

Dan Silva asked Sgt. Murray if he had any knowledge regarding an officer as a panelist at the ACLU meeting.

Sgt Murray stated that the BPD had no knowledge of anyone being sent there.

Sgt. Murray requested information regarding the location and date of the meeting sponsored by the ACLU. Sgt. Murray stated that he would guess that the officer was not appointed or ordered by anybody in the BPD to appear.

Commissioner Sheen commented that he and Dan Silva had spoke to the Chief last month about the Citizen's Academy and taking certain portions and presenting them to the Commission during a scheduled PRC meeting.

Commissioner Radisch stated that he participated in the Citizen's Academy at the request of BPD at the time that he was a prosecutor. He said that it might be equally important to the Citizen's Academy to have a representative there to explain the role of the Police Review Commission.

Commissioner Ritchie stated that in the past on a regular basis that there were representatives from various divisions and offices within the department that made presentations to the Commission.

9. COMMUNICATIONS

Letter from Complainant Ahmad Elbakhit, Case #2068, requesting to withdraw complaint.

10. ADJOURNMENT

Commissioners White /Sherman (Moved/Seconded) to adjourn at approximately

8:53 p.m. Motion Passed unanimously.