



Police Review Commission

POLICE REVIEW COMMISSION (PRC) ACTION MINUTES

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

**Date: Wed., March 8, 2006
Time: 7:30 p.m.**

1. ROLL CALL

7:32 P.M.

Chairperson: Chung

Commissioners Present: Herrera, Radisch, Sherman, Smith, and Wafer

Commissioners Arriving Late: Ritchie and White

Commissioner Absent: Kidd

PRC Staff: Dan Silva, Acting PRC Officer
Victoria Urbi, Investigator

BPD Staff: Chief Hambleton, Lt. Morizono, Sgt. Murray, and
Officer Wellington

2. PUBLIC COMMENT

Acting PRC Officer Dan Silva requested the Commission to move Item 7.c. (Appeal of Summary Dismissal on PRC Case #2065 filed by Steven DeCaprio) to Public Comment. Mr. DeCaprio was given five minutes to speak. Mr. DeCaprio argued that the summary dismissal should have been based on the allegations of his complaint. He stated that Investigator Urbi made a lot of allegations that were not in his complaint. He believes there was a due process issue and he stated he was acquitted of the criminal charges.

Commissioner Ritchie moved and Commissioner Sherman seconded to accept Mr. DeCaprio's request to appeal the dismissal of his case. 2 voted yes, 5 against.

1947 Center St. Third Fl., Berkeley, CA 94704

TEL: 510.981.4950 TDD: 510.981.6903 FAX: 510.981.4955

e-mail: prc@ci.berkeley.ca.us http: // www.ci.berkeley.ca.us/prc/

Acting PRC Officer Dan Silva asked that Mr. Morris address the Commission regarding his request.

Mr. Morris stated that he arrived at the West Berkeley Senior Center at 5:50 p.m., and waited at the building's front entry. He stated that the security guard on staff was aware that he was nearby waiting for the hearing, but was not informed when the Commissioners arrived, which resulted in him not attending the scheduled hearing.

Commissioners Radisch and Ritchie discussed the circumstances that lead to Mr. Morris's hearing being Summarily Dismissed.

Commissioner Smith commented that Mr. Morris was over the 5-minutes for Public Comment and also was not listed on the Agenda and asked to **move** the Agenda.

Commissioner Wafer commented regarding the security guard at the senior center.

Mr. Silva explained that Mr. Morris was not on the Agenda because the case was summarily dismissed at the hearing.

Commissioner Sherman asked about Mr. Morris's option.

Mr. Silva stated that Mr. Morris can present a written appeal to the Commission and that he would assist Mr. Morris if needed.

Commissioner Smith recommended perhaps a check of the building before summarily dismissing a case when a Complainant has not arrived.

3. MINUTES APPROVAL

a) Approval of the February 8, 2006 Minutes.

Commissioners Smith/Herrera (Moved/Seconded) to approve Minutes. Commissioners Radisch, Wafer and White abstained.

b) Approval of the February 22, 2006 Revised Minutes.

Commissioners Ritchie/Wafer (Moved/Seconded) to approve Minutes. Commissioners Chung and Herrera abstained.

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

a) New Filings: There were no new cases filed since the last meeting.

b) Boards of Inquiry scheduled for March are complete. There will be a sign-up sheet at the next meeting.

c) Withdrawal of PRC Policy Case #2096 filed by Christine Keyser.

Mr. Silva discussed the request by Ms. Keyser to withdraw her policy complaint.

Commissioner White requested follow-up by Mr. Silva concerning redactions. Mr. Silva stated that he met with staff and due to request by complainants, he asked not to publish certain information; however, staff will maintain a central log. Commissioners may contact the office and, upon request, staff will provide redacted information.

d) Report on PRC Staff Ride-Along and BPD Citizen Academy.

Investigator Urbi discussed her February 10, 2006 completion of a Ride-Along with Officer Wellington. Ms. Urbi commented regarding her tour of the Public Safety Building, which included the Communication's Division and observing BPD's dispatchers at work. Ms. Urbi encouraged the Commissioners to attend a Ride-Along as an opportunity to meet BPD officers in their working environment. Ms. Urbi states, "Be prepared to ask questions, listen, observe and learn," as a Ride-Along.

Commissioner Smith requested the telephone number to sign-up for a Ride-Along.

Chief Hambleton encouraged the Commissioners to participate in a Ride-Along and to contact Captain Gustafson or himself.

Investigator Urbi distributed information regarding the Citizen's Academy. Ms. Urbi discussed plans to attend the Academy's fourteen (14) sessions. She spoke about the overview of the Academy and its possible beneficial aspects for the Police Review Commission and encouraged the Commissioners to consider attending these sessions. Ms. Urbi will update Commissioners accordingly.

e) New Commissioner Orientation on March 11, 2006.

Investigator Urbi will present an orientation to the new Commissioners: Herrera, Kidd, Smith and Wafer.

Chairperson Chung will attend the orientation and encouraged all Commissioners to participate as a "Team Building Activity."

f) **Recommendation for Administrative Closure and Summary Dismissal of Case #2092, filed by Paul Popa.**

Commissioner Ritchie asked about the four additional complainants involved in the Popa case.

Investigator Urbi summarized the allegations alleged by each complainant in this case and the justification of the Special Enforcement Unit's (SEU) action resulting from complaints from neighbors and surveillance of the address, which led to a search warrant. Ms. Urbi stated several attempts were made to contact the complainants with no response.

Mr. Silva stated that the complainants were notified by mail regarding this meeting.

Commissioner Radisch asked if there had been criminal charges filed in this case.

Investigator Urbi believed the charges had been dismissed.

Commissioners Ritchie/Chung (Moved/Seconded) to administratively close and summarily dismiss this case. Passed unanimously.

Commissioner Smith commented on an article written by Carol Denney in the Daily Planet and asked if any of this information was disclosed in Ms. Denney's complaint filed with the PRC.

Commissioner Radisch stated that, within Ms. Denney's complaint summary, there were words to that effect. He commented that, at Ms. Denney's hearing, the primary subject officer was no

longer with the BPD and the hearing was conducted only with the secondary officer.

Mr. Silva commented regarding Ms. Denney's article also.

5. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton discussed BPD's staffing: current vacancies; upcoming vacancies (due to expected retirements); training of newly hired parking enforcement staff; March 18th testing for officers—possible hire date in July; four (4) background investigations for the July Academy. Chief Hambleton stated there will be several officers in training this summer and continuing into the year 2007.

Chief Hambleton summarized the crime statistics and reported that crime was down for the last year about 7.1%; violent crime was up slightly; property crime was down. BPD is also working on strategies to reduce crime/property crime and also have plans to hire a crime analyst. Chief Hambleton also discussed a proposal by BPD to purchase and distribute steering wheel locks for high risk older vehicles such as: Chevrolet, Honda, Toyota Camry, Acura and Saturn. BPD will attempt to reduce crime by 10% each year over the previous year.

Commissioner Ritchie suggested possibly U.C. Berkeley work with BPD by educating their student population regarding property crime.

Chief Hambleton confirmed that BPD has been working with U.C. Berkeley for quite sometime. He stated that there is property crime in the South Campus area, which has a large student population.

Glenn Givens Policy Recommendations:

Chief Hambleton approved an annual update of the "Tactical Training for Sergeants," in regards to the Givens policy recommendations.

Redaction of Records – Review of General Order Draft:

Chief Hambleton stated a General Order concerning redactions of reports that are released to PRC is now current with BPD staff. However, guidelines are different for the public; contact information for witnesses is redacted.

Acting PRC Officer Silva asked about anonymity when an individual reports a crime and the redaction of contact information.

Chief Hambleton stated if a person gives their name and contact information in a typical police report, that information becomes part of the Public Records, but BPD will not release addresses, dates of birth or telephone numbers.

Commissioner White asked if a caller's information is automatically displayed on the screen at the Communication Center.

Chief Hambleton stated only if the individual makes a 911 call.

Commissioner Ritchie asked questions concerning the Givens' policy and the Mutual Aid Packet.

Chief Hambleton stated that he felt the incident involving Mr. Givens was under control, and well-discussed by the commanders and supervisors on the scene, and that each officer knew their function and

position, which is standard practice before engaging in any type of search.

(A complete audio- taped copy of this discussion is available upon request.)

The “Pursuit Policy.”

Chief Hambleton reported that the State changed some laws on required training concerning Liability and Pursuits, and as a result, the County will review their policies. Chief Hambleton stated that he would update BPD’s “Pursuit Policy,” after the County has completed their policy review.

Commissioner Ritchie asked for an update concerning BPD’s internal investigation.

Chief Hambleton stated that the internal investigation will conclude soon, and afterwards he will discuss the results with the Commissioners.

6. **COMMITTEE REPORTS** (For Discussion or Action)

PRC Subcommittee: update regarding the Berkeley Police Department’s Mutual Agreements, Understandings and Policies - 2005 Publication.

Commissioner Ritchie discussed the Subcommittee’s review of the drafted First Amendment Intelligence Gathering Policy and other issues related to the Mutual Aid Agreements by the various agencies of the Federal Government. Commissioner Ritchie stated that the Subcommittee will submit its report to the Commissioners at the 1st meeting in April.

Chief Hambleton asked to review and perhaps comment on the revised Mutual Agreements.

Commissioner Ritchie stated once the Commissioners review and concur to the revisions, the BPD can then review and comment on the Commissioners amended copy.

7. **OLD BUSINESS** (For Discussion or Action)

a) **Tabled PRC Policy Issues:**

Glennel Givens Officer Involved Shooting Case.

Commissioner Chung stated that Chief Hambleton has resolved the policy issue. Please refer to Item #5 – BPD’s Chief Report.

Commissioner Ritchie **moved** that the Givens case be removed.

Redaction of Records—Review of General Order Draft.

Chief Hambleton addressed the “Redaction of Records,” please refer to Item #5 – BPD’s Chief Report.

Commissioner Ritchie **moved** that the Givens case be removed.

b) **“Strategic Planning for 2006.”** The purpose of this item is to plan and discuss:

1. How to improve the PRC and its relationship with the community and the BPD.
2. Goals and priorities for the upcoming year (e.g. what type of training would be helpful for the Commission).
3. How to improve the efficiency and professionalism of PRC meetings.

Commissioner Chung resolved the time constraints and asked if the Commissioners were in favor of **tabling** the discussion for the next meeting and placing this discussion under

Item 4 – PRC Officer’s Report. **Passed Unanimously**

- c) Appeal of Summary Dismissal on PRC Case #2065 filed by Steven DeCaprio.
Refer to Item 2, Public Comment

8. NEW BUSINESS

9. COMMUNICATIONS
See attached.

10. ADIOURNMENT
Commissioner Sherman/Smith (**Moved/Seconded**) to adjourn the meeting at 9:50 a.m. **Passed Unanimously.**