



Police Review Commission

POLICE REVIEW COMMISSION (PRC) ACTION MINUTES

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

**Date: Wed., May 10, 2006
Time: 7:00 p.m.**

1. **ROLL CALL**

7:17 P.M.

Chairperson:

Chung

Commissioners Present:

Kidd, Ritchie, Sherman, Smith and White

Commissioners Absent:

Herrera, Radisch

PRC Staff:

Dan Silva, Acting PRC Officer
Victoria Urbi, Investigator

BPD Staff:

Chief Hambleton, Lt. Mc Bride & Sgt. Juster

2. **PUBLIC COMMENT**

None

3. **MINUTES APPROVAL**

a) Approval of the April 12, 2006 Minutes.

Commissioners Sherman / **Moved** / Kidd **Seconded** for approval of Minutes. Motion **Passed unanimously**.

b) Approval of the April 26, 2006 Minutes (Put aside pending the arrival of another Commissioner.) After the arrival of Commissioners Ritchie and Smith, Commissioners White / **Moved** / Kidd **Seconded** for approval of Minutes. Motion **Passed with Commissioner Smith abstaining**.

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

- a) New Filings: Mr. Silva reported six (6) new cases filed since the last meeting – Cases #2114 (Andrea Prichett); #2115 (Andrea Prichett); #2116 (Jewel Evans); #2117 (Jewel Evans); #2118 (Theodore Bolton); #2119 (Sasha Ryerson)
- b) Discussion of Boards of Inquiry: Mr. Silva distributed the schedule of the upcoming Boards of Inquiry.
- c) Recommendation for Administrative Closure: PRC Case #2085 filed by Jacob Bolden Commissioners Sherman / **Moved** / Kidd **Seconded** for approval of the Recommendation for Administrative Closure. Motion **Passed unanimously**.
- d) Recommendation for Summary Dismissal, PRC Case #2083 filed by Melvin Washington Commissioners Chung / **Moved** / Kidd **Seconded** for approval of the Recommendation for Summary Dismissal. Motion **Passed unanimously**.
- e) Recommendation for Summary Dismissal, PRC Case #2090 filed by Stephen Smart Commissioners Sherman / **Moved** / Smith **Seconded** for approval of the Recommendation for Summary Dismissal. Motion **Passed with** Commissioner Ritchie **opposing** the motion.
- f) Recommendation for Summary Dismissal, PRC Case #2098 filed by Cecil Jackson Commissioners Chung / **Moved** / Ritchie **Seconded** for approval of the Recommendation for Summary Dismissal. Motion **Passed unanimously**.

5. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton discussed staffing issues within the BPD. Chief Hambleton presented the police report, regarding the Sergeant Kent investigation, to the Commission. The Chief explained that he presented the attachments to the report, to Dan Silva earlier in the day, as they were too voluminous (800 + pages) to distribute to the Commission.

Chief Hambleton explained the areas of the report that were redacted and why. The Chief talked about his invitation to P.O.S.T. (*California Commission on Peace Officer Standards and Training*) to come into BPD and examine their Narcotics Handling Procedures and that a P.O.S.T. official was at BPD last Monday along with Sara Reynoso of the Berkeley City Attorney's Office.

Chief Hambleton explained that he would be coming back to the Commission at the conclusion of P.O.S.T. examination to receive the Commissions input before adopting any new procedures.

Commissioners White, Ritchie Sherman and Smith then questioned the Chief Hambleton on various aspects of his presentation. (Tape available upon request)

Commissioner Chung discussed the formation of a sub-committee to review the report of the Sergeant Kent investigation and report back to the Commission.

Commissioner White raised a possible conflict with reviewing the report in light of new complaints the PRC has received regarding the same issue.

Commissioner Smith discussed the procedures regarding the handling of Policy Complaints.

The Commission by consensus, instructed Mr. Silva to review the new complaints regarding the Sergeant Kent investigation and report back at the next PRC meeting, as to their status with a staff recommendation, prior to the formation of a sub-committee.

6. COMMITTEE REPORTS (For Discussion or Action)

PRC Subcommittee update regarding the Berkeley Police Department's Mutual Agreements, Understandings and Policies - 2005 Publication / Draft Regulations for Investigations of First Amendment Activities.

Commissioner White reported on the sub-committee's meeting with Chief Hambleton and their agreement to re-caucus as a sub-committee with a representative from BPD participating in the process. The intent of their work will be developing language that the BPD and Commission can feel comfortable with.

Commissioner Sherman raised concerns regarding the participation of the Peace and Justice Commission.

Commissioner Ritchie thought the work should be conducted by the PRC sub-committee.

Commissioner Smith stated that she did not think it was a good idea to merge the two Commissions.

The Commission by consensus decided to continue their sub-committee work with the BPD and when they produce their work product, it will be submitted to the Peace and Justice Commission for their input.

7. OLD BUSINESS (For Discussion or Action)

Harvey Tureck and Terrence Kalahar, from the Department of Health & Human Services, Mental Health Division, to make a presentation regarding *Use of Police in Involuntary Hospitalization (5150)*.

Mr. Silva reported that he had received a request from both Harvey Tureck and Terrence Kalahar, from the Department of Health & Human Services, Mental Health Division, to postpone their appearance before the PRC until further notice.

8. NEW BUSINESS

BPD Police Academy
Ride-Along

Commissioner Chung reported to the Commission on the BPD Police Academy Class to start in August and her desire to have every Commissioner participate in a Ride-Along to augment the Commissioners training.

9. COMMUNICATIONS

Attached.

10. ADJOURNMENT

Commissioners Sherman / **Moved** / Kidd **Seconded** to adjourn the meeting. Motion **Passed unanimously at 8:45 p.m.**