



## **POLICE REVIEW COMMISSION (PRC) MINUTES**

**Meeting of Wednesday, September 13, 2006 – 7:00 P.M.  
South Berkeley Senior Center, 2939 Ellis Street, Berkeley, California**

**1. CALL TO ORDER BY ACTING CHAIRPERSON SHARON KIDD at 7:06 P.M.**

**2. ROLL CALL**

Present: Acting Chairperson Sharon Anne Kidd  
Commissioner Taymyr Bryant  
Commissioner Kamau Edwards  
Commissioner Jack Radisch  
Commissioner Michael Sherman  
Commissioner William White

Absent: Acting Vice Chairperson Sherry Smith

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

BPD Staff: Lieutenant Hester  
Sergeant Murray

**3. PUBLIC COMMENT**

Andrea Pritchett stated that Copwatch has been investigating the Cary Kent case and the amount of drugs has not been disclosed. She stated the police could not monitor the drug vault. She noted that on August 11, 2006, the Berkeley Daily Planet reported that the Department of Justice conducted a sting operation of an unidentified officer, who stole money from BPD. While there is no evidence of an arrest from the sting operation, the PRC needs to conduct an open investigation of BPD and the evidence theft issues.

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4. **APPROVAL OF JULY 26, 2006 MINUTES**  
**M/S/C (Sherman/White) Unanimous to move this item to the October 11, 2006 Regular Meeting, because only three Commissioners from the July 26, 2006 meeting were present and the other two Commissioners were new. Ayes: Kidd, Bryant, Edwards, Radisch, Sherman and White. Noes: None. Abstain: None. Absent: Smith.**

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

Case Proposed for Administrative Closure Pursuant to PRC Regulations Section II-6

- A. Case No. 2069: Complainant Haro Halton
- a. Staff Report: Complainant's representative, Chris Morray-Jones, requested PRC to move this item until the next meeting, as he was out of town.
  - b. Public Comment: Haro Halton requested the Commission to move his case to the next meeting.
  - c. Discussion: None
  - d. **Action: M/S/C (Sherman/White) Unanimous to move this item to the October 11, 2006 Regular Meeting. Ayes: Kidd, Bryant, Edwards, Radisch, Sherman and White. Noes: None. Abstain: None. Absent: Smith.**
- B. Berkeley Police Association lawsuit update
- a. Staff Report: On August 31, 2006, the California Supreme Court ruled in the case of Copley Press that a peace officer's personnel records were confidential during an appeals disciplinary hearing and not subject to disclosure as applied to a civil service commission. PRC Officer Urbi notified the City Attorney, who stated that they would issue an opinion on how this decision affected the current lawsuit by BPA against PRC. BPA's attorney sent a letter stating that in light of the Copley Press decision, the PRC must immediately begin closing all PRC Board of Inquiry hearings and the City should discontinue publicly disseminating PRC records and investigations.
- C. BPD Mutual Aid Agreements, Understandings and Policies, 2005 – Report to City Council Meeting on September 19, 2006
- a. Staff Report: On May 24, 2006 the Commission voted to accept the Mutual Agreements and forward them to the City Council. The report to the City Council is still being reviewed by the City Manager and should be finalized by September 14, 2006 and posted on the web site. It will be before the City Council on September 19, 2006. The final report will be in the October 11, 2006 agenda packet.
- D. Mental Health Commission Public Hearing: Mental Health Services and Use of Police
- a. Staff Report: Investigator Dan Silva and Commissioner Sherman attended the public hearing concerning the use of police during "5150" mental health evaluation calls. Most of the speakers agreed with the proposal of Terrence Kalahar. Captain Gustafson stated that BPD could not decline to respond to 911 calls.

## 6. NEW BUSINESS (For Action)

Cases Proposed for Late File Pursuant to PRC Regulations, Section II-1.b.

- A. Case No. 2121: Miguel Mayzes
  - a. Staff Report: Filed 3 years late. Complainant was not interviewed and he did not provide a telephone number.
  - b. Public Comment: None.
  - c. Discussion: None.
  - d. **Action: M/S/C (White /Radisch) Unanimous to deny late file for Case #2121. Ayes: Bryant, Edwards, Kidd, Radisch, Sherman and White. Noes: None. Abstain: None. Absent: Smith.**
  
- B. Case No. 2124: Patrick Lee
  - a. Staff Report: Filed one day late due to mistake of complainant and his mother. Staff recommended to the Commission to accept this case as a late file.
  - b. Public Comment: Ms. Prichett stated this is an important issue.
  - c. Discussion: None.
  - d. **Action: M/S/C (White /Radisch) Unanimous to approve Case #2124 as late file. Ayes: Bryant, Edwards, Kidd, Radisch, Sherman and White. Noes: None. Abstain: None. Absent: Smith.**

Cases Proposed for Administrative Closure Pursuant to PRC Regulations, Section II-6.3

- C. Case No. 2119: Sasha Ryerson
  - a. Staff Report: Ms. Ryerson informed PRC staff that she wished to withdraw her complaint. Her intent was to make her complaint a public record.
  - b. Public Comment: None.
  - c. Discussion: None.
  - d. Action: No vote was taken.
  
- D. Case No. 2094: Ronald Curtis
  - a. Staff Report: Family felt the complaint was a waste of time and complainant's father stated that his son wished to withdraw his complaint.
  - b. Public Comment: None.
  - c. Discussion: None.
  - d. Action: No vote was taken.

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

- A. Commission Appointments, Resignations and Absences
  - a. Kamau Edwards - Appointment effective July 26, 2006
  - b. Danny Herrera – Resignation effective September 7, 2006
  - c. Sherry Smith – Leave of Absence from September 1 through September 30, 2006
  - d. Jonathan Wafer - Resignation effective April 13, 2006 (received by City Clerk July 25, 2006)
  - e. David Ritchie – Resignation effective August 31, 2006
  - f. Annie Chung – Resignation effective June 14, 2006 (received by City Clerk August 8, 2006)
  - g. Anthony Santangelo – Appointment effective September 1, 2006. Declined appointment on August 11, 2006

B. Complaints

a. New Complaints filed: 7  
32 Open Cases

b. Upcoming Boards of Inquiry

- i. October 4: Case #2079 – Jacob Crawford
- ii. Date to be announced: Case #2049 – Calvin Morris
- iii. Date to be announced: Case #2106 – Charles Smith
- iv. Date to be announced: Case #2107 – Jonathan Ford
- v. Date to be announced: Case #2120 - Thuon Chen

c. Findings Reports Completed

- i. Case #2075 – Theodore Bolton
- i. Case #2078 – Leonard Turner
- ii. Case #2092 – Paul Popa, David Popa, Ashley Popa, Frank Petch and Jennifer Knighton
- iii. Case #2100 – Andy Fortner

d. BPD Selection Process of the Barricaded Subject Hostage Negotiation Team (BSHNT)

PRC Officer Urbi observed four days of BPD's BSHNT interviews, which included Lt. Agnew and Lt. Lee of the Tactical Team and Officer Westerhoff of the Negotiation Team. Also present were command staff and a representative from the Mobile Crisis Team. PRC's role was to observe the process. On September 11, 2006, PRC Officer Urbi met with the Chief to discuss her observations and recommendations of both the process and ratings of the candidates. Overall, the selection panel was methodical, thorough, objective and posed comprehensive questions to the candidates.

e. BPD Citizens' Awareness Academy

Chairperson Kidd and PRC Officer Urbi are attending the Academy every Thursday for the next twelve weeks. They have learned about patrol procedures, beat assignments and BPD organizational structure. At the end of the Academy, they will provide the Commission with a full report.

f. National Night Out

On August 1, 2006, PRC Officer Urbi attended NNO, which is sponsored by BPD and the Fire Department. NNO is a nationwide event to promote public safety by neighborhoods hosting block parties, where city officials and employees have an opportunity to meet the community and listen to their concerns. This was an opportunity for PRC to conduct outreach throughout various neighborhoods in Berkeley.

g. Announcements

- i. September 27, 2006 - PRC meeting has been cancelled
- ii. October 11, 2006 - Officer Elections for Chair and Vice Chairperson

**8. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT (For Discussion)**

- A. BPD representative report: There will be six officer vacancies at the end of the year.
- B. Semi-Annual Oleoresin Capsicum Spray Report: PRC Officer Urbi reported that this was in the Communications section of the agenda packet.
- C. Officer Commendations: PRC Officer Urbi reported that there are officer commendations in the PRC packet.

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

- A. Subcommittee: Draft Regulations for Investigations of First Amendment Activities.
  - a. Staff Report: On August 9, 2006, PRC Officer Urbi requested a subcommittee meeting on September 13, 2006, but there was no response from Commissioners Radisch and White, who are the remaining members of the subcommittee.
  - b. Discussion: Commissioner White stated he did not receive the message and Commissioner Sherman volunteered to join the subcommittee.
- B. Subcommittee: Review of BPD Case #06-3074 (Narcotics Investigation)
  - a. Staff Report: Commissioner Smith has completed reading the investigation report. The subcommittee plans to conduct a separate workshop with BPD.
  - b. Public Comment: Andrea Prichett wishes to work with the PRC to get a work plan together.
  - c. Action: M/S/C (Sherman/Edwards) – To accept the Subcommittee’s proposal to expand it’s purpose by reviewing the evidence theft problems within the Berkeley Police Department, which is larger than the current scope of the former Cary Kent investigation. Ayes: Bryant, Edwards, Kidd, Radisch, Sherman and White. Noes: None. Abstain: None. Absent: Smith.
  - d. Next Subcommittee Meetings: September 18 and October 2, 2006.
  - e. Workshop with Community Stakeholders: Saturday, October 7, 2006, 8:30 A.M. – 11:30 A.M. (**Note: This workshop was postponed to a later date.**)

**10. COMMUNICATIONS**

See Attached.

**11. ADJOURNMENT**

The Board adjourned at 9:00 P.M.