



POLICE REVIEW COMMISSION REGULAR MEETING MINUTES

**Wednesday, April 11, 2007
7:00 P.M.**

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

1. ROLL CALL BY CHAIRPERSON SHARON KIDD AT 7:06 P.M.

Present: Chairperson Sharon Ann Kidd
Vice Chairperson Michael Sherman
Commissioner Kamau Edwards
Commissioner Jonathan Huang
Commissioner Jack Radisch
Commissioner Sherry Smith

Absent: Commissioner William White

PRC Staff: Victoria Urbi, PRC Officer

BPD Staff: Chief Hambleton, Sgt. Reece

2. ORDER OF AGENDA

The closed hearing procedures were moved to Item #4.

3. PUBLIC COMMENT:

Bonita Regina: Complained about how police treat disabled people, because she was arrested. She stated the police yelled, bullied and humiliated her.

Alex Fisher: Supports Comm. Huang's proposal on a PRC Charter Amendment.

Jake Gelender: Believes if PRC follows the City Attorney's recommendations, the PRC will continue to be passive and lose power.

Zachary Running-Wolf Brown: Went to a City Council meeting where the Chief reported on about 149 burglaries, but the Chief did not mention the burglaries of the drug vault. He was taken away on three bicycle warrants.



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Andrea Prichett: Interested in Charter Amendment. She may be losing faith in the PRC. PRC could lead civilian review into a new process and new thinking, but they will need a lot of support. The community is confused about how PRC is handling the closed hearings and regulations.

Chris Morray-Jones: Interested in the Charter Amendment. He stated there is goods news on the state legislation, which was endorsed by the City of San Francisco and the National Black Police Officer Association. He hopes the Berkeley Chief will also endorse the Anti-Copley legislation. He hopes the Commission will put the Haro Halton case on the agenda soon, since it's been two years since the complaint was filed.

4. CLOSED HEARING PROCEDURES

A. Staff report on revised PRC Regulations regarding closed hearings

PRC Officer Urbi briefed the Commission on the revised regulations draft and the closed hearing procedures. The revised regulations were changed to comply with the court ruling where the judge ordered that the PRC hearings must be closed to the public. Ms. Urbi suggested that after the Commission reviews and proposes changes to the Regulations, and then staff could provide a final draft at the next Commission meeting.

Ms. Urbi also provided the proposed closed hearing procedures, which was initially provided to the Commission at the February 28, 2007 meeting. In the past, these procedures were read at the beginning of a board of inquiry.

B. Discussion

Comm. Smith asked how the confidentiality agreement by the parties would be enforced.

Sarah Reynoso, Deputy City Attorney, stated that her office has not drafted the confidentiality statement yet.

Comm. Huang stated that there should not be a hearing officer.

Comm. Radisch also agreed that the commissioners handled these duties of a hearing officer in the past and there were not any problems.

Comm. Smith stated that the Caloca appeals overturned 95% of the PRC cases and this was because there were inconsistent findings at the boards of inquiry. Comm. Smith wanted to acknowledge why the hearing officer section was added to the procedures.

Chief Hambleton stated that with regard to the hearing officer, he has been a part of some boards of inquiries and he has observed that different commissioners have different degrees of legal backgrounds. He has been to hearings where he felt the commissioners were not fair to both parties.

Comm. Smith stated the hearing officer is about fairness and how this affects the quality of the hearings.

M/S/C (Sherman/Smith) Unanimous that the Commission hold a public hearing on the revised Regulations and proposed closed hearing procedures. Ayes: Kidd, Edwards, Huang, Radisch, Smith and Sherman. Noes: None. Abstain: None. Absent: White.

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

- A. Lawsuit update: The next court hearing was scheduled on April 16 in Department 31. On the same day, the City Attorney would brief the City Council and the Commission in closed session on the hearing.
- B. Status of complaints: 51 open cases. Ms. Urbi stated that not all of these cases would go to a hearing. Some will be proposed for administrative closure or summary dismissal. Approximately seven cases are ready to be heard at a board of inquiry, but this is pending the adoption of the revised regulations.
- C. Commission vacancies: Jim Gleich, who was appointed by Mayor Bates, called and stated he was unable to attend this meeting. He has not been sworn in. The PRC has one Commissioner vacancy from Councilmember Maio.
- D. Comments: On the March 14, 2007 minutes, the Commission moved to approve a letter of gratitude to Beverly Powell for leaving the PRC. Ms. Urbi clarified that Ms. Powell was only away temporarily for six months. Comm. Smith stated that maybe the letter was not necessary.

6. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT

Chief Hambleton provided the Commission with General Order V-6, the Vehicle Pursuit Policy from 1997 and a revised policy. He took the PRC's concerns and included these concerns in the revised draft. There is a new state law that states that if police departments have a pursuit policy in place, then the City is immune from lawsuits by suspects involved in police vehicle pursuits.

He would like the Commission to provide any comments on the policy by June, so that he could begin to train officers on the new policy by July 1, 2007.

The Commission stated they would put the policy on the agenda at the May 9th meeting after they have had a chance to review it.

7. CHARTER AMENDMENT TO STRENGTHEN POWER AND SCOPE OF THE PRC

A. Commissioner Huang update:

He proposed a charter amendment for the 2008 elections to strengthen the PRC power by taking it out of the City Manager's office. He did not have anything in writing and was mainly considering the idea.

B. Discussion

Comm. Smith asked how the PRC would find financial resources if they would not be under the City Manger's office. She explained that all City Departments are under the City Manager's office, which handles the City budget.

Comm. Edwards asked if Comm. Huang would like a subcommittee to do research and explore the idea further. He suggested that staff could do research on the idea.

Comm. Huang stated that he might put together a group to discuss the idea further, because he believed that by including City employees, it would make the process more bureaucratic.

Comm. Smith stated that the reason that the City Council appoints commissioners to participate in the PRC is to have community participation with structure and procedures.

8. APPROVAL OF MINUTES

March 14, 2007 Regular Meeting.

M/S/C (Sherman/Smith) Unanimous to approve the March 14, 2007 minutes. Ayes: Kidd, Edwards, Huang, Radisch, Smith and Sherman. Noes: None. Abstain: Radish. Absent: White.

9. COMMITTEE REPORTS (For Discussion or Action)

A. Subcommittee: Draft Regulation for Investigations of First Amendment Activities.

B. Subcommittee: Review of BPD's Evidence Theft Issues.

Chairperson Kidd suggested that the Subcommittee reports be held over until the next Commission meeting. There was unanimous consensus from the Commission.

10. COMMUNICATIONS

None.

11. ADJOURNMENT

Meeting was adjourned at 9:00 P.M.