



## **POLICE REVIEW COMMISSION REGULAR MEETING MINUTES**

**Wednesday, November 7, 2007  
7:00 P.M.**

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

**1. CALL TO ORDER BY CHAIRPERSON SHARON KIDD AT 7:04 P.M.**

**ROLL CALL AND ATTENDANCE**

Present: Chairperson Sharon Kidd  
Vice Chair Michael Sherman  
Commissioner Kamau Edwards  
Commissioner Jonathan Huang  
Commissioner George Perezvelez  
Commissioner Sherry Smith  
Commissioner William White

Absent: None

PRC Staff: Victoria Urbi, PRC Officer  
Rebecca Webb, Administrative Support  
Gilberto Vera, UC Berkeley Intern

BPD Staff: Chief Hambleton  
Lt. Greenwood  
Sgt. Reece

BPA: Officer Wellington

City Staff: Phil Kamlarz, City Manager  
Lisa Caronna, Deputy City Manager  
Ann-Marie Hogan, City Auditor

**2. ORDER OF AGENDA**

No changes.



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**3. APPROVAL OF MINUTES**

A. Regular Meeting: October 24, 2007

**Motion to approve minutes. M/S/C (Smith/Sherman) Motion passed.**

Ayes: Kidd, Sherman, Perezvelez and Smith. Noes: None.

Abstain: Edwards and White. Absent: Huang.

**4. OLD BUSINESS**

**A. REVISED REGULATIONS**

a. Staff Report

Ms. Urbi advised that the new Regulations are an interim measure until the appeal to the lawsuit is complete. Due to the backlog of open cases, it is important to pass these new Regulations to move forward with resolving cases. The main change to the Regulations is that the complainant is no longer a party, but a witness. The City Attorney reviewed and approved these Regulations as being in compliance with the current court order. Ms. Urbi will train BPD officers on the new Regulations at their line-up meetings.

b. Commission discussion

Commissioner Perezvelez asked for clarification that the Regulations were agreed on by the City Attorney and the Berkeley Police Association. Ms. Urbi said they both agreed that the Regulations were in compliance with the court order.

Commissioner White asked about the discrepancies with regards to the amount of Commissioner votes needed for different kinds of actions and why is "staff" included with administrative closure. Ms. Urbi responded that there were no changes made to that part of the Regulations. Staff only recommends closure, the Commission must still vote to approve the closure of a case. Commissioner Smith added that the amount of votes needed was decided purposefully at the time that a Subcommittee met to revise the Regulations.

Commissioner White asked about the necessity of section 9b. Chief Hambleton responded that PRC meetings in the past have gotten out of order, although this has not happened for some time.

Commissioner White asked about the conflict of interest or bias section. Chief Hambleton responded this was to make sure that a Commissioner cannot volunteer for a case they feel strongly for. Commissioner White asked what information they would be provided with to determine whether there was a conflict of interest. Ms. Urbi replied they would be given the names of the complainant and subject officers. Commissioner White asked why meetings dealing with case assignments would be in closed session. Ms. Urbi stated that if a case was recommended for dismissal, then they would have to discuss the nature of the case.

Commissioner Sherman stated that although he appreciated the effort put into the new Regulations, he was distressed about the lack of transparency. The complainant should be able to appeal, should have representation, and have access to the same information that the subject officer gets. Ms. Urbi replied that the court order prevents all of that because it determined the complainant to now be a witness and not a party to the action. The court determined that the PRC process was a disciplinary process. Commissioner Perezvelez asked why they determined that to which Ms. Urbi responded because both the PRC and the Police Department are employed by the same agency and both report to the City Manager.

- c. Vote by Commission  
**Motion to approve regulations. M/S/C (White/Sherman) Motion passed.**  
Ayes: Kidd, Edwards, Huang, Perezvelez, Smith and White. Noes: None.  
Abstain: Sherman. Absent: None.

**B. SUBCOMMITTEE POLICY REPORT ON EVIDENCE THEFT ISSUES WITHIN THE BERKELEY POLICE DEPARTMENT**

- a. City Manager comment  
Mr. Kamlarz stated that the City Manager's office agreed with 25 of the 28 recommendations and wanted to see that this issue never happens again. He added that some of the recommendations have already been implemented. The next time the City Council will be able to see this item on their agenda is January due to holiday schedules.
- b. Berkeley Police Department comment  
Chief Hambleton agreed that he has the same goal of making sure this does not happen again. His office concentrated on the recommendations and what they could comply with. He suggested where the PRC asked for monthly reports, to make quarterly reports instead due to the time involved and the coinciding of reports they already make.
- c. Commission discussion  
Chairperson Kidd stated that the Commission just received the response from the Police Department today. Commissioner White responded they could put off discussion about the response until the next meeting since the City Council would not see it until January.

Mr. Chanin, a member of the Evidence Theft Subcommittee, expressed his appreciation of the positive attitude and cooperation with regards to the Police Department response to the report. He stated that the policy regarding employment of relatives is not a substitute for friends. The audit did not verify monies that may not have been deposited into the bank accounts, and that for many of the recommendations, there either was not a deadline, or the deadline was too far out.

Mr. Kamlarz responded that they were trying to get the response out quickly, and that they could revise the response to assign appropriate deadlines. Chief Hambleton added that it was intended for all recommendations to be in place by June 30, 2008. Some of the deadlines have to be far out because things like hiring is a long process.

Commissioner Huang stated that PRC should still adopt the report today. Commissioner Smith stated that she would like to review the response before voting. The point is not to change the report, but to see the changes to the Police Department's response. Commissioner White said if they were not going to make any changes to the report, there is no need to put off the vote.

- d. Public Comment  
Gaily Ezer commented that she would like the PRC to vote to accept the report today and that the exact amount of drugs tampered with is important knowledge.

Jake Gelender stated that we should be finding out what happened with the drugs to restore public trust. The Crimes database records should be made available to the public. He also encouraged the PRC to pass the report as it is written.

Cynthia Lee stated that the Internal Affairs department is weak and that it does not follow its own Departmental Order: P26.

- e. Commission action

**Motion to approve PRC Evidence Theft Report. M/S/C (Huang/Sherman) Motion passed.**

Ayes: Kidd, Edwards, Huang, Perezvelez, Sherman and White. Noes: Smith.

Abstain: None. Absent: None.

### **C. CHAIR AND VICE CHAIR COMMISSION ELECTIONS**

- a. Staff Report

Ms. Urbi reported that Chairperson Kidd has done a tremendous job as Chairperson this past year. She has attended every meeting, as well as testified in Sacramento on behalf of the PRC. PRC Ordinance states that Chair and Vice Chair can only hold office for one year, which was why we were having elections.

- b. Vote by Commission

The result of the election is that the new Chairperson is Commissioner White. The new Vice Chair is Commissioner Kidd, effective immediately.

At this point, Chairperson White took over facilitating the rest of the meeting.

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

- A. Status of complaints

There are 77 open cases.

- B. Commission vacancies

There are two vacancies, from Councilmembers' Olds and Maio.

- C. Comments:

Commissioner Perezvelez asked if there have been attempts to fill these vacancies to which Ms. Urbi replied that Chairperson Kidd plans to call the Councilmembers to follow up with suggestions on appointments.

### **6. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT**

Lt. Greenwood reported that there is no new update on staffing. New World Systems' efforts is underway which will replace the Crimes database and CAD, the dispatching system. UC Berkeley informed the Police Department that the Republican debate has been cancelled, which would have been a major assignment for officers. Police officers have been issued and trained with new pistols. They have also been training in crowd management.

Commissioner Perezvelez asked what would be done with the old pistols. Lt. Greenwood said that they would be destroyed.

Vice Chair Kidd asked if the Police Department would still host a turkey giveaway for Thanksgiving. Lt. Greenwood said that due to low funds this year, there will be Thanksgiving food baskets, but not at Christmas.

### **7. COMMITTEE REPORTS (For Discussion or Action)**

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

a. Subcommittee Chairperson Sherman's update

Commissioner Sherman reported that they have had very productive meetings, despite the fact that this week's meeting could not happen. He believes the Subcommittee may be one more meeting away from completing the report to the Commission.

**8. COMMUNICATIONS**

Attached.

**9. ADJOURNMENT**

Meeting was adjourned at 9:20 P.M.