



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

**Wednesday, January 23, 2008  
7:00 P.M.**

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

**1. CALL TO ORDER BY CHAIRPERSON WILLIAM WHITE AT 7:04 P.M.  
ROLL CALL AND ATTENDANCE**

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

Absent: None

PRC Staff: Victoria Urbi, PRC Officer  
Rebecca Webb, Administrative Support

BPD Staff: Chief Hambleton  
Lt. Delaney  
Sgt. White

**2. ORDER OF AGENDA**

Added Public Comment as Item #3 on the Agenda. Moved Item #7, Berkeley Police Department Chief's Report, to Item #4. Chief Hambleton requested to be moved to Item #4 because he had another meeting to attend.

Moved Item #11, Summary Dismissal of Case #2076 to Item #10. Complainant Theodore Bolton appeared before the Commission to discuss his case.

**3. PUBLIC COMMENT**

Complainant Cynthia Lee spoke with regard to the dismissal of her case.



**1947 Center Street, Third Floor, Berkeley, CA 94704**  
TEL: 510.981.4950 TDD: 510.981.6903 FAX: 510.981.4955  
e-mail: [prc@ci.berkeley.ca.us](mailto:prc@ci.berkeley.ca.us) <http://www.ci.berkeley.ca.us/prc/>

**4. BERKELEY POLICE DEPARTMENT CHIEF'S REPORT**

Chief Hambleton stated that there have been a number of changes with staffing at the Police Department. Due to retirements, other officers have been promoted. There are still openings for one more sergeant and one more lieutenant. There are nine recruits in Field Training, seven currently in the Police Academy. This will help to fill vacancies in special assignments.

Chief Hambleton released a memorandum to the Commission in response to their request for a more detailed account of the missing drugs from the evidence locker (see Communication # \_\_\_\_). He had staff examine the evidence in an attempt to gather the most accurate accounting possible. He also consulted informants, investigators and a medical drug treatment expert who came up with the consensus that the amounts missing is consistent with what a light to moderate user would consume in a one year period. Chief Hambleton also stated that he modified the response to the Evidence Theft Report to include more specific dates for when changes within the Police Department would be completed.

Commissioner Smith responded that she appreciated the information about the accounting of drugs missing, and this was what the Subcommittee requested from the Police Department.

Ms. Urbi asked Chief Hambleton if the memorandum on the count of missing drugs involved all 286 envelopes to which he responded it did.

Commissioner Sherman asked if any of the new recruits had served military time in Iraq or Afghanistan. Chief Hambleton responded that three of the recruits had military experience, two of them in Iraq or Afghanistan. Chief Hambleton added that all recruits are subject to a psychological exam as part of the hiring process and that the Department's psychiatrist reported to him that this was an excellent group of applicants.

**5. APPROVAL OF MINUTES**

A. Regular Meeting: December 12, 2007

**Motion to approve minutes. M/S/C (Kidd/Huang) Motion passed.**

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman, Smith and White. Noes: None.

Abstain: None. Absent: None.

**6. OLD BUSINESS**

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

a. Staff update on City Council meeting on January 29, 2008.

Ms. Urbi stated that she emailed the City Council report to the Commissioners. She met with Chair White and Commissioner Smith, who will present the report to the City Council. She stated that Councilmember Maio requested specific dates of the Kent observations chart, which PRC staff worked on.

Commissioner Smith stated that the request for dates was a large and time consuming project. If staff is unable to complete this task, she will address that the request was made, but it was too absorbing of staff time to complete during her portion of the presentation.

Ms. Urbi asked the Commission if they felt they should continue or discontinue the

Evidence Theft Subcommittee. Commissioner Sherman stated that he thought it would be good to continue until after the City Council meeting to be sure no more action was necessary.

**Motion to continue Evidence Theft Subcommittee. M/S/C (Sherman/Kidd) Motion carried.**

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman, Smith and White. Noes: None. Abstain: None. Absent: None.

**B. ANNUAL REPORT FOR 2005-2006**

a. Staff update

Ms. Urbi reported that PRC Staff is working on adding 2007 data to the report. This change is so that PRC staff only has to print one report instead of two.

**7. NEW BUSINESS**

**A. GOALS FOR 2008**

a. Discussion on Commission priorities and goals in terms of policy issues, outreach to community, training needs, etc...

Ms. Urbi stated that now that the hearings are closed to the public, the only open meetings are the regular Commission meetings. She wanted to discuss how to make PRC meetings more meaningful.

Vice Chair Kidd stated that she would like to see suggestions toward the PRC staff from the Commissioners.

Commissioner Huang stated that he was conflicted about doing outreach while PRC is doing closed hearings, because he now questions whether PRC could really be effective as a civilian oversight agency.

Commissioner Sherman said he would like to discuss the court case in closed session. Ms. Urbi responded that per the Brown Act, it would have to be discussed in public. The Brown Act requires that all meetings are conducted in open session with very few exceptions, such as discussion with our attorney on litigation strategy.

Commissioner Perezvelez stated that he thought the priority should be in closing cases and filling Commission vacancies. He added that he would like to have it taken to the voters how the PRC should operate in terms of open or closed hearings to which Ms. Urbi responded that PRC is court ordered to comply with state law.

Commissioner Huang stated that the PRC should be given disciplinary power.

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

A. Hearing update

Ms. Urbi reported that two hearings had to be postponed due to an officer's unavailability and at the request of the officer's attorney. Commissioner Sherman asked if the attorney's allegations were true and if so, had they been rectified. Ms. Urbi responded that there was a discrepancy over whether the subject officer was to receive the investigation report and that officer's complained that they did not receive the hearing notification with much notice.

Although they were sent at least one week prior, new notifications have been sent two to three weeks in advance.

There are currently three hearings scheduled on January 31, February 4 and February 6.

Ms. Urbi asked the Commission if they wanted to hear a case where the complainant is not present for questioning because the Complainant has not been able to be reached. Commissioner Smith recommended that the case be administratively closed, which would give the Commission a description of the case to be able to make a more informed decision.

**B. Berkeley Police Department training**

Ms. Urbi reported that PRC staff has been conducting trainings with the Berkeley Police Department during the officers' line-up briefing and informing them of the PRC background, and rules. There have been mixed reactions from the officers, however this has increased dialog and promoted greater understanding of PRC's mission.

**C. Status of complaints**

There are 81 open complaints.

**D. Commission vacancies**

There are two Commission vacancies.

**9. PUBLIC COMMENT:**

Theodore Bolton spoke with regard to his case to be heard for Summary Dismissal.

**10. COMMUNICATIONS**

Attached.

<b>Closed Session</b>
-----------------------

The Police Review Commission recessed into closed session to take action on the following cases:

**11. RECOMMENDATION FOR SUMMARY DISMISSAL**

**A. Case No. 2076 – Complainant Theodore Bolton**

**Motion to accept recommendation to summarily dismiss Case #2076.**

**M/S/C (Sherman/Smith) Motion carried.**

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman, Smith and White. Noes: None.

Abstain: None. Absent: None.

**12. RECOMMENDATION FOR ADMINISTRATIVE CLOSURES**

**A. Case No. 2106 – Complainant Charles Smith**

**Motion to accept recommendation to administratively close Case #2106.**

**M/S/C (Smith/Perezvelez) Motion carried.**

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman, Smith and White. Noes: None.

Abstain: None. Absent: None.

B. Case No. 2173 – Complainant Beri Lantum

**Motion to accept recommendation to administratively close Case # 2173.**

**M/S/C (Sherman/Edwards) Motion carried.**

Ayes: Edwards, Huang, Kidd, Perezvelez, Sherman, Smith and White. Noes: None.

Abstain: None. Absent: None.

**13. ADJOURNMENT**

Meeting was adjourned at 8:57 P.M.