

RICHMOND POLICE COMMISSION

Wednesday, June 6, 2007 – 7:00 p.m.
Community Services Building
330 - 25th Street
Conference Room 1

MINUTES

I CALL TO ORDER (Roll Call) (Chair Naomi Williams)

The meeting was called to order at 7:00 p.m. by Chair Naomi Williams

ROLL CALL

Present: Nemy Bautista
Robert Ham
Dolores Hembree
Cochise Potts
Glenn Stephenson
Chris Tallerico
Cora J. Ward
Naomi Williams

Absent: Don Zingale

Vacancies: None

Administrative Staff Present: Don Casimere, Confidential Investigative & Appeals Officer
Malia Glover, Administrative Secretary

II APPROVAL OF MINUTES – May 2, 2007

Upon motion by **Commissioner Ward** and second by **Commissioner Bautista** the minutes for the regular meeting of May 2, 2007, were approved with one revision.

III REPORT BY CHIEF OF POLICE (Chris Magnus or his representative)

Chief Magnus handed out a copy of current COMPSTAT crime statistics. Violent crimes have gone down 16% and other areas have decreased as well. The public will be able to access this information on-line later this month. He said that Sgt. Manjit Sappal has done a terrific job in helping to build this system. The Chief also handed out the results of the most recent truancy sweep. They returned 1,167 students back to school, throughout the school year, which netted almost one million dollars in daily attendance revenue generated as a result of kids being back in school. They worked closely with Contra Costa County Juvenile Probation Office and PAL during the sweeps.

Chief Magnus said that in an effort to improve the department's organizational health, they've started a program that will target issues such as conflict resolution and teamwork. They will be working with Henry Gardner, the Executive Director of ABAG, and an organization called PERF (Police Executive Research Forum) in Washington, DC. They specialize in combining good research and best practices in solving problems within police agencies. They will be working with the Director of PERF, Chuck Wexler, and Chief Ramsey, recently retired Police Chief from Washington, DC, who has dealt with controversy and personnel issues within his own department.

The Chief distributed a copy of an article from the New York Times. It talks about issues that almost every urban community has to confront involving police officer shooting situations and the training that officers go through.

Chief Magnus reported that Code Enforcement has been working very hard on several problem properties. Under direction of the City Manager, they are meeting on a weekly basis with all the city departments that are involved in getting these properties cleaned up. They are taking inventory of all the problem properties and then prioritizing the properties that have health and safety issues. They will soon be hiring a civilian Code Enforcement Manager.

The Chief handed out a memo with statistics from a checkpoint that was held on May 30, 2007. This checkpoint was done in the southern district. They will do checkpoints in the northern and central districts also.

They have started to plan National Night Out with the Crime Prevention Division. They are considering having three caravans, one in each district. Officers assigned to those neighborhoods will participate in the caravans. The theme this year will be "Building Safe Communities."

Chief Magnus said they have received a \$100,000 grant from ABC (Alcoholic Beverage Control). He spoke with the Director of ABC about some of the challenges in Richmond and they pledged their cooperation in helping with these issues.

They are in the final stages of preparing the Police Department budget. They will be getting their own Public Safety IT Manager who will be working on the camera program, radio system, records management system, CAD system, etc. They are requesting a Code Enforcement Officer who will focus on alarms and taxi permitting. They are also requesting a civilian Records Supervisor.

Commissioner Ham inquired about recruiting. **Chief Magnus** said five recruits will graduate from the Napa Academy on 6/9/07. They will be sending seven recruits to an academy this summer and five more in the fall.

Commissioner Hembree asked how the surveillance cameras would be mounted. The Chief said there are 25 different locations and it would vary at each site.

Commissioner Tallerico asked if the school officers would be deployed to patrol during the summer months. **Chief Magnus** said they asked the officers to take their vacations during the summer. They will also be attending training and taking part in various youth programs. They will each be doing a minimum of two weeks in patrol.

Commissioner Bautista commended the Police Department for a successful Cinco de Mayo event. **Chief Magnus** said the credit goes to Capt. Williams, Lt. Gagan and Lt. Clark and good community partnership.

Commissioner Stephenson asked if the truancy sweep results included the schools and grades of the students. **Chief Magnus** said he believes the school district breaks it down to that level.

Chair Williams reported that the DA is gathering the statistical information that the Commission requested. She will let them know when the results are received. **Chief Magnus** said that Assistant District Attorney Derrick Butts has been working with the police department; he has been a huge asset to the department. He is involved with training for all the line ups, written training, including report writing. He helps review cases before they are sent to Martinez.

Chair Williams asked about background checks for taxi drivers in Richmond. The Chief said that one of the things the new code enforcement person will do is make sure that all the taxi drivers are properly checked as far as backgrounds, criminal history, up to date credentials, etc. They've made some changes to the ordinance and it will be going before the council in the near future.

IV REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE

No report.

V REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE

No report.

VI REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE

No report.

VII DISCUSSION OF S.B. NO. 1019 – PEACE OFFICER RECORDS: CONFIDENTIALITY

Chair Williams asked **Carlos Privat** from the City Attorney's office to report on SB-1019. He said that the senate bill overturned the Copley decision. The Copley decision prohibited public disciplinary hearings. SB-1019 has been recently approved by the Senate. **Mark Schlossberg**, Police Practices Policy Director for the ACLU, added that the Senate passed SB-1019 as amended. Now it must be approved by the Assembly

Public Safety Committee by July 13, 2007, by the Assembly as a whole by mid-September, and then it must be signed by the governor.

There were six speakers for this item.

Donald Johnson said he was here to urge the Commission to take the opportunity regarding 1019 as an opportunity for them to improve public safety in Richmond. He urged them to use as much effort as possible to get this bill passed and use it to be more open to the public. If they do, they'll get tremendous benefits and prestige with the public.

Bob Sutcliffe explained that the Police Commission attempted to hold a public hearing at one time, but due to an injunction acquired by the RPOA's attorney, the public hearing was stopped and they were unable to hold the officer accountable publicly. He reminded the Commission that this is a very important issue and encouraged them to support it.

Mark Schlossberg said that the Copley Press has dramatically impacted proceedings in many agencies throughout the state. The bill has recently passed out of the senate as amended. The bill explicitly overturns the Copley Press decision and allows things to go back to the way they were before Copley Press. But local jurisdictions have to affirmatively say they want to implement these procedures and make sure that it doesn't release more information than what used to be released before Copley Press. It will allow communities to have a more open and transparent process. This legislation has gotten wide support; NACOLE has taken a position of support as well as oversight agencies in Berkeley, Oakland, San Francisco, and several police chief's throughout the state along with the National Black Police Officers' Association. He urged the Commission to support it as well.

Phil Mehas said the National Director of the ACLU is the keynote speaker at the NACOLE (National Assoc. for Civilian Oversight of Law Enforcement) conference and the mission and values of NACOLE reflect the same philosophy behind SB-1019. He said it is not an anti-police measure; it goes to the heart of community involved policing. It is not intended to expose any officers to vulnerability by having their records opened; they're not for that. What they do want is to know that police officers are accountable, and accountable to the public.

Commissioner Ham requested to ask a question after Phil Mehas spoke. **Chair Williams** requested that he wait and ask the question later.

Andres Soto said having been a past victim of police violence in Richmond, it was important for him to have an opportunity to raise issues and shine the light on police misconduct to help improve department performance. He said if your doctor or lawyer has been disciplined for misconduct, you can find that on-line. This is important for all of us to know so that we can respond appropriately. We are accountable to the police for appropriate behavior and they are accountable to us. He encouraged the Commission to

support SB-1019. He said it is necessary for the improvement of law enforcement services in California and that's a common goal we all have.

Myrtle Braxton said she came to ask the Commission to support this bill. She said police officers should be held accountable at a higher standard because they have a higher standard of force that they can enforce on people. She said the public has a right to know what's going on.

Chair Williams said she supports this bill as an individual but asked **Mr. Privat** if the Commission had the authority to support this as a body. **Mr. Privat** said yes.

Chair Williams told **Commissioner Ham** that he could now ask **Phil Mehas** the question that he had.

Commissioner Ham wanted to be clear that this legislation does not force disclosure of operational information, resource information, internal affairs investigations, or things that are extremely sensitive such as the officer's name, address, phone number, or things that might put an officer in danger. It is his understanding that the chief of any police department can intercede if he thinks that operational security will be impacted. **Phil Mehas** referred the question to **Mark Schlossberg**. He said there are provisions within the legislation that protect against the release of information that may relate to operational security or officer safety.

Commissioner Tallerico said he read the Senate Bill that was presented to them and was told by the representative from the ACLU that this was not the current Senate Bill. He said he believes in absolute transparency and that the findings of a Police Commission or Citizen's Review Board should be made public but he does struggle with what information is released and when. He doesn't know if the citizens have a right to know everything, all the time. He said in this senate bill, he can't find anything that protects certain things from being made public. **Mark Schlossberg** said the bill was amended a few weeks ago. It has one section and three subsections. The first subsection says we are explicitly overturning Copley Press; agencies can go back to doing what they were doing before. Subsection two says that the chief officer of the employing agency may certify in writing that information otherwise rendered non-confidential be withheld from public disclosure and provides a number of circumstances that have to be met for that to happen.

Commissioner Ham requested to include this item on the agenda for the next meeting and getting the most recent update of the bill at that time.

VIII DISCUSSION OF COMMISSIONER ATTENDANCE AT NACOLE CONFERENCE (NATIONAL ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT)

Chair Williams said the conference will be September 24-28, 2007, in San Jose. There are enough funds in the budget to send two people full-time, including hotel fees. Two others can attend but it won't include hotel fees. **Chair Williams** and **Commissioner**

Hembree will attend full-time. **Commissioner Potts** and **Commissioner Ward** will also attend.

Commissioner Stephenson asked what the advantage was of attending the conference. **CIAO Casimere** said there is great value in this for commissioners to volunteer their time to deal with police accountability efforts. The value is networking with other civilian oversight professionals and volunteers from across the country and learning how to strengthen civilian oversight. Mr. Casimere said it is well worth attending.

IX PUBLIC FORUM

Bob Sutcliffe said Police Commission meetings are about public comment and an open process for the community. He said one of the Commission's biggest tools they should use is their ability to discern what's right or wrong and be open to the public and to the police department. He said the Commission has done great work in its history and he told the commissioners to keep that in mind as they move forward. He was impressed with the Police Chief's report this evening.

X REPORT BY CONFIDENTIAL IAO

CIAO Don Casimere said he is impressed with the fact that this Commission has evolved into a group that is really looking at policy issues. He said the Commission will have the opportunity to get updated SB-1019 information and discuss it in an open forum at the next meeting; this is what the Commission should be doing. He commended them on the path that they've taken.

Mr. Casimere said that IACOLE (International Assoc. for Civilian Oversight of Law Enforcement) was the birthplace for NACOLE. The Richmond Police Commission hosted a reception for IACOLE in the 1980's, in which people from all over the world participated in talking about accountability. He said these conferences are there for their benefit and education. He encouraged them to look at the NACOLE website. He reported that he will be presenting a panel on "Visioning Civilian Oversight" at the conference. It will be on Friday at 10:15 a.m.

CIAO Casimere said he and **Chair Williams** gave an outreach presentation at the RPD Citizen's Academy last week. He said outreach into the community is very important to advance the cause of oversight.

Phil Mehas requested copies of the handouts that were given out this evening. He also said he's heard little discussion on policy during the few years that he has been coming to the meetings. He encourages more policy review. He also wanted to know if there was any breakdown of who was stopped, who was searched, etc. during the police department checkpoints.

XI REPORTS OF SUBCOMMITTEES

A. West County Alcohol Policy Working Group

Chair Williams said they had decided to establish goals for 2006-07 at a previous meeting. One was to get the grant from ABC. The second one was to talk about a drink called “Spike” which was designed to encourage underage drinking. They had sent letters to the legislature and the following month they talked with ABC and to John Gioia’s office about that issue; it has since been banned in the U.S. Richmond officers continue to be involved in their meetings.

B. Church & Neighborhood Council Outreach Committee (Commissioner Cora Ward)

Commissioner Ward said she attended the North-East Neighborhood Council meeting on 5/17/07. Commissioners Tallerico, Hembree and Chair Williams were there also.

C. Reports on Community Events/Training Attended

Commissioner Stephenson

- Ride-along with Officer Whitson
- Attended opening of Richmond Parkway
- Attended Crime Prevention Board Meeting
- Visited Resource Officers Gray and Thomas at high school
- Attended Police Officer of the Year Award Dinner
- Ride Along with Sgt. Williams on Cinco de Mayo

Commissioner Ham

- Attended Cinco de Mayo celebration

Commissioner Bautista

- Suggested that the Commission recite the Pledge of Allegiance at the beginning of each Police Commission meeting. He wanted to know the correct procedure for initiating this. **Carlos Privat** said he will check into whether they need to make a formal motion or just add the item to the agenda.
- Attended Cinco de Mayo celebration
- Attended Municipal Advisory Consulate of El Sobrante
- Attended Police Officer of the Year Award Dinner
- Attended May Valley Neighborhood Council meeting on 5/24

Commissioner Ward

- Attended Police Officer of the Year Award Dinner
- Attended BBQ for John Garamendi
- Attended NE Neighborhood Council Meeting

Commissioner Tallerico

- Did 2 Ride-alongs, 5/4 – Officer Silva; 5/5 - Officer Moody
- Participated in Oral Boards
- Attending Citizen’s Academy
- Attended NE Neighborhood Council Meeting
- Attended Police Officer of the Year Award Dinner

Commissioner Potts

- Participated with Richmond Branch of NAACP at Legislation Day in Sacramento
- He is a board member of TAP (The Anchor Program). They had 5 students graduate tonight to become Merchant Seamen.
- Attended Police Officer of the Year Award Dinner

Commissioner Hembree

- Attended Cinco de Mayo
- Attended NE Neighborhood Council Meeting
- Attended Police Officer of the Year Award Dinner

Chair Williams

- Attended RNCC Meeting
- Attended GRIP Board Meeting
- Attended Crime Prevention Executive Board Meeting
- Attended Crime Prevention Meeting
- Attended West County Alcohol Policy Working Group Meeting
- Attended Public Safety Committee Meeting
- Participated in Cinco de Mayo Parade
- Attended City Council Meeting

XII EXECUTIVE SESSION: Public Employee Performance and Discipline/Release (Police Officers)

A. Discussion Regarding Complaints Received in the Past Month and Past Complaints

No new complaints received in the past month.

Commissioner Hembree said that an article in today’s West County Times had some incorrect information regarding the Police Commission investigating a shooting. **CIAO Casimere** read the article aloud. Since the Police Commission has not received a complaint **Chair Williams** suggested asking the West County Times to print a correction notice. **Commissioner Tallerico** made a motion to send a letter to the West County Times requesting that they print a correction. It was seconded by **Commissioner Bautista**. All were in favor.

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XIII ADJOURNMENT

Upon motion by **Commissioner Ham** and second by **Commissioner Ward**, the meeting was adjourned at 9:18 p.m.

Don Casimere
Confidential Investigative & Appeals Officer