

RICHMOND POLICE COMMISSION

**Wednesday, May 7, 2008 – 7:00 p.m.
Community Services Building
330 - 25th Street
Conference Room 1**

MINUTES

I CALL TO ORDER (Roll Call) (Chair Cora Ward)

The meeting was called to order at 7:00 p.m. by Chair Cora Ward

ROLL CALL

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

Absent: Cochise Potts
Roberto Reyes
Glenn Stephenson

Vacancies: None

Administrative

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

Council Liaison: Councilmember John Marquez

City Attorney's

Office Representative: Mary Renfro, Assistant City Attorney

II PLEDGE OF ALLEGIANCE

III APPROVAL OF MINUTES – April 2, 2008

Upon motion by **Commissioner Williams** and second by **Commissioner Bautista** the minutes for the regular meeting of April 2, 2008, were approved as written.

IV COMMENTS REGARDING LIABILITY ISSUES FOR APPOINTED POLICE COMMISSIONERS AND VOLUNTEER VS. APPOINTED STATUS (City Attorney Louise Renne or her representative)

Assistant City Attorney Mary Renfro said one of the questions was whether appointed board members could be held liable for actions taken within the scope of their duties. She said the relevant section of the government code is Section 820.9, Immunity from Suits. It says members of locally appointed boards and commissions are not vicariously liable for injuries caused by the act or omission of the public entity or advisory body. She said if they are acting within the scope of their duties as a police commissioner and a suit is filed that names them as a defendant, based upon those actions as a police commissioner, then the City would move to have them dismissed as a defendant. There is a specific government code immunity for liability taken as a police commissioner provided it was within the scope of their duties and actions of the board. She said the other question was regarding whether an appointed commissioner is a volunteer. She said there isn't a clear distinction. In one sense they are volunteers because they are not paid and they are not liable for the obligations and duties of an employee, nor do they get the benefits of an employee. However, they have been appointed through the council and they have an advisory role to play.

Commissioner Tallerico asked who is responsible for medical bills if something happens while on a Ride-Along. **Mary Renfro** said the commissioner would have to put in a claim for damages through Risk Management. She will also check with Risk Management regarding insurance provisions.

Commissioner Williams said in the past they have been covered by the City during Ride-Alongs. **Mary Renfro** said she will check into it.

Chair Ward said that as commissioners they are required to ride-along and observe and not get involved if the officer is involved in any type of confrontation with a suspect.

CIAO Casimere said he doesn't think the liability issue is written anywhere.

Commissioner Tallerico made a motion to continue this item to the next meeting. It was seconded by **Commissioner Ham**. All were in favor.

V COMMENTS BY COUNCIL LIAISON HARPREET SANDHU

Councilmember Sandhu was absent. **Chair Ward** invited **Councilmember Marquez** to speak after the Chief's Report.

Council Marquez said he was there at the request of **Councilmember Sandhu**. He said he was here to listen to the concerns of the Commission. He thanked them for the work that they do as commissioners. He also thanked the Police Department for their relationship with the community during the Cinco de Mayo celebration.

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

A. Cinco de Mayo Celebration

Chief Magnus said the event was extremely successful with a lot of good work from the community, Richmond PD and San Pablo PD. He said the 23rd Street Business Association deserves a lot of credit for good planning. Capt. Anthony Williams was a solid player in the process, as well as Lt. Mark Gagan. Only four arrests were made. He appreciated the commissioners that volunteered at the various events.

B. Other current topics

Chief Magnus distributed copies of the updated Field Services Bureau Roster and a report of RPD Activity (YTD). He reported that he recently promoted 4 people. Manjit Sapal and Chuck Whitney were promoted to lieutenant. Estaban Barragan and Mike Wang were promoted to sergeant. The promotions will be effective on June 1, 2008. Chief Magnus said the CHP was invited to the City Council meeting last night to give an overview of their accomplishments during the three month assignment in Richmond. The Chief gave updates on the progress of the West County Gang Task Force, the Gang Suppression Enforcement Team, CCTV installation and Code Enforcement activities.

Phil Mehas commented that he was curious as to why the CCTV Committee and the School Resource Officers were not on the agenda. He is concerned that the City is asking private enterprises to do monitoring of public areas on Macdonald and San Pablo Avenue.

Commissioner Ham asked the Chief to report on juvenile curfew. **Chief Magnus** said the City currently has a curfew ordinance but it is not enforceable because it is not in compliance with the rulings of the Ninth Circuit. They will have to update and revise the ordinance to meet the guidelines. It will require City Council approval, a new ordinance being drafted by the City Attorney, and adoption of the ordinance by the City Council. He said a juvenile diversion program needs to be put in place before enforcing a curfew.

Commissioner Bautista congratulated the Chief and the department for a successful Cinco de Mayo celebration.

Commissioner Williams questioned the location of some of the cameras being installed in the City. Chief Magnus said the cameras will initially be installed in the areas of greatest need.

Commissioner Williams suggested that when vacant houses are boarded up, that they also paint the boards. **Chief Magnus** agreed with that idea. He said they will be going into different neighborhoods and focusing intense amounts of

resources for a period of one week that would include identifying vacant properties, going after the property owners and getting things to look better by using misdemeanor citations to speed up the process.

Commissioner Hembree suggested that if a curfew is put into place, neighboring cities should adopt the same plan. **Chief Magnus** said they will share whatever model they choose with the other cities.

VII REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE

No report.

VIII REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE

No report.

IX REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE

No report.

X STATISTICS FROM D.A.'S OFFICE

CIAO Casimere explained a request was made at the last Commission meeting to invite Assistant Deputy DA's Bruce Flynn and Derek Butts to this meeting to discuss the statistics they provided to the Commission. A letter was sent on 4/10/08, inviting them to the meeting. The letter was followed up by phone calls to the DA's office on 4/25 and 4/28/08. ADA Derek Butts called the Commission office today and stated that they would not be attending the meeting.

Discussion ensued. **Commissioner Tallerico** made a motion to refer the matter to the Contra Costa County Civil Grand Jury. **Chair Ward** said the Commission will arrange to meet with the DA's office. **Commissioner Ham** seconded **Commissioner Tallerico's** motion and offered a friendly amendment to move forward with sending the matter to the Grand Jury and, at the same time, authorizing **Chair Ward** to meet with the DA. **Commissioner Tallerico** accepted the friendly amendment. The motion carried with the following vote: **Ayes:** Commissioners Bautista, Ham, Tallerico, and Williams. **Noes:** None. **Abstentions:** Commissioner Hembree. **Absent:** Commissioners Potts, Reyes and Stephenson.

XI PUBLIC FORUM

There were no public speakers.

XII REPORT BY CONFIDENTIAL IAO

CIAO Don Casimere said that he attended the Boston Cease-Fire briefing on 4/08/08. He met with Trish Aljoe from the City Attorney's office on 4/11/08 to discuss

participating as an appeals officer on matters pertaining to Code Enforcement. He attended the Public Safety Committee meeting on 4/14/08 and the open house for the Lao Family Community Development office on 4/17/08.

CIAO Casimere gave an update on Police Commission badges. On 4/22/08, a letter was sent from the City Attorney's office to all Police Commissioners saying that all badges must be turned in. The Chief made an initial request on January 2, 2008, to have the badges turned in. The following commissioners have returned their badges: Ham, Bautista, Potts, Ward, Stephenson, Hembree, Tallerico. Commissioner Williams' badge is still outstanding.

XIII REPORTS OF SUBCOMMITTEES

A. West County Alcohol Policy Working Group (Commissioner Naomi Williams)

Commissioner Williams said the next meeting will be on 5/19/08. She invited the commissioners to attend. Target has filed an application for a liquor license and they will have representatives attending the meeting. She has invited Capt. McBryde and Sgt. Williams to the meeting. It will be at 11:00 a.m., 1555 Third Street in North Richmond.

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

Chair Ward reported that outreach letters were sent to the churches in Richmond.

C. Reports on Community Events/Training Attended

Commissioner Hembree

- 4/11/08 – Attended Mayor's meeting at library
- 4/14/08 – Attended Public Safety Committee Meeting
- 4/17/08 – Attended Volunteer Appreciation Luncheon
- 4/18/08 – Attended Officer/Firefighter of the Year Awards Dinner
- 4/30/08 – Attended CCTV Committee meeting
- 5/03/08 – Attended Cinco de Mayo parade
- 5/04/08 – Attended Cinco de Mayo festival

Commissioner Ham

- 4/14/08 – Attended Public Safety Committee Meeting
- 4/18/08 – Attended Officer/Firefighter Awards Dinner
- 2 Ride Alongs
- Attended a program that assists parolees

Commissioner Bautista

- 4/18/08 – Attended Police/Firefighter of the Year Awards Dinner
- 5/01/08 – Attended May Valley Neighborhood Council meeting

Commissioner Williams

- Attended Police/Firefighter of the Year Awards Dinner
- Attended Mayor's table at Booker T. Anderson
- Attended NAACP dinner
- Attended BAPAC George Carol Award Event
- Attended CCTV Committee meeting

Commissioner Tallerico

- Assisted with Explorer booth at Cinco de Mayo celebration
- Attended Police/Firefighter of the Year Awards Dinner
- Attended Cinco de Mayo celebration
- Ride-Along

Chair Ward

- Attended Volunteer Appreciation Luncheon
- Attended graduation at de Jon Middle School
- Attended Police/Firefighter of the Year Awards Dinner
- Attended NAACP Dinner
- Attended WCCUSD Board of Trustee meeting
- Attended El Cerrito Democratic Club
- Attended Girls, Inc. Club
- Attended Cinco de Mayo celebration

XIV 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 in the past month.

XV ADJOURNMENT

Upon motion by **Commissioner Williams** and second by **Commissioner Hembree**, the meeting was adjourned at 8:45 p.m.

Don Casimere
Confidential Investigative & Appeals Officer