

RICHMOND POLICE COMMISSION

Wednesday, June 3, 2009 – 7:00 p.m.
Community Services Building
330 - 25th Street
Conference Room 1

MINUTES

I CALL TO ORDER, ROLL CALL, PLEDGE

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

ROLL CALL

Present: Scott Gillespie
Dolores Hembree
Jim Jenkins
Roberto Reyes
Bea Roberson
Glenn Stephenson
Cora J. Ward
Naomi Williams

Absent: Nemy Bautista

Vacancies: None

Administrative

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

Council Liaison: Jeff Ritterman, Council Liaison – Absent

City Attorney's

Office Representative: Mary Renfro, Assistant City Attorney – Present

II APPROVAL OF MINUTES – May 6, 2009

Upon motion by **Commissioner Williams** and second by **Commissioner Reyes** the minutes for the regular meeting of May 6, 2009, were approved as written.

III PRESENTATION ON CALIFORNIA'S OPEN PUBLIC MEETING LAW ("The Brown Act") (Randy Riddle, City Attorney)

City Attorney Randle Riddle gave the Commission an overview of the Brown Act. He explained what constitutes a meeting, notice required and public involvement permitted

under the Brown Act. A meeting occurs when a majority of the members of a legislative body come together at the same time or place to discuss official business. Agendas must be posted 72 hours in advance for regular meetings and 24 hours for special meetings. Agenda items need to be specific so that a person of reasonable intelligence, who may have an interest in appearing at the meeting to either listen to or address that issue, is put on notice that the legislative body will be talking about that matter. In emergency situations the body could adopt a motion, by a two thirds vote, to place an item on the agenda and take immediate action on that item if they were not aware of it before the agenda was posted. The public is allowed to comment on specific agenda items before any action is taken on that item. They can also make comments under open forum and discuss any item not on the agenda as long as it falls within the jurisdiction of the legislative body. He also informed the commissioners of criminal penalties regarding Brown Act violations.

Commissioner Reyes asked if two or three commissioners could get together and discuss commission business. **Mr. Riddle** said that would not violate the Brown Act.

Commissioner Stephenson asked about responding to general public comments. **Mr. Riddle** said the commission can briefly respond or refer them to someone else but no detailed discussion should take place.

Commissioner Williams asked if the Commission was allowed to answer questions from the public during Public Forum. **Mr. Riddle** said a brief response is fine but it is not appropriate to take part in any discussion. It can be added to a future agenda.

Commissioner Hembree asked if they can have committees in groups of three to review policies and ordinances. **Mr. Riddle** explained that standing committees with an ongoing existence and with continued jurisdiction would be a Brown Act body. An Ad Hoc committee is created to study a single issue that is of a limited duration and is not subject to the Brown Act.

CIAO Casimere asked how to handle someone who verbally attacks a specific commission member or staff member. **Mr. Riddle** said that the Brown Act has specific language in it that says that during public comment they have a right to be critical of staff, critical of the public officials and the decisions that they make. When it crosses over to a point where it will be disruptive, then the person can be told that they've crossed the line.

IV COMMENTS BY CHAIR CORA WARD

A. Discussion and Action Regarding Committee Formations and Assignments

Chair Ward discussed and passed out instructions to the commissioners regarding the ad hoc committees. She stated that all nine commissioners will work on reviewing RPD policies and procedures and develop strategies. The three committees are Community Relations Committee (Scott Gillespie/Jim Jenkins/Dolores Hembree), Street Vendor Committee (Roberto Reyes/Nemy

Bautista/Glenn Stephenson), and Alcohol Committee (Naomi Williams/Bea Roberson/Cora Ward).

Chief Magnus said it may be better to limit the focus of these groups to non-police policy. The Commission's ongoing charge is to review policy and he doesn't think that it's something that can be considered ad hoc.

CIAO Casimere stated that it is entirely consistent with the Commission's authority and responsibility to review police department policy, to have smaller groups or ad hoc committees and to be assigned specific areas of police department policy. They can then come to the full body with recommendations.

Asst. CA Mary Renfro said an ad hoc committee is brought together to deal with a specific, limited issue; it has a limited time that it exists. The only way that these committees can be viewed as ad hoc committees is if these reports are due back and the committees are disbanded at a specific time.

Discussion ensued. **Commissioner Reyes** made a motion, seconded by Jim Jenkins, to schedule a retreat as **Commissioner Williams** suggested, to discuss their charge, decide what issues they will work on and committee formations and assignments.

CIAO Casimere suggested that if the motion passes that they agendaize the retreat for discussion at the next meeting.

The motion passed with the following vote: Ayes – 5; Noes – 1; Abstentions – 3.

Chair Ward asked if any commissioners wanted to participate in the Juneteenth parade that will take place on 6/20/09. She said that even though this was not placed on the agenda, she wants to discuss it. A vote was taken to discuss the issue now which passed with a 2/3 vote. Several commissioners agreed to take part in the parade.

V COMMENTS BY COUNCIL LIAISON JEFF RITTERMAN

Not present.

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

A. Current Topics

Chief Magnus said they have contracted with an attorney to work on policy development. He explained that in the past, the old policy manual was replaced without the Commission getting a chance to review any of the policies. He said the Commission should have had a chance to actively review and comment on the policies. They are now taking each policy, in order of their significance, and working on making sure they are relevant to how they want RPD to operate. He plans to give groups of policies to the commissioners for review and comments.

He recommends that before the Commission meets to discuss the policies, that they do detailed, individual reading and analysis of each policy. The Chief also said that the Commission is an advisory committee and he would like to get advice from them that is as helpful and relevant as possible so that as much of it, as is practical, can be included in the policies themselves. He also said that the commissioners are not subject matter experts and if they have questions, or don't understand something, to call the department and they can be put in touch with whomever in the department has expertise on that topic. He said if they put together a series of recommendations that are so far out in left field in terms of how they would operate, or what is not considered best practices in terms of policing, he will be put into a position to reject the recommendations and he doesn't think that is time well spent for anybody. When the commissioners have a retreat to discuss the policies, he will be happy to provide staff support to answer any questions.

Commissioner Williams asked if the Commission's advice on past policies had been so "out there" that he did not accept it. **Chief Magnus** said no; the advice has been very good because they did ask questions and came down to the police department as needed. He explained that with the larger volume of policies coming to them it will be important that they maintain that same kind of approach. **Commissioner Williams** stated that the Chief said it like he wasn't really satisfied with their advice in the past. **Chief Magnus** said there will be a lot of policies that are fairly complex that deal with fairly complicated police operations and it is extremely important that they have as much of a knowledge base as possible to deal with that. He is offering resources in terms of his staff to come and answer any questions or be of any help.

Scott Gillespie encouraged the Chief that if there is a policy that he deems confidential or one that contains sensitive tactical information, to mark it as confidential to be discussed in closed session. Chief Magnus said there would not be a lot of those. There are many that contain legal issues that may need more explanation.

CIAO Casimere said that the Chief made a comment about the Commission not being subject matter experts and it sounded as if he was concerned that this Commission would make unrealistic recommendations. He wanted to state that the Commission is well aware of its responsibilities. The Commission is made up of citizens of the City of Richmond who are not subject matter experts, but there is value in bringing the policies to the Commission to get their opinion. He thought the way it was said came off the wrong way. **Chief Magnus** apologized and said that was not his intention. He was concerned that he heard discussions about having small subcommittees of three people that would be meeting at someone's house to discuss police policy that deserves a more public airing. There are topics that are complex and that have repercussions that involve things in terms of liability issues, etc. He is concerned that this be done in a manner that is both transparent and that is open to the community. **CIAO Casimere** said the intent of the committees is that there would be a way for specific commissioners, in groups, to zero in on policies and bring it back to the

full Commission for discussion in a public meeting. He said the Commission has made sound recommendations in the past and that the Chief needs to be careful when he makes comments like that because it can be accepted the wrong way.

Commissioner Stephenson asked if the policy manual was being revised front to back. **Chief Magnus** said they are starting with policies that they feel are the highest liability. **Commissioner Stephenson** said he was not offended by what the Chief said. The Chief said he didn't intend to offend anyone. His concern is that they will be reviewing more policies than he has given them since he has been chief and they will be more complex than the ones they have dealt with so far. He wanted to be able to get through them in a timely manner with results that they all feel good about.

Chief Magnus said in regards to the three committees that the Commission is putting together, they do not have policies on street vendors or alcohol. He said from an ad hoc standpoint, the Commission could give them feedback on these issues and they would welcome any ideas they have.

Commissioner Hembree asked for an update on the Shotspotter. **Chief Magnus** said it's only been up for a couple weeks. There was a double shooting near Cutting recently. Nobody called to report it, but they were able to respond because the Shotspotter system indicated that there had been several shots fired at this specific location. An individual was found critically injured. Had they not responded, he would have been dead. The Shotspotter is able to tell them what type of weapon that was fired and whether or not it came from a moving vehicle. He said it's working very well so far.

B. Briefing on Crime Analysis (Crime Analyst Lori Hill)

Crime Analyst Lori Hill gave a detailed overview of crime analysis. She explained that she is not a crime scene investigator; the job deals more with numbers. Numbers are actually the starting point followed by various analytical techniques. They use tactical analysis for immediate problems. Strategic analysis is used for long term problems (e.g. crimes go up in summer when school is out; crimes go up at Christmas when people leave packages in cars). Spatial analysis refers to geography. They also do investigative analysis, investigative support and intelligence gathering. They create hierarchy charts, timelines with telephone toll analysis, event flows, etc. The crime analysis unit also does several projects for court preparation and presentation. They connect with the detectives/officers in the field which allows them to stay in the field while crime analysis does the background work in the office. **Ms. Hill** said it's really all about getting involved with the community and the officers.

VII REPORTS BY POLICE OFFICERS' ASSOCIATION, LATINO POLICE OFFICERS' ASSOCIATION AND GUARDIANS OF JUSTICE

No representatives present.

VIII PUBLIC FORUM

Cochise Potts said he was glad to see the Commission was reviewing RPD policies. He said this body is more than just an advisory board. He read the ordinance that listed the powers and duties of the commission.

IX REPORTS BY COMMISSIONERS, CONFIDENTIAL IAO AND CITY ATTORNEY'S OFFICE REPRESENTATIVE

CIAO Casimere said the daily activity log was submitted to the commissioners today. He reminded them of the volunteer appreciation luncheon tomorrow at 1:00 p.m. He also discussed some of the options of where future police commission meetings could be held after the move to the new building.

Commissioner Stephenson

- Attended Public Safety Awards Dinner
- Attended Senior Health Fair
- 2 Ride-alongs

Commissioner Gillespie

- Attended RPD Centennial Celebration

Commissioner Roberson

- Attended Public Safety Awards Dinner
- Attended RPD Centennial Celebration
- Attended Crime Prevention Board Meeting
- Attended Police Volunteer Awards Ceremony
- Attended Emergency Preparedness Meeting

Commissioner Williams

- Attended Juneteenth Meeting
- Attended RPD Centennial Celebration
- Attended Police Volunteer Appreciation Ceremony
- Attended Alcohol Policy Working Group Meeting

Commissioner Jenkins

- Attended RPD Centennial Celebration
- Attended RPD Volunteer Appreciation Ceremony

Commissioner Hembree

- Attended Public Safety Awards Dinner
- Attended RPD Centennial Celebration

Commissioner Bautista (Submitted prior to meeting)

- 5/02/09 – Attended Cinco de Mayo Parade
- 5/15/09 – Attended Public Safety Awards Dinner

Commissioner Bautista (cont.)

- 5/16/09 – Attended RPD Centennial Celebration
- 5/17/09 – Participated in Bay to Breakers 12K Run. Finish time: 1:25:57
- 5/18/09 – Served as Poll Clerk at Precinct 289, Richmond, CA
- 5/28/09 – 4 hour Ride-along with Off. B. Zeidan
- 5/28/09 – Attended RPD Volunteer Appreciation Ceremony
- 5/28/09 – Attended May Valley NC Meeting

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

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

One complaint received in the past month.

XI ADJOURNMENT

Upon motion by **Commissioner Williams** and second by **Commissioner Stephenson** the meeting was adjourned at 9:10 p.m.

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Don Casimere
Confidential Investigative & Appeals Officer