

# **RICHMOND POLICE COMMISSION**

**Wednesday, June 1, 2011 – 7:00 p.m.  
Employment & Training Building  
330 – 25<sup>th</sup> 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 Dolores Hembree

#### **ROLL CALL**

**Present:** Therese Barquet (arrived 7:17)  
Nemy Bautista  
Scott Gillespie  
Dolores Hembree  
Felix Hunziker  
Bea Roberson  
Glenn Stephenson  
Eleanor Thompson  
Cora J. Ward (arrived 7:05)

**Absent:** None

**Vacancies:** None

#### **Administrative**

**Staff:** Don Casimere, Confidential Investigative & Appeals Officer – Present  
Malia Glover, Executive Secretary I – Present

**Council Liaison:** Jeff Ritterman, Council Liaison – Present

#### **City Attorney's**

**Office Representative:** Bruce Soublet, Assistant City Attorney – Present

### **II APPROVAL OF MINUTES – May 4, 2011**

Upon motion by **Commissioner Bautista** and second by **Commissioner Roberson**, the minutes for the regular meeting of May 4, 2011, were approved as written.

### **III PRESENTATION BY DISTRICT ATTORNEY MARK PETERSON**

**District Attorney Mark Peterson** gave a detailed overview of the roles and responsibilities of the District Attorney's (DA's) office. He said he has been a Deputy DA for 26 years and was a member of the Concord City Council for 15 years. Their mission statement is to "Seek justice and to enhance public safety for all our residents." He said they do this by fairly, ethically, aggressively and efficiently prosecuting those who violate the law and by working to prevent crime. They have approximately 160 employees with a budget of 27.5 million dollars. The office priorities are to always prosecute misdemeanors, gang prosecutions and injunctions, electronic monitoring, crime prevention and making changes in the office. Mr. Peterson commented on each of these items. He said they are number 1 in the bay area as far as convictions and number 3 in the state. They only file cases if they believe they can prove the case beyond a reasonable doubt.

**Commissioner Bautista** wanted to know the short term and long term fall out from prisoners being released to the counties. **DA Peterson** said the good thing about it is that it's forcing them to rethink things. It costs \$50,000 to house a prisoner for a year; counties can do it for less.

**Commissioner Roberson** asked how many people would come to Contra Costa County and if there was room in the Contra Costa jails. **DA Peterson** said that the sheriff would have an answer to that question. Even if there is bed space, gang members need to be kept separated.

**Commissioner Hunziker** asked how many of the 34,000 that may be released to the counties were initially charged or arrested for violent offenses such as gun possession, that were then pled out to a lesser charge. **DA Peterson** said that Robert Ambroselli from the California Department of Corrections and Rehabilitation would have that information. He said that 20% of people in prison are non-violent offenders.

**Councilmember Ritterman** introduced himself and said if the City could help them in any way possible, they are available. **DA Peterson** said he would be happy to come and speak to any other community organization and/or the city council.

**Chair Hembree** thanked **DA Peterson** for his report and asked him to come back in October to brief them on gang injunctions and the cease fire program.

**Chair Hembree requested that item V be moved to item IV**

### **IV REPORT OF CHIEF OF POLICE (Chris Magnus or his representative)**

A. Non-lethal weapon presentation/demo

**Capt. Gagan** represented **Chief Magnus**. **Sgt. Walle** gave a briefing on RPD's use of force policy which included the definition of reasonable force, officer discretion, use of force during an arrest, and factors used to determine reasonable force. He defined less lethal force as any application of force not intended to create a substantial likelihood of death or very serious injury. Less lethal force includes physical force and defensive tactics, control devices and emergency alternative impact weapons. He explained the use of the baton, pepper spray, taser and the kinetic energy projectile (beanbag shotgun). They also did a demonstration to show how each of these non-lethal weapons are used. Officers must document force on a Use of Force report form. Supervisors are notified as soon as possible and respond to the scene to conduct an investigation. A memorandum is sent through the chain of command to the Use of Force/Major Incident Review Board.

**Commissioner Roberson** asked if several officers pull their weapon at an incident scene, do they all have to fill out the use of force form. **Sgt. Walle** said the primary officer would fill out the form.

**Commissioner Hunziker** asked how officers learn when it is just enough force to make a person stop resisting and comply while using control techniques, versus going too far and causing them pain. **Capt. Gagan** explained that it's the suspect's involuntary reaction to what technique the officer is using; when they start to comply. He said they don't take use of force lightly. They have to have a survival mentality when they approach a situation. They are highly trained and highly supervised, which is how they avoid the culture of problems with use of force.

**Commissioner Gillespie** asked **Capt. Gagan** his thoughts on cameras in tasers. **Capt. Gagan** said he likes the idea, but they don't have them in their tasers.

B. Report of recent activities, events, incidents, and related matters

**Capt. Gagan** said that crime remains low. Violent crime was down 22% for the month of May. Property crimes are down 6%. There were two homicides in May. Lt. George Garcia and Capt. Alec Griffin have retired. They will be promoting two lieutenants and two sergeants in the next week. They've recently hired two lateral officers. The noise ordinance will go into affect in 30 days. They are planning a Spanish speaking academy. They will have several town hall meetings in mid July. The cease fire program will start in July. They will be working with other investigative units in West County to focus on property crimes.

**Commissioner Bautista** inquired about the marijuana initiative. **Capt. Gagan** said they have accepted applications. The regulatory unit will be tasked with dealing with the regulations on medical marijuana.

**Chair Hembree** asked about break-ins in the north and east neighborhoods. **Capt. Gagan** said that many people work during the day and the houses are unoccupied. Residential burglaries happen during the day and auto burglaries happen at night.

## V COMMENTS BY COUNCIL LIAISON JEFF RITTERMAN

**Councilmember Ritterman** said that some council members were questioning the budget for the Police Commission. He suggested that commissioners attend any upcoming budget meetings and send e-mails to members of the council in support of the commission. On July 28, 2011, at 7:00 p.m. there will be a town hall meeting at the Richmond Auditorium. It will be run by the University of California. They will be presenting their Richmond Field Station proposal for the second campus of the Lawrence Berkeley National Lab. A welcoming rally will be held at 6:00 p.m. **Councilmember Ritterman** reported that they are trying to get the Chevron hydrogen renewal project working. They hired the EIR consultant group and the outside attorney that they will be using. It will create 1,100 jobs. Proposals for the north shoreline will be on the next agenda.

**Commissioner Thompson** asked how someone could get more information about the 1,100 jobs that will be created. **Councilmember Ritterman** said they won't have that information until after they have a deal with Chevron. They will be working with them for local hiring.

**Commissioner Stephenson** asked if the Lawrence Berkeley Lab would be on the old Zeneca site. **Councilmember Ritterman** said it would be at the Richmond Field Station. He said that Zeneca put in a response but they were not chosen.

## VI PUBLIC FORUM

There were no public speakers.

## VII DISCUSSION AND ACTION ON RECOMMENDATIONS FROM AD HOC COMMITTEE FOR PROMOTING POSITIVE POLICE-COMMUNITY RELATIONS AND EDUCATING THE COMMUNITY ABOUT THE POLICE COMMISSION (Commissioner Hunziker)

**Commissioner Hunziker** distributed a handout with four options for the banner. After discussion, **Commissioner Roberson** made a motion to accept the wording in version #4 with the Spanish translation. It was seconded by **Commissioner Thompson**. All were in

favor. The commissioners also voted to have the banner printed in cursive. **Commissioner Hunziker** will e-mail the final version to everyone.

**Chair Hembree** said that a new picture for the brochure will be taken at the next meeting.

**Commissioner Hunziker** said that he and **Commissioner Ward** have a meeting next week with the RYSE Center video staff regarding the public service announcement.

## **VIII REPORTS BY:**

### **Chair Hembree**

- 5/11/11 – Ride along
- 5/13/11 – Public Safety Awards Dinner
- 5/18/11 – Ride along with San Pablo PD
- 5/28/11 – San Pablo DUI Checkpoint
- 5/31/11 – Attended RPD Swearing In Ceremony

### **Commissioner Thompson**

- Opened a resource center in North Richmond for youth and young adults
- Doing a program at Ephesians Church in South Richmond with the support of ONS

### **Commissioner Stephenson**

- San Pablo DUI Checkpoint
- Attended Public Safety Awards Dinner
- Worked at One Block at a Time in Iron Triangle
- Attended ribbon cutting at 13<sup>th</sup> & Nevin Walkway and Bike Lane Opening
- Attended RPD Swearing In Ceremony

### **Commissioner Bautista**

- 5/29/11 – Attended Senior Health Information Day
- 5/13/11 – Attended Public Safety Awards Dinner

### **Commissioner Barquet**

- Worked at One Block at a Time in Iron Triangle
- Attended Public Safety Awards Dinner

### **Commissioner Roberson**

- Attended Martin Luther King Park Grand Opening
- Ride Along
- Attended Human Rights and Human Relations Commission Meeting

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**CIAO Casimere**

- Suggested that commissioners attend City Council budget meetings
- Daily contact log distributed

**IX ADJOURNMENT**

The meeting was adjourned at 9:35 p.m.

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Don Casimere  
Confidential Investigative & Appeals Officer