

RICHMOND POLICE COMMISSION

Wednesday, November 2, 2011 – 7:00 p.m.

Employment & Training 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 Bea Roberson

ROLL CALL

Present: Nemy Bautista
Scott Gillespie
Felix Hunziker
Bea Roberson
Glenn Stephenson
Eleanor Thompson

Absent: None

Vacancies: Three

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 MOMENT OF SILENT REFLECTION IN MEMORY OF POLICE COMMISSION CHAIRPERSON DOLORES HEMBREE

A moment of silence was held in memory of **Commissioner Hembree**.

III APPROVAL OF MINUTES – October 5, 2011

Upon motion by **Commissioner Stephenson** and second by **Commissioner Bautista**, the minutes for the regular meeting of October 5, 2011, were approved as written.

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

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

Chief Magnus expressed his condolences for the loss of **Commissioner Hembree**. He distributed a revised draft of RPD's policy regarding towing vehicles for driver's license violations that will go into effect on January 1st. He said it is a very complicated policy and asked the commission to review the policy and send any questions/comments they may have to him. **Commissioner Hunziker** made a motion, seconded by **Commissioner Bautista**, to hold this item over until next month and send any questions to the secretary who will forward them to **Chief Magnus**. The Chief distributed handouts regarding the Public Safety Realignment Implementation Plan (AB109). He said a more detailed version is available on-line at the Contra Costa County website. **Chief Magnus** reported that they now have a special unit that deals with domestic/sexual violence and have discovered that human trafficking is a big problem in Richmond. They sponsored a conference about this subject with speakers from the state and federal level for other Contra Costa and Alameda police agencies with approximately 75 participants. **Deputy Chief Brown** talked about RPD and mutual aid. He said that agreements are in place between cities and counties that give them the ability to ramp up resources in a fast way, depending on the size of the need, when issues far exceed the task of one agency. Officers that deal with large crowds receive specialized training with regards to traffic, crowds, orderly flow and public safety. When RPD officers are deployed outside of Richmond, they are still bound by Richmond's rules, regulations, policies and procedures.

Commissioner Thompson asked if any RPD officers assisted with Occupy in Oakland. **D/C Brown** said they did send officers one day. Oakland also called for mutual aid this evening.

Chief Magnus explained that if they see a police department making decisions that run contrary to what they believe would be a responsible way of dealing with a crowd, they will withdraw their personnel. Their goal is, from a mutual aid standpoint, protection of life and property because they know they may need that help from another agency at some point in the future.

Councilmember Ritterman asked if the council had the right/responsibility to decide whether or not to allow RPD to take part in mutual aid. He said the incident that happened in Oakland that caused someone to be injured should never have happened and he can't believe that it was proper procedure. **Chief Magnus** said that

the council can make a decision for RPD not to participate in mutual aid, although there would be consequences to that. He said it is possible that someone handled the use of the projectile very badly, but we shouldn't be too quick to rush to judgment; it is being carefully investigated; they don't know exactly how that happened. He said that if they would have seen an officer from another department deploying that kind of resource in a reckless way, they would take themselves out of that situation. He said they have to be careful not to overreact to that one incident by eliminating a resource that may be critical for RPD someday.

Commissioner Stephenson asked if officers were called in from home or from the shift that they are working on to assist with mutual aid. **D/C Brown** said it is a combination of both. He said it depends on when they get the call.

CIAO Casimere asked if other agencies that might be called to assist with mutual aid in Richmond are bound by RPD's use of force standards. **Chief Magnus** said yes, but they can also decline to participate if they so choose. **D/C Brown** added that RPD officers deal with a wider range of policing services than many other agencies around them.

Commissioner Roberson asked the difference between parole and probation and she also asked the status of the building for the One Stop Family Violence Center. **Chief Magnus** said that people that commit a felony are sentenced to state prison. If they are released early, the rest of their sentence would be considered parole. They would actually be serving the rest of their sentence out in the community and reporting to a parole officer. Probation is related to misdemeanor crimes. Probation is involved in making recommendations to the court about sentencing as well as dealing with the people who commit the misdemeanor crimes. They also run all the juvenile facilities. Regarding the Family Violence Center, the Chief said they have been working to secure private donors who would be able to donate some of the money to make a yearly debt service payment. They need council approval. They need the county to approve the transfer of the building; then they can start renovation. In the meantime, they are working out of the north district substation at Hilltop Mall.

V **REPORT OF COUNCIL LIAISON JEFF RITTERMAN**

Councilmember Ritterman said that things have been put on hold in Richmond regarding marijuana dispensaries because of a court decision against the City of Long Beach. They will be discussing their options at the next city council meeting. He also commented on the fight that occurred in the Office of Neighborhood Safety. He said there were some press accounts which were unflattering for the city. E-mails were sent saying that ONS should have to justify its existence. Chief Magnus sent out a letter of apology which also included some remedies on how to move things forward. **Councilmember Ritterman** said it was mainly a miscommunication problem that is still going through a healing process.

Commissioner Stephenson asked **Councilmember Ritterman** if he and others on the council supported illegal marijuana dispensaries. **Councilmember Ritterman** said yes. He said the state law is compassionate use; that has always had majority support on the council.

Commissioner Hunziker asked why ONS hasn't issued a similar letter of apology for their role in what happened. **Councilmember Ritterman** said he couldn't speak for ONS but he thinks what they feel is that they didn't do anything wrong. He said the healing thing to do is to support ONS and to not be demanding. He said he feels it's a bad time to be asking ONS to justify its existence. **Chair Roberson** said that the real tragedy was that the media kept it going for so long. **Commissioner Thompson** said she feels that **Devone Boggan** should also write a letter of apology.

Commissioner Bautista asked if the council could give recognition to commissioners who have served a full nine years on the commission. **Chair Roberson** said she would work with **Councilmember Ritterman** on this. **CIAO Casimere** suggested talking with the City Clerk's office, as well, to see how other commissions handle this.

VI REPORTS BY RICHMOND POLICE OFFICERS' ASSOCIATION, LATINO POLICE OFFICERS' ASSOCIATION, GUARDIANS OF JUSTICE

No representatives present.

VII PUBLIC FORUM

No speakers.

VIII REVIEW AND ACTION ON RPD POLICY – Towing Vehicles for Driver's License Violations

This item will be discussed at the Police Commission meeting on 12/7/11.

IX DISCUSSION AND ACTION REGARDING METHODOLOGY FOR REVIEWING REVISIONS TO RPD POLICY MANUAL SUBMITTED TO THE RPC BY THE CHIEF OF POLICE

After discussion, a motion was made by **Commissioner Gillespie**, seconded by **Commissioner Hunziker** to have a special meeting to discuss the submitted policies. The motion passed with one abstention.

It was suggested that all commissioners review the policies and send any questions or comments to staff, who will compile them and send them to **Chief Magnus** and all commissioners. The Chief will then review them and respond to them so that they can be discussed and voted on at a future Police Commission meeting.

After further discussion, a motion was made by **Commissioner Gillespie** to rescind his previous motion. It was seconded by **Commissioner Hunziker**. All were in favor.

Commissioner Gillespie made a motion to give written comments about these policies to staff, who will compile them and send them to the chief and all commissioners. The motion was seconded by **Commissioner Hunziker**. The motion passed with one abstention.

X DISCUSSION REGARDING RPC AUTHORITY TO MAKE RECOMMENDATIONS REGARDING RPD POLICY AND RPC INVESTIGATIVE FINDINGS

Chair Roberson said that the commission can go to the City Council on policy issues but they can't go any further than the City Manager regarding complaints because it involves personnel issues.

XI 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 said the RYSE Center would like to schedule police commissioner interviews for the video they are producing for the Police Commission. **Chair Roberson** and **Commissioners Stephenson** and **Hunziker** would all like to be interviewed. **Commissioner Hunziker** said he will write a draft letter for the Neighborhood Council Newsletters.

XII COMMISSION COMMENTS REGARDING CHAIRPERSON DOLORES HEMBREE

Several commissioners gave comments on the experiences they shared with Dolores Hembree and the Police Commission. **CIAO Casimere** read a letter from **Phil Mehas** to the commission.

XIII REPORTS BY:

- **CHAIRPERSON**
- **COMMISSIONERS**
- **STAFF**

Chair Roberson

- Attended a seminar for Emergency Preparedness on USS Bonhomme Richard During Fleet Week
- Attended Home Front Festival
- Attended NIAD meeting
- Attended RNCC meeting
- Taught REACT
- Attended Dolores Hembree's memorial service
- Attended Crime Prevention dinner

Commissioner Stephenson

- Attended Home Front Festival
- Attended Fireman's Retirement dinner
- Attended Dolores Hembree's memorial service

Commissioner Bautista

- Attended Unity in the Community Project
- Attended Home Front Festival
- Attended ACLU Annual Meeting Bay Area Chapter
- Attended Dolores Hembree's memorial service

Commissioner Hunziker

- Attended Home Front Festival
- Attended Dolores Hembree's memorial service
- Attended City Council meeting
- Ride-Along with Off. James Moody

Commissioner Thompson

- Attended Dolores Hembree's memorial service
- Attended earthquake training
- Walked with GRIP (hunger walk)

CIAO Casimere

- Submitted Daily Activity Log for October 2011

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

- A. Two complaints were received in the past month.

XV ADJOURNMENT

The meeting was adjourned at 9:09 p.m.

Don Casimere
Confidential Investigative & Appeals Officer