

# **RICHMOND POLICE COMMISSION**

**Wednesday, August 1, 2007 – 7:00 p.m.  
Community Services Building  
330 - 25<sup>th</sup> 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 PLEDGE OF ALLEGIANCE**

### **III APPROVAL OF MINUTES – June 6, 2007**

Upon motion by **Commissioner Ham** and second by **Commissioner Tallerico** the minutes for the regular meeting of June 6, 2007, were approved as written.

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

**Chief Magnus** reported that the council authorized funds for their move to the Dicon building; it should be happening by the end of this month. The jail won't be completed until October but El Cerrito PD has agreed to allow them to use their facility until it is complete. San Pablo PD is also willing to work with them as needed.

A. Policy on Tasers and the Use of Tasers

**Chief Magnus** handed out RPD's Use of Force Guidelines for Conducted Energy Devices. The Council approved the purchase of tasers for all Patrol personnel. This gives officers one additional tool that allows them to reduce the likelihood of citizens' death or injuries when they have to deal with someone who may be violent, combative, or suicidal. It also allows the officers to make arrests in a way that minimizes injury to the officer.

**Chair Williams** said the majority of the officers will now have access to tasers and that Richmond has not had any past incidents of death or serious injury related to the use of tasers. **Chief Magnus** said that any one of the tools that police officers use can cause death, depending on the circumstances in which they are used, including pepper spray. He said the issue is how to minimize the likelihood of death. The Police Executive Research Forum (PERF) has put together the best practice guidelines in the law enforcement field. These guidelines have been endorsed through the Department of Justice and the International Association of Chiefs of Police (IACP). RPD has taken these guidelines and fine tuned them into a policy that works best for RPD. **Chair Williams** said she was concerned that an inexperienced officer may use the taser unnecessarily. **Chief Magnus** said all personnel will be trained, tested and certified in the use of the taser. The training also includes decision making on when to use the taser. Supervisors will be monitoring what goes on during each shift.

**Commissioner Potts** asked if the training would be ongoing, similar to firearms training. **Chief Magnus** said it would be ongoing training.

**Commissioner Tallerico** asked when training was and if commissioners would be allowed to attend. The Chief said the training will occur once the policy is approved; commissioners will be allowed to attend the training. **Commissioner Tallerico** stated that he has witnessed incidents where the taser has been a valuable tool in saving citizens and officers from being injured. He also witnessed an officer receive severe injuries because a taser was not available at the time.

**Commissioner Ham** asked once the taser is used, how will officers justify its use. **Chief Magnus** said they will write a report that consists of a form that tracks statistics up the chain of command.

**Chief Magnus** asked the commissioners to review the draft policy and send him any feedback and/or concerns. **Chair Williams** asked the commissioners to send any revisions, questions or comments to her and she will forward them to the Chief by 8/15/07.

The Chief handed out copies of the Tattoo Policy and asked the commissioners to review it before the next Police Commission meeting.

**Chief Magnus** reported that the closed circuit TV camera proposal was passed at last night's council meeting. They are ready to move forward with implementation. They will be putting together policies and protocols and they want to be cognizant of civil liberties issues. They are recommending a seven person oversight panel with four members being police commissioners, as well as **Phil Mehas** from the ACLU. Originally, the meetings will be monthly, then quarterly and yearly.

The Chief said that hiring is going well. They are sending approximately 15 people through the fall academy. They will be testing on 8/11/07. They've hired a new Code Enforcement Manager, Don Yu. **Chief Magnus** said the Code Enforcement Task Force meets every Monday at 11:00 a.m. in the Shimada Room or the City Manager's Conference Room. He invited the commissioners to attend.

**Commissioner Hembree** inquired about the new phone tree system at the police department. **Chief Magnus** said it is a good step in the right direction but it needs to be improved and fine tuned. The key idea is to minimize citizens being transferred so much when they call the department. **Chair Williams** said that when people call the police department they should be able to speak with a live person.

**Commissioner Hembree** asked how many dispatcher vacancies there were and how many dispatchers were out on sick or injury leave. **Chief Magnus** said they are short nine dispatchers. He doesn't have the information regarding sick and injury leave.

**Phil Mehas** agreed with **Chair Williams** that people should be able to speak with a live person when they call; the phone tree should be used as a back up. He also wanted to know what type of training is given to the person who trains the officers on the use of tasers. He didn't see anything in the taser policy about the use of judgment. He also wanted to know what disqualifies an officer from being able to use a taser.

**Chief Magnus** said the original taser training was by Taser International who issued the equipment. The training that officers will get will be very different from the original training. Training officers will be given very clear and explicit training. **Chief Magnus** said to strictly say a flat out prohibition on certain circumstances is unwise and is not recommended by any of the police groups or independent researchers who have looked at this. He said he doesn't know if you can write judgment into a policy. You have to train judgment and hold people accountable for judgment.

## V **REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE**

**Det. Kevin Martin** said the POA is very supportive of the taser training. He said he hasn't attended recent meetings because he had nothing to report. He announced they will be having a barbecue for all of their members and members of the Richmond Fire Department, as a public safety appreciation day. It will be on September 20th at the fire training center. It will start at 6:00 a.m. so that officers coming off duty can attend. He also invited the commissioners to attend.

**Commissioner Potts** asked about helicopter ride-alongs. Det. Martin said the helicopter is down at this time. He will let them know when it's up and running again.

**VI REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE**

No report.

**VII REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE**

No report.

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

**Tom Min**, Prosecutor for the City of Richmond, said he received a copy of an e-mail sent to Carlos Privat from Mark Schlossberg. It said that the Assembly did not vote on SB-1019. Mr. Schlossberg is asking for the Commission's support.

**Phil Mehas** said the committee did not vote on the bill one way or the other. The committee faced opposition from about 150 union representatives, all of whom claimed the bill jeopardized officer safety. The LA Times did an investigative review of the officer safety claims and not one claim was able to point to a single case where an officer's safety was compromised in the last 30 years of this complaint process. He recommended that the Police Commission urge the City to vote to revert back to the way it was for the last 30 years.

**Commissioner Ham** made a motion that the Commission send a letter of support for SB-1019. It was seconded by Commissioner Bautista. The motion passed with the following vote: Ayes: Chair Williams, Commissioners Ham, Bautista, Ward, Potts. Noes: Commissioner Stephenson. Abstentions: Commissioners Hembree and Tallerico. Absent: Commissioner Zingale.

**IX PUBLIC FORUM**

**Phil Mehas** said he appreciates the Commission's support on SB-1019.

**X REPORT BY CONFIDENTIAL IAO**

**CIAO Don Casimere** said that he attended a meeting with the City Attorney, the chair and vice-chair. He also attended the Police Explorer Graduation Ceremony.

**Commissioner Tallerico** asked if there was any response from the DA's office regarding the statistics the Commission requested. **Chair Williams** said the DA sent a letter saying they are compiling the information requested and will send it as soon as they are finished. It will take time to get the information from all the various agencies.

## **XI REPORTS OF SUBCOMMITTEES**

### **A. West County Alcohol Policy Working Group**

**Chair Williams** reported that they had meetings in June and July. They got reports from RPD regarding the liquor stores that were investigated along with the Health Department and some other agencies. They did find some faults with a few buildings. RPD got there \$100,000 grant in order to do the ABC investigations.

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

**Commissioner Ward** said she had no report.

### **C. Reports on Community Events/Training Attended**

#### **Chair Williams**

- The commission will receive training from the City Attorney's office at the next Police Commission meeting. The public is welcome but they can only observe.
- National Night Out will be on Tuesday 8/7/07. They will have three caravans. It will be in honor of Marie Reis and Ron Wiley. The end party will be at Le Moine Park in May Valley.

#### **Commissioner Stephenson**

- Visited School Resource Officer Debbie Noonan at Lovonya DeJean Middle School
- Ride Along with Code Enforcement Officer Alma Munguia
- Attended Deputy Fire Marshal Wiley's funeral service

#### **Commissioner Ham**

- Attended Commissioner Orientation at RPD
- Attended Educational Non-Violence in the Classroom Conference
- Attended Cop Watch Conference

#### **Commissioner Bautista**

- Attended Commissioner Orientation at RPD
- 4 hour Ride-Along with Off. Palma
- Designed a Ride-Along Observation form that he'd like the commissioners to review

#### **Commissioner Tallerico**

- Ride Along with Officer Hauschild in June
- Ride Along with Officer Moody
- Attended RPD Canine Training in June

- Completed 13-week Citizen's Academy
- Attended Deputy Fire Marshal Wiley's funeral service
- Attended Police Explorer graduation ceremony

**Commissioner Potts**

- Ride Along with Off. Vinson
- Attended Parchester Neighborhood Council meeting

**Commissioner Hembree**

- Attended meeting with City Attorney, Chair and CIAO
- Announced a PAL benefit to be held 8/3 – 8/5/07 from 10:00 a.m. to 4:00 p.m. at 25<sup>th</sup> and Barrett. They will be collecting used electronic equipment.

**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.

**XIII ADJOURNMENT**

Upon motion by **Commissioner Stephenson** and second by **Commissioner Potts**, the meeting was adjourned at 8:55 p.m.

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**Don Casimere**  
**Confidential Investigative & Appeals Officer**