

RICHMOND POLICE COMMISSION

Wednesday, March 4, 2009 – 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
Dolores Hembree
Roberto Reyes
Glenn Stephenson
Cora J. Ward
Naomi Williams

Absent: None

Vacancies: Three

Administrative

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

Council Liaison: Councilmember Jeff Ritterman – Present

City Attorney's

Office Representative: Mary Renfro, Assistant City Attorney – Present

II PLEDGE OF ALLEGIANCE

III APPROVAL OF MINUTES – February 4, 2009

Upon motion by **Commissioner Williams** and second by **Commissioner Bautista** the minutes for the regular meeting of February 4, 2009, were approved as written.

Chair Ward requested that the Commission place a vote for the election of vice-chair on tonight's agenda. The position will fill former Commissioner Tallerico's term which will expire on 11/01/09. All were in favor.

IV COMMENTS BY COUNCIL LIAISON JEFF RITTERMAN

Councilmember Ritterman introduced himself. He recently met with **Chair Ward** and **CIAO Casimere** and they briefed him on the Commission. **Mr. Ritterman** said he is a big supporter of the community policing that **Chief Magnus** has brought to the City and is proud of the statistics they had last year. He said he is available to the Commission when needed.

V COMMENTS BY CITY ATTORNEY'S OFFICE

Assistant CA Mary Renfro said she spoke to **CA Randy Riddle** about whether a City Attorney is required in Executive Session. **Mr. Riddle** said that under his interpretation of the Brown Act, yes. It is for the protection of the Commissioners and the City and to ensure that the Brown Act is followed both in Executive Session and in the reporting out after Executive Session. **Assistant CA Renfro** reminded the Commissioners that what happens in Executive Session stays in Executive Session; it is a misdemeanor to break that confidentiality. She reported on item L-5 from last night's council meeting. She said that if a commissioner has served the maximum number of terms, which is three, they can remain in that position for 90 days if a replacement has not been appointed. If they have not served the maximum number of terms then they may remain in office until a successor is appointed.

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

- A. Briefing on all RPD policies and practices pertaining to the handling and investigation of reported hate crimes

See Below

- B. Briefing on the RPD's handling of a recent police report regarding the victim of an apparent hate crime

Chief Magnus said the department takes hate crimes very seriously. They have had two recent hate crimes that resulted in injuries to individuals. Their investigations revealed a biased motive on the part of the assailants. In both cases, the investigations resulted in arrests of the perpetrators. **Chief Magnus** said there was a report problem with the second incident regarding the felonious assault of an African-American male. They have an internal investigation going on at this time regarding this case. The crime was documented appropriately by the officer and a written report was placed in the supervisor's in-box on his desk at the end of a Saturday night shift. On Sunday night, the supervisor did not see the report in his box; the supervisor and the officer were off for the next four days. When the report was discovered it was quickly sent up to the investigations team. The case was solved within a week. **Chief Magnus** said they now have a central location in the watch commander's office where all reports are handed in, checked by a supervisor and sent to records to be entered into the system. They also have a report auditing process in place. He said he deeply regrets the delay

and he has apologized to the family. **Chief Magnus** invited the Police Commission and other community groups to help them in strengthening the protocols for hate crime handling overall. He'd like to get the group together no later than next month.

Commissioner Williams asked what happened to the sergeant who left the report on his desk. **Chief Magnus** said that Human Resources has an independent investigator looking into how both hate crime incidents were handled.

Commissioner Reyes proposed a training with the Police Commission and Human Relations Commission to strengthen their commitment to learning more about hate crimes. **Chief Magnus** agreed that this is a good idea.

Phil Mehas asked if racial profiling was a hate crime on the part of a police officer and what the requirements are for an officer stopping someone and then not issuing a citation or fix-it ticket. He asked if that kind of stop has to be recorded and if it doesn't, why not. **Chief Magnus** said he welcomes Phil or anyone else who may have concerns to contact him directly or contact the Professional Standards unit.

Sims Thompson said Contra Costa County has been having a lot of problems and sometimes little incidents can spark a race riot. He said that places of employment with a large quantity of workers should have something posted that says they will not tolerate any name calling or any gestures.

Ken Nelson thanked the Police Commission for their quick response regarding the concerns they brought to the Commission. He is glad to hear that it is being investigated and he hopes the community will be made aware of the outcome; that is important if you want to rebuild community trust and confidence. **Chief Magnus** asked the City Attorney to respond to **Mr. Nelson's** comments. **Asst. CA Mary Renfro** said that next month she will give a greater exposition on the balancing within California law between the need for government to conduct its business openly and publicly – why there is a Brown Act and Public Records Act, to ensure that those things that can be made public are made public. There is a balance with individuals' privacy rights and due process rights and also security for criminal investigations.

C. Current Topics

Chief Magnus handed out a new patrol rifle policy for the Commission to review. He requested feedback before the next meeting. **Capt. McBride** discussed another policy, Major Incident Review. He asked the Commission to review this policy and give any feedback to the department. **Commissioner Reyes** asked if the review boards covered the taser incidents. **Capt. McBride** said they do review each taser deployment. Since 2008, there have been 69 incidents and so far this year, approximately ten. **Chief Magnus** handed out a robbery prevention flyer that they've been distributing to community groups and street outreach workers.

Commissioner Bautista asked about the shot spotter that the council recently approved for purchase. **Chief Magnus** said it will be placed in an area that they know has a lot of firearms violence and shots being fired. He said the shot spotter technology will detect where a shot comes from within a quarter of a block.

VII COMMENTS BY BOOKER NEAL, SENIOR CONCILIATION SPECIALIST, U.S. DEPARTMENT OF JUSTICE, COMMUNITY RELATIONS SERVICE

Booker Neal said that he was here to talk about hate crimes. He said hate crimes and hate motivated incidents are major issues for all because of their unique impact on victims as well as the community. He said the Community Relations Service was established in 1964. It is an entity within the Justice Department that has a unique role of bringing parties together to resolve issues before they reach high levels of escalation. **Mr. Neal** said he has been with the agency for almost 40 years. He has seen a lot of things happen in Contra Costa County and he's done some work in the City of Richmond. He said he was here tonight to offer the services of the Community Relations Service.

CIAO Casimere said he wanted to honor **Mr. Neal** for his 40 years of service. He has done a lot of work in a number of communities for a long time and is doing it very effectively. He thanked him for participating in the meeting.

VIII REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE

Off. Hector Esparza invited everyone to attend the LPOA crab feed that will be later this month.

IX REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE

No representative present.

X REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE

Off. Hector Esparza reported that their crab feed will be on 3/14/09 at 6:00 p.m. The cost is \$45.00 and proceeds will benefit the fallen officers' scholarship fund for Richmond youth.

XI PUBLIC FORUM

Cochise Potts said that he was glad the Commission was looking into the issue of police reports and he hopes that they stay vigilant. He said the Police Department is the first line of defense in improving the quality of life in each community. As well, the Police Commission is the public's first line of defense in ensuring that they're going to be treated fairly when it comes to police misconduct. He said he doesn't take it lightly when the Commission makes a decision on an allegation of police misconduct, only to have it overturned by the City Manager's office. He said it promotes a lack of public trust in the Commission. **CIAO Casimere** said that the Commission operates in accordance with the City Ordinance which grants it authority. He said there may be discussion in the near

future on whether or not the ordinance needs to be revisited. Based on what the Commission has the authority to do, the Commission has done that and he is confident that the Commission has made the right decisions.

Phil Mehas said he doesn't think a member of the RPOA should be on the Major Incident Review Board. He commented on a traffic stop he observed where a woman was not allowed to use her cell phone to have her car picked up. **Chief Magnus** said they do allow people to make calls to have their vehicles picked up. He said if anyone has a specific concern about what they feel is an injustice or policy violation, bring it to his attention and they will look into it. **Mr. Mehas** said that officers use the Police Officers' Bill of Rights to cover things up themselves; that's why there are no public hearings with police officer investigations and complaints. The Chief said the Police Officers' Bill of Rights is not a police department policy, but a legal ruling from the courts. They have to follow the law relative to privacy rights and due process for officers.

Sims Thompson commented on all the cigarette shops opening in the City of Richmond. He said this needs to be looked into because many teenagers frequent these shops. **Asst. CA Mary Renfro** said this issue is only tangential to the work of this Commission. She invited **Mr. Thompson** to attend tomorrow evening's Planning Commission meeting. She said they are working with the direction of the council to tighten up all the laws regarding tobacco in this City. **Councilmember Ritterman** said he is also part of the group looking into this matter. The concern is widely understood by the City Council and the City Manager's office and it is being addressed.

XII REPORT BY CONFIDENTIAL IAO (Don Casimere)

CIAO Casimere reported that he submitted the daily contact log. He said he was contacted by Riverside Police Department. They are in the process of revamping their Civilian Oversight Agency and he provided information for their survey. He also had a discussion with Risk Management regarding a complaint that was investigated in the past. He said he enjoyed the comments of **Mr. Booker Neal**.

XIII ELECTION OF VICE-CHAIR

Commissioner Williams nominated **Commissioner Bautista** as vice-chair. It was seconded by **Commissioner Hembree**. All were in favor.

XIV COMMISSIONER'S REPORTS

A. Community Outreach, Community Events and Training Attended

Commissioner Reyes

- Attended City Council meetings
- Attended school closure meetings
- Attended Brookside Community Health Clinic meeting
- Attended Richmond Vision meeting
- Working with many community groups regarding housing crisis

Commissioner Hembree

- Attended event Saturday evening honoring Cancer Center at Brookside Hospital and former San Pablo Police Chief Walter Pedretti was named Citizen of the Year

Commissioner Stephenson

- Attended Police Officer Appreciation Night in West Contra Costa County
- Attended promotional ceremony for Sgt. Ellis and Lt. Garcia
- Ride-along with Det. Martin

Commissioner Bautista

- 02/05/09 – Attended vigil/prayer for Mr. Brandon Manning sponsored by Mr. Ken Nelson of NAACP at Lamoine Park
- 02/17/09 – Attended City Council meeting
- 02/21/09 – Attended induction of officers – United Pangasinanes of America. Elected Board of Directors
- 02/24/09 – 5 hour ride-along with Off. K. Palma
- 02/26/09 – Attended promotional ceremony for Lt. Garcia and Sgt. Ellis
- 02/26/09 – Attended May Valley Neighborhood Council meeting

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

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

No reportable action taken.

XVI ADJOURNMENT

Upon motion by **Commissioner Williams** and second by **Commissioner Hembree** the meeting was adjourned at 9:02.

Don Casimere
Confidential Investigative & Appeals Officer