

RICHMOND POLICE COMMISSION

**Wednesday, September 7, 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 Vice Chair Bea Roberson

ROLL CALL

Present: Nemy Bautista
Scott Gillespie
Felix Hunziker
Bea Roberson
Glenn Stephenson
Eleanor Thompson
Cora J. Ward

Absent: Therese Barquet
Dolores Hembree

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

Vice Chair Bea Roberson moved Item VII up to behind Item III.

II APPROVAL OF MINUTES – July 6, 2011

Upon motion by **Commissioner Bautista** and second by **Commissioner Stephenson**, the minutes for the regular meeting of July 6, 2011, were approved as written.

III COMMENTS BY COUNCIL LIAISON JEFF RITTERMAN

Councilmember Ritterman said that his preoccupations on the council continue to be economic development and public safety. There were several shootings in Richmond during the summer and he said that the city needs to seriously provide opportunity through economic development. He was in Washington DC last week with a lobbyist from Richmond and three or four members of transit companies to discuss bringing CyperTran to Richmond. He commented on the movie, The Interrupters, which focuses on an Operation CeaseFire model in Chicago. He also attended a discussion with the filmmaker at Brower Center in Berkeley. San Francisco Foundation is honoring two local leaders from Richmond in their leadership awards, Jordan Simmons and Gonzalo Rucobo.

Councilmember Ritterman said he received word that Councilmember Booze was here tonight to comment on some of the things he said at the last Police Commission meeting. He read aloud a transcript of his comments from that meeting. He explained that a member, who is in good standing on the city staff, has submitted his resignation because he felt that he was mistreated in closed session by Councilmember Booze. There are eight other members of senior city staff that he has talked to, as well as people in outside companies in Richmond, who have also felt they have been treated disrespectfully by Councilmember Booze. He said he characterized this as bullying. He said his feeling is that bullying is something that we have a lot of trouble with in Richmond as a way of being and he would like the city council to be the place where they can be an example of how to treat one another. He feels this is hurting the city and has been working with the city attorney's office on a code of conduct. He said he is not trying to be hurtful but is here to try to heal this. He said he would listen to what Councilmember Booze has to say and would be happy to engage in discussion afterwards.

IV ADDRESS TO POLICE COMMISSION BY COUNCILMEMBER CORKY BOOZE

Councilmember Booze first thanked Sheriff Livingston for being at the meeting tonight. In reference to the word bullying, he asked if looking out for the city's dollars was considered bullying. He said he wanted to paraphrase bullying with unprofessional conduct and said that Dr. Ritterman acted unprofessionally at a recent council meeting when he threw his papers down and walked out during a discussion about CyberTran. Councilmember Booze said that he found out today that Cybertran's main office is in Oregon. He said that Dr. Ritterman should have come to him first if he had a problem with him, before bringing it to this setting. He found out from others that he was being bad-mouthed by Dr. Ritterman. He commented on executive session and said what happens in executive session should not be discussed in a public setting. Councilmember Booze said that he will continue to watch out for the dollars of the people of the City of Richmond and that he will defend himself when somebody tarnishes his reputation. He said that he was a part of making sure that this commission ran forward and that he is a huge supporter of the Richmond Police Department. He said Councilmember Ritterman wouldn't like that because "they" don't like the police.

Councilmember Ritterman said that he has always respected and worked with the police department. He said that CyberTran's office is at the Richmond Field Station. The office in Oregon is United Street Car, a partner, and the only transit company in the country currently making transit cars.

V **PRESENTATION BY SHERIFF DAVID LIVINGSTON**

Sheriff Livingston gave an overview of the sheriff's office and the functions that they provide countywide. They have approximately 30 facilities spread out to Discovery Bay and Byron, down south to San Ramon and to West County. The overall budget is approximately 187 million dollars with 936 employees. They have three major administrative bureaus that include Custody Services, Field Operations and Support Services. There are a fair amount of custody beds available in Martinez, Richmond and Marsh Creek in Clayton. All deputies and rangers in Contra Costa County provide security for the courts throughout the county. Field Operations includes a Patrol Division, Investigations Division and the Coroner's office. In the last two years they've averaged about 3,000 coroner's cases each year. They are also responsible for marine patrol throughout the delta and the coastline and they have an air operation unit as well. Support Services has a full service forensic laboratory to do DNA analysis and blood alcohol with approximately 30 technicians. They are also responsible for emergency services throughout the county. Support Services also includes their dispatch center and a civil unit which serves eviction notices.

Sheriff Livingston provided information about realignment set to begin on October 1st. They will be responsible for housing inmates that were formerly in the Department of Corrections through the state. They have established an executive committee to discuss proper implementation of this program. He said there are two major areas where they will see changes. Parole violators will be sent to the county jail instead of going to state prison for one year. There will also be new inmates coming into their system who are the non-serious, non-violent and non-sexual crime inmates known as the Non-Non-Nons. They hope to provide better services and reduce the 73% recidivism rate for those that are in state custody by providing better access to programs and reintegration at the local level. Parole is now called Post Release Community Supervision. They estimate that they will have 106 inmates each month for the first three months. That number will eventually level off. If anyone is sent back into custody for a new parole violation, the maximum term that is allowed by law is 180 days. Typically, under the law, someone who is on a parole violation will receive one for one credit. If the detention period is 180 days, the person is likely to serve 90 days and then be released back into the community. Currently, if they hold an inmate for the state they receive a rate of \$77.17 per day; the new rate will be \$34.00.

Vice Chair Roberson asked how many of the people that are considered Non-Non-Non, were first arrested for a gun or a violent crime to which they pled down. **Sheriff Livingston** said that would require a lot of research. If they are subject to a second or third strike, then they're taken out of the Non-Non-Non provision and if they commit a new felony they would be subject to incarceration through the state.

Councilmember Ritterman asked how they could prevent evictions on foreclosures in this county. The Sheriff said that his office is responsible for carrying out the lawful evictions pursuant to a court order. They don't do the foreclosures. **Asst. City Attorney Bruce Soublet** stated that if a bank forecloses and they want to get the occupant out, they have a legal right to take possession of that property. The sheriff's office has to follow the judge issued court order.

Juan Reardon asked if they had a specific item in their budget allocated for eviction purposes. The sheriff said no. He has a specific item in his budget for the civil enforcement unit; evictions are one part of what the civil unit does.

Roberto Reyes asked what has been done to prevent what happened recently with some of the officers stealing/selling drugs. **Sheriff Livingston** said he fired the deputy that was involved and the Department of Justice is handling the rest of the case.

Councilmember Booze thanked Jimmy Lee, from the sheriff's office, for attending the meeting. He asked what magnitude of homicides they have per year. **Sheriff Livingston** said there are approximately 12 to 15 each year throughout the entire county.

Councilmember Booze asked if there were any cities working with them to get the people coming in for re-entry into the program ahead of time so that they will be ready to come into the public and not re-offend. The sheriff said they have them meet with legal aid. UC Davis Law Center has full access to their facility to meet with detainees regarding immigration whenever it's convenient. They provide alcohol prevention, drug awareness, parenting classes, work alternatives, etc. There are no cities that are working with them currently for re-entry.

Commissioner Thompson asked if the beds were empty and ready to take in these new people. **Sheriff Livingston** said they do have room in all three facilities. If they are non-sex crime and non-serious, and it's not a recidivism issue, they will try to find alternatives to custody, like monitoring or outplacement. The last resort is physical custody in a locked facility.

Commissioner Bautista asked if a crime is committed by an illegal immigrant, where are they held. The sheriff said they are detained here in the county.

Commissioner Stephenson asked if working with the contract cities was profitable. **Sheriff Livingston** said no. They pay them the daily rate for a deputy sheriff. They also pay any additional costs for vehicles, radios, etc. The sheriff has to provide those services either through policing directly or for cities that will at least reimburse for the costs of those services.

Commissioner Bautista asked how many deputies are sent to Richmond. He said they work out of the West County Detention facility and it depends on the time of day. It could be two deputies here, two in Central County and two on the extreme east end. He said they eliminated 96 deputy positions two years ago. He said the staffing is very light.

Commissioner Hunziker asked what the response times were before and after the cuts. **Sheriff Livingston** said the response times, in general, are longer throughout the entire county, but he doesn't have the specific numbers.

Commissioner Stephenson asked if they would have enough money to provide job training for these individuals. **Sheriff Livingston** said the state promised adequate funding to include all of the programs and also the health and mental health costs for each of these inmates but they will only be getting \$34.00 per day. He said it also depends on how many are physically in the jails before he'll know whether they can afford to provide all those services.

Roberto Reyes asked if they've considered converting sworn positions in the detention centers to non-sworn. **Sheriff Livingston** said he didn't support that. If they keep them as sworn, they can rotate them every two years between the jails and patrol, etc.

Councilmember Booze asked if they anticipate problems with overcrowding and how they plan to deal with the gangs. The sheriff said that the problem he has with the West County facility is that it is a dormitory style jail and they have gang members that cannot be housed together. That limits him to Martinez that has only 600 beds. He said it is a challenge managing the gangs. They are ok for now as far as overcrowding.

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

Chief Magnus stated that they are very fortunate to have a very strong relationship with the sheriff's department. The commitment of this sheriff to Richmond is much stronger than what they've seen in the past and that is very positive. He gave an update on crime data. He said homicides are up by 50%, but in almost every other category of crime they are significantly lower including most other violent crimes. Violent crime is 49% below where they were last year. Total part one crimes are down 25%. As far as realignment, the chief said that even under the current system they do a significant amount of work with parole and probation with compliance checks. Many of the individuals are highly dangerous so they provide them with safety and security. Probation officers in the county are not even armed. They are going to have a tremendous additional responsibility to ensure that the people who are released are abiding by the terms of probation as set forth by the court. That will require RPD's cooperation and presence. He said there is limited money left over the local communities. The Chief talked about the CeaseFire program. He said it is different than what's being done in Chicago. Richmond's model is based on a model done in Boston. They are using money from CalGrip Gang Reduction funding to support this. They identify key individuals who they believe are directly involved in gun violence. They do a call-in and bring them in. The main goal is to get them to choose between continuing down the same path or to choose to accept the message from community members that they care about them and want them to make better choices. If they choose this, the community will work with them to help them be successful. **Chief Magnus** reported that they are in the fourth week of Advanced Officer School. It helps officers stay current with POST requirements.

They are also covering cultural diversity training, dealing with the mentally ill, code enforcement, crime prevention and domestic violence law changes. They recently passed their POST training audit. The Chief said that their radio system recently became part of East Bay Regional Communications System. This allows them to go to a P25 compliance which is a universal standard that goes across the country. The system allows them to have digital, encrypted communication with most of the other agencies in Contra Costa and Alameda counties. He said this system should correct problems such as not having consistent transmission quality. It is a huge officer safety benefit and will also benefit the community.

Commissioner Roberson asked if someone commits a parole violation now, how long do they get sent back to jail for. The Chief said many of those decisions are currently made by the state parole board. The superior court judges in the county will take on the role of deciding what somebody's time would be if they are brought back into custody.

Councilmember Ritterman asked who was making money on the guns that come into the community and if there was an effort either locally, countywide or statewide to deal with the proliferation of guns. **Chief Magnus** said that a good number of guns used in the commission of crime are stolen and guns are often passed around between criminals. Local police departments don't have the resources to track gun buying. Many guns come from across state lines.

Councilmember Booze said he met with the chief, deputy chief and a captain last week to try and solve the homicide problem. He wanted to let the commission know that they were working on it. He asked why they don't arrest the people that they call in for Operation CeaseFire if they've committed a crime. The chief said CeaseFire does not give anybody a pass for committing a crime. If they have committed a crime, they will be charged. They know who is involved in gangs and they bring them to CeaseFire and tell them if they commit a shooting, going forward, they will get the most severe consequences that the law can allow. Their cohorts will also be under increased scrutiny. The chief said it seems to work because there's group pressure applied here. Most of them don't want to go to prison and they don't want the enhanced law enforcement scrutiny. They are offered help from the community if they make the right choice.

Commissioner Thompson asked who is spear-heading CeaseFire. **Chief Magnus** said that in CeaseFire models done in other communities, it is a cooperative initiative that involves different groups that play different roles. The role of the police is to deliver the consequences and the message about what the consequences will be. The role of the community is to deliver an alternative message but also to say we support the police if you make a bad choice. Since it is a tool to lower crime rate it is typically spear-headed by police but the community is in partnership with them.

Commissioner Hunziker asked why doesn't CeaseFire seem to be working in Oakland and he also asked if the public will still be able to monitor channel one. The chief said Oakland

has just started their CeaseFire program. He said that the public will not be able to monitor channel one because it is encrypted.

Jackie Thompson asked why the Boston model of CeaseFire was coming back because in 2007 the city paid for them to come to Richmond and it didn't work. She also asked if Richmond had looked into other models besides Boston. **Chief Magnus** said that in 2007 Boston came to Richmond to give a presentation but it was never implemented. They looked at other models but, so far, the Boston model is the only one that relates to gang violence reduction and it's been proven to work.

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

Off. Felix Tan stated that the RPOA worked with RPAL and donated money for backpacks for needy children. He invited the commission to attend the 5th Annual Law Enforcement BBQ tomorrow at the Fire Training Center at Stege and Cutting. Lunch will be from 11:00 a.m. to 1:00 p.m. and dinner will be 4:30 p.m. to 7:00 p.m.

Juan Reardon asked if the RPOA was involved in, or preparing any new, slimy political campaigns. **Off. Tan** said they have participated in election campaigning but do not consider it as being slimy.

Vice Chair Roberson said the commission appreciates them having a representative from the RPOA at the meeting.

Off. Tan said the Chief has asked them to work with the fire department and train their personnel to operate the marine unit vessels so that they will have 24/7 coverage.

VIII PUBLIC FORUM

Roberto Reyes said he was there to support his friend, Pedro Gutierrez, who was arrested for no real reason. He said the commission was established as a result of a civil suit against renegade police officers. He said that racial profiling is happening now with Latinos in the community and asked that the commission would move on this and speak for the community.

Juan Reardon said he was here to request support for the end of unnecessary criminalization of Richmond residents by some RPD officers. He spoke in support of Pedro Gutierrez who was arrested because he had tinted windows and did not have a driver's license. He said Mr. Gutierrez told the officer that he committed no crime but was arrested anyway. He said the officer questioned Mr. Gutierrez about his legal status. He said Richmond is a sanctuary city and that officers have to understand once and for all what that means.

Pedro Gutierrez said that there was no reason for him to be detained because he has no criminal record. He came to the meeting tonight to make a report to the chief so that that police officer won't do the same thing to somebody else. **Chief Magnus** said he would be happy to take a complaint from Mr. Gutierrez.

Cordell Hindler came to request security for the outside of the senior center.

IX 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 they've had several meetings with the RYSE Center regarding the video that the commission is making for youth. He submitted an outline of the narrative that was proposed by the RYSE Center. He asked the commissioners to review the outline of the video project.

Vivian Feyer said that she is on the Human Rights Human Relations Commission (HRHRC). She said she appreciated seeing this discussion item on the agenda. She said she realizes there is a lot of ambiguity in the community about the function of the police commission and the HRHRC. She said the HRHRC is charged with listening to conflicts that come up between members of the community, city employees, members of city commissions, and council members. Some of these things come to the police commission and some questions about police transparency and such come to the HRHRC. They sent some of those concerns to the police commission. She asked if both commissions could possibly work together clear up some of the ambiguity.

Vice Chair Roberson said that it's something that the police commission should look into. They want to let people know that the commission is there to help them and to let them know that it is not part of the police department.

Commissioner Ward asked who the HRHRC referred to the police commission. **Ms. Feyer** said that some people came to address their commission regarding transparency within the police department and they referred them to the police commission. They came to a police commission meeting and heard Chief Magnus explain how the police department handles complaints.

Commissioner Hunziker made a motion to accept the proposal and to tell RYSE to go ahead with the video project. It was seconded by **Commissioner Ward**. All were in favor. Two commissioners were absent.

Commissioner Hunziker asked if they could move forward on writing an article for Neighborhood Council newsletters. **Vice Chair Roberson** said she would contact **Commissioner Gillespie** about this.

X REPORTS BY:

Commissioner Roberson

- Reminded the commission about Law Enforcement BBQ tomorrow
- Attended meetings for Safety Fair
- Working with West County Alcohol Policy Working Group

Commissioner Hunziker

- Did 2 Ride-alongs
- Attended several community meetings
- Helped organize vigil for Kumar Family
- Helped establish benefit fund for the Kumar Family

Commissioner Thompson

- Working on CeaseFire Project
- Working on Operation Richmond

Commissioner Gillespie

- Will be attending NACOLE Conference

Commissioner Stephenson

- Attended Swearing-In Ceremony
- Attended National Night Out
- Attended LBNL Welcoming Reception

Commissioner Bautista

- Attended National Night Out
- Attended May Valley NC Meeting
- Attended backpack distribution with PAL

Commissioner Ward

- Attended RYSE Meeting
- Attended backpack meeting at Church

CIAO Casimere

- Submitted Daily Activity Logs for July and August 2011

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

- A. Discussion and Action Regarding RPC Complaint #03-2011

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Upon motion and second, the report for RPC Complaint #03-2011 and findings of **Unsubstantiated** for two allegations and **Unfounded** for two allegations were accepted.

The commission recommends that in a situation where an officer has multiple detainees, officers must effectively communicate the specific location of detainees to the K-9 officer.

The Complainant, Officers, and Chief of Police will be notified in writing of the findings regarding this complaint.

XII ADJOURNMENT

The meeting was adjourned at 10:25 p.m.

Don Casimere
Confidential Investigative & Appeals Officer