

RICHMOND POLICE COMMISSION

**Wednesday, December 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 Chair Bea Roberson

ROLL CALL

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

Absent: Glenn Stephenson

Vacancies: Three

Administrative Staff: Don Casimere, Confidential Investigative & Appeals Officer – Present

Malia Glover, Executive Secretary I – Present

Council Liaison: Jeff Ritterman, Council Liaison – Absent

City Attorney's Office Representative: Bruce Soublet, Assistant City Attorney – Present

II APPROVAL OF MINUTES – November 2, 2011

Upon motion by **Commissioner Bautista** and second by **Commissioner Hunziker**, the minutes for the regular meeting of November 2, 2011, were approved as written.

III REPORT OF COUNCIL LIAISON JEFF RITTERMAN

Not present.

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

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

There was no representative present. **Phillip Mehas** had signed up to speak on this item. He said that in reviewing the minutes from the last meeting, he saw that Chief Magnus said that when Richmond asks for mutual aid from other agencies, they follow Richmond's policies. Mr. Mehas asked that if other agencies never trained with Richmond, how do they know what the protocol is and when Richmond assists other agencies, such as Oakland, how do members of Richmond police department know what Oakland's protocol is. **Chair Roberson** said that when RPD assists with mutual aid in another city, the department sends a command person with them. Richmond officers work under Richmond protocol. Other cities that come to Richmond to assist with mutual aid have to follow Richmond's protocol here. **CIAO Casimere** said that most agencies are trained the same way in terms of less than lethal force. They basically all have the same tools. **Chair Roberson** said that all of the different agencies train together. **Phillip Mehas** said he felt proud when RPD turned down mutual aid to Oakland.

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

No representatives present.

VI PUBLIC FORUM

There were no public speakers.

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

CIAO Casimere said that Items VII and VIII will be discussed at the meeting on 01/04/12. The chief is not here tonight and the commission needs to speak with one voice in terms of recommendations from the commission. He said that when the commission comes together in January to review the policies, they can give specific recommendations that come from the commission as a whole. Three commissioners responded with comments and questions regarding the policies. He said that some of the questions that were asked were relevant for discussion to the commission but not relevant to the specific policies. **Chair Roberson** said that questions and comments will be compiled and sent to the chief in advance so that he can reply to any questions at the next meeting when the policies will be discussed. **CIAO Casimere** said that if commissioners have questions that are not specific to a certain policy, they can be asked during the Chief's report. **Commissioner Hunziker** said he wanted to know why some of the questions were not appropriate for policy review. **Asst. City Attorney Bruce Soublet** said that some of the questions asked were about specific things such as DMV studies that the Chief may or may not be aware of. Those questions should be asked when the chief is here. What commissioners should be commenting on are

the policy manual changes that the department is making. **Commissioner Hunziker** said that the answers to some of these questions will affect how he looks at the tow policy and how he will comment on it. **CIAO Casimere** said the questions should not be part of a recommendation package from the commission regarding policies. **Commissioner Hunziker** said the answer to the questions will help him comment on what is actually written in the tow policy. It may be his recommendation to the rest of the commission that they do something that is not written in the policy. **CIAO** said that those questions should be submitted separately to the chief so that he can answer those questions under his report at next month's meeting. Later on, the specific policies will be discussed.

Capt. Anthony Williams arrived as representative for **Chief Magnus**. He said he had the answers to **Commissioner Hunziker's** questions with him tonight. He gave the copy to **Commissioner Hunziker**. Copies will be made and distributed to each commissioner.

Chair Roberson said that **Capt. Williams** can give his report now and answer the questions that **Mr. Mehas** had asked earlier.

Capt. Williams gave a general overview of what their mobile field force was. He said it is a county wide program put together so that whenever civil unrest happens in one of their jurisdictions that overwhelms their resources, they can call upon mobile field force personnel to help them quell civil unrest. Contra Costa County mobile field force, which includes Richmond, was called in to help with Occupy Oakland. The policies that Richmond has may not agree with that of another governing body that's asking for their help. He said certain members of the Richmond city council were unhappy with Richmond officers going to Oakland. Their policies are currently under review as to what they will respond to and how they will respond. He said **Capt. Gagan** has done a great job on handling Richmond's personnel in these types of politically sensitive environments. The last time they were requested to go to Oakland, they helped them with their regular calls for service in the city, as well as asset protection away from the scene. They were not physically involved with any of the protest movements. The downside to that is, when Richmond may need mutual aid, other agencies may do the same thing. He said it's important to continue their involvement in the mobile field force and also be responsive to what the civic leaders want. **Chair Roberson** said that **Capt. Williams** answered most of the questions that **Mr. Mehas** had asked. She asked how often Richmond officers train with mobile field force. He said they train monthly and they are all trained in the same manner. **Mr. Mehas** said he was proud of the way RPD handled themselves in dealing with Occupy Oakland. **Commissioner Bautista** asked if officers were equipped with riot gear when they respond to incidents with the mobile field force. **Capt. Williams** said they are fully equipped with everything they need for dealing with civil unrest. They are also trained to deal with civil unrest. They are trained to remain calm when they are standing on a skirmish line with 300 protestors throwing things, spitting and doing other violent things to them. That takes a certain amount of discipline and training. **Commissioner Bautista** asked if any K-9 units were involved in mutual aid. **Capt. Williams** said no, not with Richmond. He's never seen a K-9 at any of the mobile field force trainings or deployments.

Chair Roberson asked if there was any more discussion on the RPD tow policy. **Commissioner Hunziker** said he needed to review the chief's answers before he can discuss it any further.

VIII REVIEW AND DISCUSSION ON RPD POLICIES (106 – Policy Manual; 200 – Organizational Structure and Responsibility; 300 – Use of Force/Firearms/Control Devices; 310 – Officer Involved Shooting/Fatal Incident Protocol; 334 – Amber Alerts; 357 – Marsy's Law; 428 – Immigration Violations; 442 – Criminal Street Gangs; 444 – Watch Commanders; 458 – Foot Pursuit Policy; 464 – Homeless Persons; 1058 – Employee Speech, Expression and Social Networking)

Chair Roberson said to send any other questions and comments to staff who will consolidate them and send them to all commissioners for review. **Asst. City Attorney Bruce Soublet** said that the commission should have a discussion and come to a conclusion with one response to these policies. It won't be individual comments. The recommendation to the chief will be from the Police Commission as a whole body.

Phillip Mehas asked if the official questions between the Police Commission and the chief would be public record. **Mr. Soublet** said that information that is part of the deliberative process of the legislative body is shielded from public record. **CIAO Casimere** said that the discussion and action taken by the commission will be done in open session in a public meeting.

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 that he and **Commissioners Roberson** and **Ward** were interviewed for the public service announcement that RYSE is filming. They should be able to review the video soon. He would like to contact all of the Neighborhood Council presidents and send them text with information that is on the Police Commission postcards that they could include in their newsletters.

Phillip Mehas asked what the Police Commission's relevance to the community was. He said that many people feel there is no relevance to the Police Commission in their lives. He said the agenda/minutes should be sent out to more organizations in the community. **CIAO Casimere** said the commission has a very specific scope of authority. The commission does policy review and also investigates citizen complaints. He said unless there is community outrage over an incident or a hot button issue, there won't be a packed house. He said they are open to any suggestions.

Commissioner Hunziker said the reason for this ad hoc committee is to educate the public about the police commission and to build partnerships between the community and police. He would like to get new volunteers to meet in January to discuss new ways to build partnerships between the community and the police. **Chair Roberson** said it can be put on the agenda for next month.

X DISCUSSION AND ACTION REGARDING NOMINATING VICE-CHAIR

CIAO Casimere said that election of chair will be postponed until there is a full commission. It's important to have a vice chair to step in if the current chair is not available. **Asst. City Attorney** said that a vice chair cannot be elected this evening because of the way the item is worded. He said nominations can be taken at this meeting and voted on at the next meeting.

Commissioner Thomson nominated **Commissioner Bautista** as vice chair. **Commissioner Bautista** declined the nomination.

Commissioner Bautista nominated **Commissioner Hunziker** as vice chair.

Nominations will be continued in January.

XI REPORTS BY:

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

Chair Roberson

- Assisted with toy program
- Attended West County Alcohol Policy Working Group meetings
- Working with NIAD (Nat'l Institute of Arts and Disabled)
- Took part in filming of public service announcement at RYSE
- Attended Veteran's Day Ceremony on Red Oak
- Attended Richmond/EC/Police & Firefighter toy program breakfast
- Attended city council meetings
- Attended RNCC meetings
- Attended RPOA Christmas dinner in Concord

Commissioner Hunziker

- Attended Richmond/EC/Police & Firefighter toy program breakfast

Commissioner Thompson

- Attended a Main Street function
- Attended city council meetings

CIAO Casimere

- Submitted Daily Activity Log for November 2011

XII EXECUTIVE SESSION: Public Employee Performance and Discipline/Release (Police Officer)

A. Discussion and Action Regarding RPC Complaint #05-2011

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Upon motion and second, the investigative report and finding of **Unsubstantiated** for one allegation of Unnecessary force were accepted. All were in favor.

XIII ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Don Casimere
Confidential Investigative & Appeals Officer