

RICHMOND POLICE COMMISSION

**Wednesday, January 4, 2012 – 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
Glenn Stephenson

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 – Absent

City Attorney's

Office Representative: Bruce Soublet, Assistant City Attorney – Present

II APPROVAL OF MINUTES – December 7, 2011

Upon motion by **Commissioner Stephenson** and second by **Commissioner Bautista**, the minutes for the regular meeting of December 7, 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

Chief Magnus reported that the police and firefighters toy program was a big success. The RPOA and the RPMA were big participants in the way of donations for this event. They also donated to the RPAL Shop with a Cop event. He reported that violent crime decreased but homicides were up in 2011 compared to 2010. **Deputy Chief Brown** talked about the department's efforts in trying to re-examine some of their processes and trying to figure out what they can do to step up their effectiveness in preventing the escalating types of gun violence in the city. They've recently made some personnel and shift changes to the homicide unit to deal with the volume of cases that they deal with; not only murder investigations but also an assortment of high profile cases.

Commissioner Stephenson asked how many people were in the homicide unit. **D/C Brown** said it has nine detectives and a supervisor but they are in a shared configuration with the robbery unit which has a sergeant and three other individuals.

Chair Roberson asked how soon the website would be updated with the personnel changes. **D/C Brown** said it is in the process of being updated now.

Commissioner Hunziker asked what role ONS plays in the intervention of gang related shootings. **D/C Brown** said they do look to them for information that may be of value to the department.

Chief Magnus said they have been making progress as far as shots fired in the city, mainly due to Shotspotter and good timely response by officers. In 2009, there were 771 shots fired, 438 in 2010 and 353 in 2011. San Pablo PD now has Shotspotter. He reported that there were 159 DUI arrests made in 2011. He said that DUI checkpoints are proven to be a good deterrent in keeping people from driving drunk. They received a new grant to conduct checkpoints in 2012 from the Office of Traffic Safety. The chief announced that he has appointed **Lt. Bisa French** as Chief of Staff in his office. He said the Chief of Staff position is an auditing function to ensure that different programs throughout the department are operating as they should. **Chief Magnus** said they have received the new radios that were ordered. They will be replacing all radios, along with partner agencies, at the same time. This will take place this spring or summer.

Commissioner Bautista requested a DUI checkpoint report for the next Police Commission meeting. He commended the chief and the entire police department for doing an excellent job in 2011. He also thanked **Off. Tan** for being vigilant at the DUI checkpoints. **Chief Magnus** said thank you and that he would pass that along to the department.

Commissioner Gillespie asked the chief if he had considered adopting a policy for DUI checkpoints where Ingersoll standards are spelled out. **Chief Magnus** said that

it is a possibility, but they have people in their traffic section that are coordinating and implementing these checkpoints with very detailed guidelines that they follow and are very well versed in all of the ongoing changes. They use a checklist that they follow for each DUI checkpoint that is entirely current with the courts and has been reviewed by the city attorney. **Commissioner Gillespie** requested to look at the checklist. **Chief Magnus** agreed to that.

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

Hector Esparza said he was re-elected as RPOA President. Also present were **John Lopez**, Secretary and **Felix Tan** who has been trying to attend the PC meetings regularly. **Off. Esparza** thanked **Chair Roberson** for attending their Christmas party. He said the 2012 board wants to be more involved in the community. It is important to them and they want to build on relationships between the police and the community.

VI PUBLIC FORUM

There were no public speakers.

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

After discussion, **Commissioner Hunziker** made a motion to recommend that the penalty for first time offenders for unlicensed drivers or drivers that have been cited beyond 12 months be increased to a short term impound as opposed to a citation. It was seconded by **Commissioner Stephenson**. The motion failed with the following vote: Ayes – 2, Noes – 2; Abstentions – 1.

Commissioner Thompson made a motion, seconded by **Commissioner Gillespie** that the tow policy be returned to the chief without recommendations. All were in favor.

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)

There were two speakers for this item who wanted to speak on police protection policies based on being victims of a type of rare technology being used by the government.

Renata Murry talked about targeted individuals who are put into a gang stalking program to be stalked and harassed 24 hours a day. She said innocent people are put into this program by a group of strangers, unknown to the target, who feel that they are some sort of threat.

Amy Anderson said she is a targeted individual. She said the technology being used is open magnetic wave energy that attacks the person's central nervous system. She asked the City of Richmond to provide a special task force unit to address those who use this technology on people.

Commissioner Hunziker said that the following policies had no recommendations from any of the commissioners: 334, 357, 444, 458, 464, and 1058. **Commissioner Stephenson** made a motion, seconded by **Commissioner Gillespie**, to accept these policies as written. All were in favor.

Commissioner Gillespie made a motion, seconded by **Commissioner Stephenson** to recommend to the chief to include the police commission in the distribution of the policy manual in policy 106. All were in favor.

Commissioner Stephenson made a motion, seconded by **Commissioner Hunziker**, to accept policy 200 as written. All were in favor.

Commissioner Gillespie made a motion, seconded by **Commissioner Bautista**, to recommend to the chief that he include a definition of force in policy 300 that reads, "Force is the amount of effort required by police to compel compliance by an unwilling subject." All were in favor.

Commissioner Gillespie made a motion to recommend the following policy changes:

300.1.2 - that the chief consider removing the phrase "present and" in the first sentence.

300.2, paragraph 2 - insert the word reasonable (in front of officer on the scene).

300.2.2 - that the first three factors to determine the use of force read, "whether the suspect poses an immediate threat to the safety of the officer or others, the severity of the crime at issue, and whether he is actively resisting arrest or attempting to evade arrest by flight."

300.3.10 - add a requirement that, (a) before deploying a taser, whenever possible, a verbal warning shall be given.

Commissioner Hunziker seconded the motion. After discussion, the motion failed with the following vote: Ayes – 4; Noes – 1; Abstentions – 1. (Five votes on either side is required to pass or fail)

Commissioner Gillespie made a motion to recommend the following policy changes:

310.4.1 and 310.4.2 – ask RPD to look at these policies, clean them up and make them in line with county protocol.

310.5.1(d) – clarify this policy by inserting the bracketed text below: Absent a voluntary statement from any officer(s) [involved in the incident], the initial on scene supervisor should not attempt to order any officer [involved in the incident] to provide [any other information] other than public safety information.

310.5.4 – add to this policy: “nor shall his or her photograph be given to the press or news media without his or her express consent.”

310.6.4 – have chief explore, with the advice of legal counsel, the legality of allowing police officers to temporarily detain material witnesses for incidents such as officer involved shootings, so as to at least identify that witness.

310.7(c) (4) – that the word Miranda be removed so that it would read, “The officer shall be informed of all constitutional rights, including Miranda rights.”

The motion was seconded by **Commissioner Hunziker**. After discussion, the motion failed with the following vote: Ayes – 3; Noes – 0; Abstentions – 2.

Commissioner Gillespie made a motion, in reference to policy 428.3.3, to recommend to the chief that he include the proper link for these instructions. It was seconded by **Commissioner Stephenson**. All were in favor.

Commissioner Gillespie made a motion, in reference to policy 442, that the reference to 442.2 (a) be deleted and reworded to read section 442.2. The motion was seconded by **Commissioner Bautista**. All were in favor.

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 asked for 2 volunteers to work with him on police-community relations. He suggested that the volunteers read books on this subject, as well as talk to people in the community, to develop a knowledge of what the problem is and make recommendations. **Commissioner Thompson** volunteered and **Chair Roberson** said she would help also.

Commissioner Hunziker said he will follow up on the progress of the public service announcement.

X DISCUSSION AND ACTION REGARDING NOMINATION AND ELECTION OF VICE-CHAIR

Commissioner Hunziker was nominated for chair at the last meeting. There were no other nominations. He accepted the nomination.

XI REPORTS BY:

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

Chair Roberson

- Assisted with toy program
- Observed 2 DUI checkpoints and did ride-along with Off. Sanchez
- Went on another ride-along
- Attended RPOA Christmas banquet

Commissioner Stephenson

- Observed DUI checkpoint
- Ride-along with Off. Hembree

Commissioner Bautista

- Observed DUI checkpoint

CIAO Casimere

- Daily activity log for December

XII ADJOURNMENT

The meeting was adjourned at 9:18 p.m.

Chair Bea Roberson