

# **RICHMOND POLICE COMMISSION**

**Wednesday, February 1, 2006 – 7:00 p.m.**  
**Community Services Building**  
**330 - 25<sup>th</sup> Street**  
**Conference Room 1**

## **MINUTES**

### **I CALL TO ORDER**

The meeting was called to order at 7:03 p.m. by Chair Martinez

#### **ROLL CALL**

**Present:** Albert R. Martinez, Chair  
Emile de Vera  
Susan H. Geick  
Dolores Hembree  
Cora J. Ward  
Naomi Williams

**Absent:** Juan Calderon

**Vacancies:** Two

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

### **II APPROVAL OF MINUTES – January 4, 2006**

Upon motion by **Commissioner Geick** and second by **Commissioner Williams** the minutes of the regular meeting of January 4, 2006, were approved with one correction.

### **III INTRODUCTION OF NEW POLICE CHIEF CHRIS MAGNUS**

**CIAO Casimere** introduced Chris Magnus as the new Police Chief. He said he had the opportunity to meet with Chief Magnus several days ago to talk to him about the Commission and its responsibilities. The Commission is pleased to have him as the new chief.

**Chief Magnus** thanked everyone for the support and welcome that he's received over the last few weeks. He said he appreciated CIAO Casimere meeting with him, answering questions and giving him some history and perspective on the work of the Commission. The Chief said he was looking forward to a strong, productive relationship with the

Commission. Chief Magnus said that sometimes the history and circumstances of a relationship between a police department and any board that works in a dual investigatory capacity and an oversight capacity has the potential to be challenging at times. He feels that many problems can be avoided by following some basic protocols. This basically involves cooperation, communication, transparency to every degree that they are allowed to do so under law and finding ways to work together to deal with the problems that are inevitably going to come up.

**Chief Magnus** distributed a copy of a memorandum that he had given to the members of the police department showing what he believes are some of the most important values and expectations; the first and most important being integrity. (See Attached)

The Chief said he has staff meetings each week with the three captains and himself. They also have one every other week that includes all the lieutenants and above, as well as a few sergeants. They will be working from an agenda that is prepared in advance that anyone can contribute items to. If there are issues that the Commission would like to see them discuss, he would welcome their ideas. Some of the items they are currently working on are cleaning up the Hall of Justice and substations, starting a planning process for a new geographic-based policing structure, policy/procedure revision, new police vehicles, recruitment issues and COMPSTAT (computer statistics that will determine patterns and trends that require focused police and community attention).

**Capt. Ritter** will be assisting him and if there are any issues that they need to respond to, they will be available. It is their desire to be accountable and responsive to any issues that the Commission brings up.

**Chair Martinez** welcomed Chief Magnus and said the Commission appreciates his updated report and his values and expectations on priority and accountability.

**Commissioner de Vera** thanked Capt. Ritter for handling their requests/concerns at the last meeting. He asked Chief Magnus if he initially saw anything in the current strategy to combat the murder rate that seems to be lacking in this city. Chief Magnus said what he thinks is lacking in Richmond, through no fault of any one person or agency, is that things do not seem to be well pulled together and there often is no follow through on an issue. There is a lot of energy, enthusiasm in commitment, but what seems to be lacking is the follow up on various programs.

**Commissioner de Vera** agreed that the chief's values and expectations were a good idea and wanted to know if there will be training to back them up. Chief Magnus said that their officers deal with an extraordinary level of violence, disorder and threats to their own safety. They need to keep that in mind in terms of training. They will have to look at how they will do that; to reinforce the positive and create a working environment that helps officers be that full service professional in a challenging set of circumstances.

**Commissioner Williams** welcomed the chief and told him that the community policing that he was referring to is what they want.

**Commissioner Geick** said that officers need decompression time after being on J Team or Nitro before being sent to less stressful assignments. She said the Commission has brought this up several times in the past few years and it needs to be addressed as a policy matter. Chief Magnus agreed and said he would like to do some training in that area in working through those transitions.

**Commissioner Hembree** said she appreciated the chief's enthusiasm and hopes he still has it a year from now. She said she feels that the reason community policing has not worked in Richmond is because once the officers get to know the area and the residents feel comfortable with them, they're put onto another beat. She asked him to take this into consideration. Chief Magnus said that was a good point.

**Phil Mehas** introduced himself to Chief Magnus as a local representative of the American Civil Liberties Union. He said the Commission and chair are extremely dedicated and they have a very experienced investigative officer. Mr. Mehas said he was excited about the chief being here and liked his ideas regarding values and expectations, transparency, oversight and integrity. He offered his assistance to the Chief if needed.

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

**Capt. Ritter** updated the Commission on the action items she was given at the last meeting. The business hours have been posted on the front lobby doors. They are waiting for an updated copy of the Police Commission brochure so that they can display it in their lobby. They are also in the process of redoing their complaint form. She has already forwarded a list of bilingual languages spoken by the officers to the Police Commission. She said that the Police Department had discontinued sending updates of their policy manual to the Commission. They will be reviewing their manual and will forward the changes to the Commission at that time. Capt. Ritter said she met with Chair Martinez and Commissioners Geick and Williams regarding the training of new commissioners. They are starting advanced officers training next week and will be short on staff. She asked if the Commission wanted to have the training immediately, or if it can be postponed until advanced officer training is completed. She will send an outline of the training in 30 days.

**Chair Martinez** commended Capt. Ritter for promptly handling the requests of the Commission from the last meeting.

**Commissioner Williams** said they've waited for the new commissioner training for this long; a couple more months won't hurt.

**Commissioner Hembree** suggested waiting until the mayor fills the two vacancies on the Commission to have the training.

**V REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE**

**Det. Kevin Martin** said he is currently assigned to Property Crimes. He said the POA is looking forward to working with Chief Magnus and the Commission. Det. Martin said to call him at 620-6629 if they need any assistance. He and the POA share the Chief's ideas and vision on picking up the morale in the department.

**VI REPORT BY GUARDIANS OF JUSTICE REPRESENTATIVE**

**Michelle Arriaga**, secretary for the Guardians of Justice, stated that as a civilian employee in the records division of the police department, they were excited about cleaning up the records area and their morale went up considerably. The Guardians have scheduled monthly meetings with Chief Magnus. Many of their members are school resource officers and they will be assisting the Chief in his endeavor to recruit within the city at the high school level. In January they took 20 kids from the PAL office to Chabot Space and Science Center. In February they will be taking a different group of PAL students to Oakland Museum for Black History Month.

**Commissioner de Vera** commented that the Prayer Breakfast at Hilltop Community Church, which was co-sponsored by the GOJ, was a big success, although he didn't see many command officers there. He said having command officers at events such as this would make it a more citizen friendly police department.

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

**Off. Rafael Samayoa** reported that their crab feed is coming together. It is in honor of Leonard Garcia and David Haynes. It will be on March 25<sup>th</sup> at El Sobrante Boys & Girls Club at 4660 Appian Way at 5:30. The cost is \$35.00. He can be contacted at 620-6642.

**VIII COMMENTS BY MEMBERS OF THE AUDIENCE**

None.

**IX REPORT BY CONFIDENTIAL IAO**

**CIAO Casimere** reported that he attended the Martin Luther King Jr. Program on Saturday, January 14, 2006, and the swearing in of Chief Magnus on January 31, 2006. He also attended the Richmond Annex Neighborhood Council Meeting along with Chair Martinez and Commissioner Ward as part of the Commission's community outreach program. A letter was sent to all the Neighborhood Councils to let them know that the Commission is available for presentations. He also met with Chief Magnus on January 26<sup>th</sup> to let him know the background of the Commission and what the authority of the Commission is and the desire of the members of this Commission to work and move forward with this city and the new police chief.

The CIAO stated they have received two applications for membership to the Commission. He and Chair Martinez will be meeting with Mayor Anderson in the near future regarding the filling of these positions. He commended the Chief and the department on the clean up of the Hall of Justice. He also thanked Det. Kevin Martin of the RPOA for scheduling and expediting the interviews with witness and subject officers. He wanted the Chief to know that the Commission is getting the cooperation of the RPOA as it moves forward to complete the investigations of citizens' complaints. In closing, he said he is pleased to see the promising time of new beginnings here in this city with the new police chief. He said it is important that we all realize the value of this community, of true community partnerships coming together to solve the serious problems that exist in this community.

**Chair Martinez** commented that there were two police officers at the Richmond Annex Neighborhood Council meeting that he attended with Commissioner Ward and CIAO Casimere. The officers gave a report and they were very knowledgeable and well welcomed by the community. He said the community is excited about the new police chief. The Commission supports and encourages the new beginnings with the Richmond Police Department and the Richmond Police Commission.

**Commissioner Geick** said that this community excels in the volunteer work of its citizens, not only on boards and commissions, but also neighborhood councils. She said that one thing all of the neighborhood councils are asking for is to have the same police officers come on a regular basis to their meetings.

**Commissioner de Vera** said he was impressed with the citizen volunteer program on the Fargo website. He asked the chief if Richmond PD would have a program such as this in the future. Chief Magnus said he was excited to learn that there was a volunteer program in Richmond. He thinks it is a very critical program and they need the support; he envisions a stronger program in the future. Commissioner de Vera also asked about the reserve officer program. Chief Magnus said that he is open to learn more about it. It is something they can look at in the future.

**Phil Mehas** asked if it would be possible to provide a packet of information being discussed at Police Commission meetings to members of the audience. He also requested a copy of the complaint summary for 2005.

## **X DISCUSSION AND COMMENTS ON CONFIDENTIALITY MEMO AND NEW COMMISSIONER CHECKLIST**

**CIAO Casimere** introduced Victor Ochoa from the City Attorney's office who drafted a document regarding confidentiality concerns. CIAO Casimere said that because the Commission deals with confidential personnel records, they asked Mr. Ochoa to draft this so that there is clear understanding on the part of the commissioners and citizens of what the confidentiality issues really address.

**Mr. Ochoa** said that the California Public Records Act states that personnel records are specifically exempted and police personnel records have a higher level of exemption from disclosure and require a court order. It is important that the Commission understand that there is a very high level of protection.

**Commissioner Hembree** asked if there is a current form that should be signed by commissioners. Mr. Ochoa said there is no form that he is aware of.

**Commissioner Geick** said that the specific section that defines a personnel record should be included on the form. Mr. Ochoa said that there is a specific code that talks about police complaints. That is specifically in the code as being part of a personnel record, so that is very clear. Commissioner Geick said that information about the complainants is confidential as well.

**Commissioner Ward** said that the oath she signed when she became a commissioner refers to confidentiality.

**CIAO Casimere** said that the second part of this discussion involves the New Commissioner Checklist. It is a list of items/information that needs to be covered when a new commissioner begins. He said there will not be a confidentiality form to sign but a statement will be included in the packet.

**Commissioner Geick** asked if her concern about the privacy issues with respect to complainants is going to be addressed. Mr. Ochoa said that could be added. He said that could mean any type of oral disclosure/discussion as well.

## **XI REVIEW AND DISCUSSION ON RPD DOG SHOOTING POLICY**

**CIAO Casimere** said that one of the Commission's responsibilities is to review Police Department policies and/or practices. They have requested that the chief and his staff come prepared to discuss this policy tonight. He asked Chief Magnus if there was anything else that addresses the shooting of canines by Richmond police officers other than the brief statement that is in the use of firearms policy. Chief Magnus said he is not aware that there is.

**Commissioner Geick** said the question came up about four and a half years ago on whether it constituted the use of force when an officer used a gun on canines. She said they need to work on how dogs react and how the officers react to dogs.

**Chair Martinez** said that in RPD Policy 302.11(c) it refers to the officer's right to shoot a dangerous animal that he or she believes is a threat to her or himself. He asked if they used other options such as mace, baton, etc., before shooting the animal.

**Chief Magnus** said there is no easy answer to that question. He said they have to be careful about making direct correlation between the use of force continuum circle that applies to human beings with how use of force is applied to animals. There are some

ways in which you can draw comparisons. He said he would never want to take options away from officers from that circle of choices when it comes to an animal, but he would be reluctant to say that the same dynamics that exist when interacting with a human being exist with the dog or any other animal because they are very different. He said this is also a very emotional issue.

**Chair Martinez** asked Capt. Ritter how the rank and file are trained in regards to dangerous animals. He asked if it was preventative measure, a very pointed measure, one of retreat, or is it one of just as you deem necessary. Capt. Ritter said that this is probably an area where officers could have more training. They have other options available to them such as pepper spray, fire extinguishers and other times the situation is going to dictate the officers' actions. She said officers don't like to shoot dogs so if there's another option, they will try to use it.

**Chair Martinez** asked if a scene is rendered safe after a search warrant or car stop, then a dog or any other animal becomes apparent, can they stop and leave without getting involved. Or, if a crime scene has been neutralized and there's a vicious dog coming down the street with somebody else, rather than take offense, can't they just leave without getting involved. Capt. Ritter said if the officer is done with business they'll try to retreat to their car. They respond to a lot of dangerous dog and vicious animal incidents. They don't want to create a confrontation with the animal. If possible, they'll remain in their cars, follow the dog and try not to confront it. If they are holding a scene and a perimeter has been set and they still have to maintain their presence there, they will have to do something to effectively make sure the dog doesn't interfere with the operation.

**Commissioner de Vera** asked if an officer shoots a perceived vicious dog, would that come under the use of force review or firearms review board. Capt. Ritter said generally it would come under the firearms review committee.

**Commissioner Williams** said that the policy states that an officer may kill a dog or other animal that is badly injured with the approval of a supervisor. She asked if they needed supervisor approval for killing a vicious dog. Capt. Ritter said they don't need supervisor approval for killing vicious dogs because they wouldn't have time in most situations.

**Commissioner Williams** said the policy needs review because it is too open ended. Capt. Ritter said officers routinely look for a dog or ask the homeowner if there is a dog in the yard. She said it depends on the situation and how rapidly it unfolds.

**Chief Magnus** said that when a situation is planned where the officers may be able to see in advance that there's a dog on the property, they have time and potentially other resources to draw from other than just shooting the animal. Officers will assess and see if there's an animal involved in a situation. Just because there is a dangerous dog on the property doesn't mean they will neutralize that threat by shooting the dog just because he appears to be dangerous. They can train their personnel to think about other options in those types of situations. The problem comes when they have an unexpected, sudden

encounter with a dog. They don't have time to use any other options and that's where the training needs to come in.

**Commissioner Hembree** asked if dispatchers ask callers if there is a dog on the property before sending an officer to the scene or do people just occasionally volunteer that information. The Chief said they would like to get that information, if possible, and that would be something they can look into.

**Commissioner de Vera** said that he was looking for more training for the officers to deal with dogs and expanded procedures in the manual.

**Chair Martinez** thanked everyone for their input in this discussion. He said that as Postmaster of Richmond, they are concerned for their 261 carriers. They do have steps that they take which include using pepper spray.

**Capt. Ritter** asked if the Post Office had trainers available that would be able to provide training for their officers. Chair Martinez said yes; he just needs one day advance notice.

## **XII REPORTS OF SUBCOMMITTEES**

### **A. West Contra Costa Alcohol Policy Working Group**

**Commissioner Williams** said they met last month and she was elected Vice Chair of the group. They had representatives from liquor stores on the county side but only one representative from Richmond liquor stores. They discussed how to control loitering problems.

### **B. Church Outreach Committee**

**Chair Martinez** reported that he attended the Annual Prayer Breakfast at Hilltop Community Church. He said it was a great turn out. He said they do these outreaches so members of the community can recognize the members of the Commission and to give them information regarding the Commission.

**Commissioner de Vera** said that Hilltop Community Church is praying for Chief Magnus' success and for the City of Richmond.

### **C. Brochure Committee**

**Commissioner Geick** passed out two versions of the brochure. The wording is slightly different on each one. She said the Commission needs to decide which one they want.

**Commissioner Williams** said if the wording is not in the Police Commission manual, then it shouldn't be on the brochure. She suggested adding the City

Attorney's changes, add a current picture and leave the rest as is.

**Chair Martinez** thanked the brochure committee for their work.

**Commissioner Hembree** said that tonight is the first time that she's seen the two versions that Commissioner Geick distributed. She said two commissioners did not get to meet with Commissioner Geick and it is unfair to vote on it tonight.

**Chair Martinez** asked for a vote. The January edition of the brochure was accepted with an affirmative vote of three. He also thanked Phil Mehas for being a part of the committee.

### **XIII EXECUTIVE SESSION: Public Employee Performance and Discipline/Release (Police Officers)**

#### **A. Discussion and Action Regarding RPC Complaint #02-2005**

Upon motion and second, the report and finding of Policy Failure for an appeal of a Professional Standards complaint investigation regarding a dog shooting were accepted.

The complainant, officers and Chief of Police will be notified of the findings.

Commission Recommendation: The Richmond Police Department policy regarding the shooting of dogs is deficient and is in need of review and revision. Additionally, the officers of the Richmond Police Department should receive additional training regarding alternative ways of dealing with dogs in situations such as this one. Included in this policy statement and the training for officers should be reference to the Humane Society of the US Policy Recommendations document.

#### **B. Discussion Regarding Complaints Received in the Past Month and Past Complaints**

There were no new complaints in the past month.

### **XIV REPORTS BY COMMISSIONERS/FOR THE GOOD OF THE COMMISSION**

**Commissioner Williams** said she attended a line-up and met with Capt. Ritter regarding new commissioner orientation.

**Commissioner de Vera** suggested that the CIAO be included on the Force Review Board. He wants this placed on the agenda. The Commission voted and it will be placed on the agenda for April 2006.

Page ten

**Commissioner Hembree** attended the installation of the new San Pablo Police Chief, Joe Aita, and the swearing in of Chief Magnus.

**Chair Martinez** attended the installation of the new San Pablo Police Chief, Joe Aita, and the swearing in of Chief Magnus. He gave an outreach presentation to St. Luke's Church at So. 7<sup>th</sup> and Ohio.

**XV ADJOURNMENT**

Upon motion by **Commissioner Williams** and second by **Commissioner Ward**, the meeting was adjourned at 9:47 p.m.

---

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