

RICHMOND POLICE COMMISSION

Wednesday, January 2, 2008 – 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
Robert Ham
Dolores Hembree
Cochise Potts
Glenn Stephenson
Chris Tallerico
Cora J. Ward
Naomi Williams

Absent: None

Vacancies: One

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

II PLEDGE OF ALLEGIANCE

III APPROVAL OF MINUTES – November 7, 2007

Upon motion by **Commissioner Tallerico** and second by **Commissioner Hembree** the minutes for the regular meeting of November 7, 2007, were approved as written.

IV COMMENTS FROM THE CHAIRPERSON

A. NACOLE – Code of Ethics

Chair Ward asked **CIAO Casimere** to explain this item. **CIAO Casimere** said that NACOLE is promoting a professional Code of Ethics and suggesting that all civilian oversight agencies consider adopting it. It is a result of dialogue at past NACOLE conferences about what civilian oversight agencies should be doing, what kind of standards should exist for them, and how they should conduct their

affairs in the public interest. He asked the commissioners to consider it and it will be on the agenda at a future meeting as a discussion and action item.

B. Police Commission Mission Statement

Chair Ward said it is important that each commissioner carry this statement with them so that they'll know their role as commissioners.

C. Following the agenda for RPC Meetings

D. Submit written Commission reports (meetings attended, ride-alongs, etc.)

Chair Ward suggested that all Commissioners submit their reports on community events and training attended in writing so that they can become a part of the minutes.

E. Importance of safe-guarding & turning in RPC Badge, RPC Manual and RPD Manual when leaving the Commission

Chair Ward said it is important for commissioners to turn in their badges and manuals if they resign or when their term expires. **CIAO Casimere** reported that there is current legislation dealing with badges. He suggested that the Commission, along with the City Attorney's office, review this legislation. **Chief Magnus** added there has been a ruling from the Attorney General and the District Attorney has required that all badges be turned in to the police chief and be destroyed. Only sworn law enforcement officers are allowed to carry badges. (A full transcript of the Chief's comments on the RPC badge issue has been prepared and is available.) **Mary Renfro** from the City Attorney's office said that if the County DA has directed local police chiefs to gather badges, then we should follow that policy. **Commissioner Williams** asked if they could get something in writing from the Attorney General. **Chair Ward** suggested that the commissioners turn in their badges to the Commission secretary by close of business January 7, 2008. **CIAO Casimere** agreed that since they have a definitive statement from the Chief of Police and from the City Attorney, it would be in the best interest of the Commission to submit the badges now and if they'd like to, they can meet and discuss the issue with the City Attorney at a later date.

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

A. Vehicle Release Policy, Section 504.3 of RPD Manual

Chief Magnus said this policy gives the department the responsibility of attempting to contact the owner of the stolen vehicle and giving them the opportunity to come to the scene within a reasonable time and pick the vehicle up themselves; otherwise, it gets towed. The officer is required to submit a report to Records regarding the way the vehicle was recovered and how it is being stored. **Chair Ward** said that **Commissioner Potts** had questions regarding this item.

Commissioner Potts said it is unfair for people that have had their vehicles stolen to incur such horrendous fees if they can't be contacted right away. He said reasonable time is really not defined and there should be a buffer before storage fees begin to accumulate. **Chief Magnus** said the language is actually referring to the process of getting the owner to the recovery scene. There are limits to the amount of time an officer can remain at the scene with the vehicle. There are times when the owner cannot be reached. It becomes a question of who will pay the storage fees. He said it would require action by the City Council to make any change to the policy because it is an expenditure of public dollars that he is not authorized to make. **Mary Renfro** reiterated that RPD's responsibility is to recover the vehicle and have it taken to a safe place. The towing contract and fees are approved by the City Council.

B. Status of RPD Joint Task Force Narcotics Team

Chair Ward said she received a phone call regarding RPD not having a narcotics team in Richmond. **Chief Magnus** said he made an assessment of the department's ability to staff and supervise its own narcotics unit. At that time, the unit itself was down to 2 working officers and they were extremely short staffed on the road. He decided to assign three officers to WestNet with the understanding that they would eventually restore their own in-house, street level narcotics team to focus on drug house abatement in Richmond. With WestNet, they have been able to reestablish some very important investigative ties with other agencies with the same problems as Richmond. Last year WestNet generated 134 cases and more than 50% of those took place in Richmond. Of the remaining cases, more than 20% involved suspects who were engaged in ongoing narcotics activity in Richmond. They also made 135 arrests during the past year, 60% occurring in Richmond. The Chief said his goal is to have an in-house drug house abatement team and to continue their participation in WestNet. They will be going to a 12 hour shift for all personnel this month; this will allow better coverage on the road.

C. Other current topics

Commissioner Williams asked the status of the camera committee. **Chief Magnus** said they just started installing the cameras. He said Off. Esparza will assist in getting the committee together that will provide direction with the policy. The cameras won't become active for approximately two months. The committee will start meeting later this month.

Commissioner Williams asked if officers had been trained in the use of the tasers. **Chief Magnus** said they are still pulling their training program together. They want the training to cover all aspects of the policy.

Commissioner Tallerico requested that the Chief send the new team assignments to the Police Commission secretary.

Commissioner Bautista commended the Chief and the entire Police Department for doing an excellent job in 2007. He also asked the status of the new jail. **Chief Magnus** said it's not open yet but they are very close.

Phil Mehas said that the Police Commission should set up a task force and talk to the liaisons to the City Council about changing the towing contract next year or have a temporary storage place with 2 to 3 days before fees are charged for stolen vehicles. He also feels that the advisory committee should have met before the cameras were installed. **Mr. Mehas** said he thinks the Chief is doing a fine job.

Commissioner Stephenson asked if the City was allowed to use confiscated money or property for its own purpose. **Chief Magnus** said there is a forfeiture process for obtaining those assets. They actually get a fair amount of drug forfeiture money and it's very helpful in supporting their operation.

Commissioner Hembree asked if the City was encouraging business owners to put in closed circuit cameras. **Chief Magnus** said not yet. El Cerrito is looking into creating an ordinance that requires certain businesses to have cameras. He would like to get direction from the community on this after they get the public cameras up and running.

Mary Renfro from the City Attorney's Office said that drug forfeiture money is governed by State law. It has to be looked at by the attorneys, finance department and the council. It would be worth suggesting to the City Council, the use of forfeiture money to help the victims of stolen vehicles.

Chair Ward requested that Diane Anderson, who was scheduled to speak under Item IX, be allowed to speak now.

Diane Anderson from Giving Tree Developers requested the Commission's help with a municipal code that involved commercial vehicles not being allowed to be parked on construction sites. The issue was discussed and she was referred to the Public Safety Committee to address her concerns.

VI REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE

No report.

VII REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE

Michelle Arriaga and **Kevin Tisdell** distributed copies of a list of the 2008 Board of Directors. The Guardians gave out approximately \$3,000 in scholarships to high school students in the community; the most recent recipient was Tamena Potts. They plan on having their 2008 Christmas dinner on 12/13/08. Their annual crab feed will be sometime in February or March. Membership is currently at 65.

VIII REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE

Off. Estaban Barragan stated he was the newly elected president of the LPOA. Daniel Sanchez is Vice-President, Kimberly Hernandez is Treasurer, Reymundo Hernandez is Secretary, Jesse Ney is Sergeant at Arms and Hector Esparaza is Member at Large. They recently had a Christmas program where they earned approximately \$1800.00 with the help of members of the community. Food and gifts were given to needy families. They are also working on their annual crab feed that will be held in March.

Commissioner Bautista asked the number of active members they have. **Off. Barragan** said they currently have 23 members.

Commissioner Potts asked about their scholarship criteria. **Off. Barragan** said they offer it to students who will be attending college and are looking into public careers such as law or law enforcement. The school principal and counselors will choose which students are awarded the scholarships.

IX PUBLIC FORUM

Jeffrey Dickeman said that at the last Police Commission meeting, a question was asked regarding the availability of pepper spray to civilians. He said the Deputy Chief didn't really know the answer to that question so he came here to give the answer. **Mr. Dickeman** said pepper spray is legal in California for civilians but it is not in other states. It is not approved for minors under 18. Civilians can have no more than 10% pepper in the solution. They are only allowed to carry 3.5 oz. It can be purchased at mail order companies that specialize in military and police items. A police informant told him it could be purchased at hardware stores.

Phil Mehas said he found the badge discussion amusing. He asked the Commissioners if they attend the functions listed in the Police Commission minutes as official members of the Richmond Police Commission. **Chair Ward** said the list of functions or community events attended are to inform the public that they are also involved in other things. **Mr. Mehas** said he didn't feel confident in the appropriateness of putting social activities in the official minutes of public record. He said it should only include commission sponsored and commission represented events.

X REPORT BY CONFIDENTIAL IAO

CIAO Don Casimere reported that he attended both the RPOA Christmas banquet and the GOJ banquet. He also attended the Contra Costa County Mayor's Conference held here on 12/06/07, hosted by the City of Richmond.

XI REPORTS OF SUBCOMMITTEES

A. West County Alcohol Policy Working Group (Commissioner Naomi Williams)

Commissioner Williams explained that the West County Alcohol Policy Working Group is not a social committee. It deals with the community. They work with Alcoholic Beverage Control (ABC) making sure liquor stores are in compliance. Last Wednesday they were present, along with representatives from Richmond Code Enforcement, Supervisor John Gioia, and the media, to view the demolition of the Golden Seven liquor store.

B. Church & Neighborhood Council Outreach Committee (Chair Cora Ward)

Chair Ward said they will try and reach churches and Neighborhood Councils in the community this year so that they can have an understanding of what the Police Commission is all about.

C. Reports on Community Events/Training Attended

Commissioner Ham

- Thanked the officers for dealing with what they have to deal with and he appreciates their efforts.
- Conflict Mediation for Center for Human Development
- Toured new RPD building with son

Commissioner Stephenson

- Attended memorial tree planting ceremony
- Attended Fire Department promotion ceremony

Commissioner Bautista

- 4-hour Ride Along on 12/27/07 with Off. Lopez
- Toured Communication Center
- Toured El Cerrito jail

Commissioner Williams

- Suggested that RPD have a program similar to Big Brothers to help youth in the community

Commissioner Tallerico

- Thanked officers and the department for their work in 2007
- Ride-Along with Off. Brownlee in 11/07
- Ride-Along with Off. Hauschild in 12/07
- Attended funeral for fallen CHP officer with RPD Honor Guard
- Attended RPOA Christmas dinner
- Attended memorial tree planting ceremony

Commissioner Potts

- Accompanied Richmond, San Francisco and Clear Lake Chapters of NAACP to a trial in Clearlake
- Suggested having security at funerals of gunshot victims

Commissioner Hembree

- Toured RPD building in 11/07
- Attended Youth Awareness Presentations and was presented with a certificate for participating
- Attended RPOA Christmas dinner

Chair Ward

- Adopted a family of eight in North Richmond for Christmas
- Collected furniture and clothes for victims of a house fire at First and Market

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

Executive session not held.

XIII ADJOURNMENT

Upon motion by **Commissioner Stephenson** and second by **Commissioner Williams**, the meeting was adjourned at 8:39 p.m.

Don Casimere
Confidential Investigative & Appeals Officer