

# **RICHMOND POLICE COMMISSION**

**Wednesday, July 2, 2008 – 7:00 p.m.**  
**Community Services Building**  
**330 - 25<sup>th</sup> 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  
Dolores Hembree  
Cochise Potts  
Roberto Reyes  
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

**Council Liaison:** Councilmember Harpreet Sandhu – Present

**City Attorney's Office Representative:** Mary Renfro, Assistant City Attorney – Present

### **II PLEDGE OF ALLEGIANCE**

### **III APPROVAL OF MINUTES – June 4, 2008**

Upon motion by **Commissioner Tallerico** and second by **Commissioner Hembree** the minutes for the regular meeting of June 4, 2008, were approved with one revision.

**Chair Ward** reported that **Commissioner Ham** has resigned leaving one vacancy.

#### IV COMMENTS BY COUNCIL LIAISON HARPREET SANDHU

**Councilmember Sandhu** reported that Juneteenth was very successful. He also reported that the fireworks scheduled for July 3<sup>rd</sup> have been moved to Pt. Isabel.

#### V COMMENTS BY CITY ATTORNEY'S OFFICE

**Assistant City Attorney Mary Renfro** told the commissioners that any discussions that happen in closed session are to remain confidential under the Brown Act. If the specifics of the discussion are reported out, that is a misdemeanor. Also, during ride-alongs, you become a percipient witness in an arrest or a crime and you might be subpoenaed to testify; the City Attorney's office should be informed of this.

**Commissioner Stephenson** asked the definition of abstention. **Ms. Renfro** said abstain means declining to vote. It doesn't count as a yes or no. A motion carries based upon the number of yes votes. The police commission's quorum is five. As long as five commissioners are present, 3 yes votes are needed to pass the motion. If there are three yes votes and 2 abstentions, the motion passes.

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

##### A. Homicide Scene Procedures

The Chief reported there were no homicides in Richmond during the month of June. They are working hard at homicide scenes to handle it in a way that is sensitive to family and friends of the victim as well residents in the neighborhood. A partition is placed around the body while the scene is being investigated. There are trained chaplains who come to the scene to work with family and friends of the victim.

##### B. Taser Training (when last conducted and how often conducted)

**Chief Magnus** said that before any patrol officers can carry a taser, they must go through taser training which is taught by defensive tactics instructors who have had special training themselves. The training is a ten hour class and at the conclusion they must take a test. The training involves a full review of RPD's policies. They must also document every time a taser is used. The information then goes to the Professional Standards Unit for review. Officers are given the opportunity to experience being tased themselves so that they have a better understanding of how the device affects others. The training started in mid-February. Officers must go through a recertification process every year.

**Commissioner Williams** asked if a supervisor had to be present each time a taser is used. **Chief Magnus** said the supervisors must be notified that a taser was used but they don't have to be physically present.

**Commissioner Reyes** said that he has read that if a person gets tased a third time, they could possibly die. He asked if the force of the electronic jolt was based on the weight of the person. **Chief Magnus** said there is no correlation that suggests that at the third time a person is tased that they would die. It is common for some individuals to have to be tased more than once.

**Commissioner Potts** asked if the voltage on the taser could be adjusted. The Chief said no.

**Commissioner Williams** asked if the officers know that there are restrictions on when they should use the tasers. **Chief Magnus** said that in order to carry tasers, all officers must complete training and pass a test. They have a supervisory review process and officers have to fill out a Use of Force form after using a taser. If they question their judgment on the reason for using the taser, they would discuss it with them.

C. Current Topics

**Chief Magnus** distributed applications for commissioners that might be interested in attending the Citizens' Police Academy which starts on July 10<sup>th</sup>. He said they had a very successful Juneteenth celebration. Capt. Alec Griffin recently completed Senior Management Policing Training which is offered through the Police Executive Research Forum (PERF). Capt. Anthony Williams will be attending the training in one week. They recently did the first pilot of "One Block at a Time" in Parchester Village. It went well and they accomplished a lot. The next one will be in the Iron Triangle in September. National Night Out will be on 8/5/08 starting at 5:00 p.m. at the new Target store.

**Commissioner Williams** said that when they received the new Commissioner ID cards, she understood that commissioners would be allowed to go into certain areas of the department without being asked where they were going. **Chief Magnus** apologized for any misunderstanding and confusion regarding the policy. He said there are requirements through the Department of Justice regarding public access to the building. The purpose of the ID cards was to let the people in Records know who the police commissioners are so that they can expedite letting staff know they are present. He said the badge and the status of being a member of the Police Commission does not give anyone free access to the building. If a commissioner comes to the police department, they should be there for a specific purpose and they should have someone assigned to be with them. It is not an area that is open to the public.

**Commissioner Bautista** asked if the department had any special precautions for the 4<sup>th</sup> of July. **Chief Magnus** said nothing unusual. It is not generally a holiday that they have any major problems.

**Commissioner Potts** asked, in light of the recent Supreme Court ruling on firearms, if RPD was planning on taking any special action with the proliferation of guns already on the streets of Richmond. **Chief Magnus** said not at this point. He said he doesn't see any particular impact on the community at this time.

**Commissioner Reyes** asked the Chief to talk about an incident regarding a DUI checkpoint. **Chief Magnus** said they do monthly checkpoints in different sections of the City. A member of the community advertised that checkpoints were ahead with a sign that he created. A traffic sergeant made contact with him and suggested there may be a better way to educate the community and work together with a goal of promoting traffic safety. Another member of the department contacted this same individual and took the sign. Chief Magnus said that was completely inappropriate. This was discussed with the officer and he knows that this was not appropriate. They have also addressed the issue of first amendment rights with their staff.

**VII REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE**

No report.

**VIII REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE**

No report.

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

No report.

**X FUTURE POLICE COMMISSION MEETINGS AT COMMUNITY LOCATIONS**

**CIAO Casimere** said this originated during the budget hearings with the City Council. It was thought that it would be beneficial to periodically hold Police Commission meetings in other locations to reach the community. There was discussion and **Commissioner Reyes** made a motion to hold the meetings twice a year in other locations and that a subcommittee be developed and directed by the chair to ensure that this is a success. The motion was seconded by **Commissioner Tallerico**. All were in favor.

**Commissioner Hembree** made a motion to have staff notify the press of future meetings. The motion was seconded by **Commissioner Williams**. All were in favor.

The members of the subcommittee will be **Chair Ward** and **Commissioners Stephenson, Reyes and Tallerico**. **Chair Ward** announced there will be no Police Commission meeting in August 2008. The date for the first meeting in another location was tentatively set for the month of October; it will be discussed at the Police Commission meeting in September.

## **XI PUBLIC FORUM**

There were no public speakers.

## **XII REPORT BY CONFIDENTIAL IAO**

**CIAO Don Casimere** distributed the office daily activity log for June 2008. He attended the Police Commission presentation at Antioch Baptist Church with Chair Ward on 6/8/08.

## **XIII DISCUSSION OF ANNUAL NACOLE CONFERENCE**

**CIAO Casimere** said NACOLE will host its 14<sup>th</sup> annual conference this year from 10/27/08 through 10/30/08, in Cincinnati, OH. Conference information was distributed.

## **XIV COMMISSIONER'S REPORTS**

### **A. Church and Neighborhood Council Outreach**

No report

### **B. Reports on Community Events/Training Attended**

#### **Commissioner Reyes**

- Attended Contra Costa Interfaith Supporting Community Organization (CCISCO) event at St. Mark's Church
- 7/10 – Will participate in a meeting with County Violence Prevention Team and Office of Neighborhood Services
- Attended meeting of Northern California Veterans' Affairs

#### **Commissioner Potts**

- Attended Juneteenth
- Attended Black/Brown Forum held at Richmond Library
- Attended MASK forum in North Richmond

#### **Commission Hembree**

- 6/18 – Attended EBMUD luncheon and discussion regarding drought

#### **Commissioner Tallerico**

- Ride-along with Off. Kaiser
- Attended monthly RPD K-9 training
- Attended Juneteenth
- Attended Parchester clean up

#### **Commissioner Bautista**

- Attended Juneteenth

**Commissioner Williams** asked the difference between the freedom of speech and the freedom of the press. **Mary Renfro** said it's a hard question to answer without a factual situation. She referred to the DUI checkpoint incident that was discussed earlier. She said that under the California Constitution and the U.S. Constitution, the law requires that the police department advertise the checkpoint. She said the question is, is advance publicity in English alone enough. She said that is still up in the air. She said the first sergeant that approached the individual handled the situation correctly by leaving him alone. She said sidewalks are a public forum. People are allowed to exercise their speech rights in public spaces under the First Amendment; it is not required that signs be in any particular language.

**Commissioner Bautista** asked if there was a response from the Grand Jury. **CIAO Casimere** said the complaint form was sent in and the Commission is waiting for a response from them.

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

A. Discussion Regarding Complaints Received in the Past Month and Past Complaints

No reportable action taken.

**XVI ADJOURNMENT**

Upon motion by **Commissioner Tallerico** and second by **Commissioner Potts**, the meeting was adjourned at 9:10 p.m.

---

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