

RICHMOND POLICE COMMISSION

Wednesday, November 5, 2008 – 7:00 p.m.

Hilltop Mall Community Room

Hilltop Mall

Richmond CA

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 – Absent

City Attorney's

Office Representative: Mary Renfro, Assistant City Attorney – Present

II PLEDGE OF ALLEGIANCE

III APPROVAL OF MINUTES – October 1, 2008

Upon motion by **Commissioner Hembree** and second by **Commissioner Bautista** the minutes for the regular meeting of October 1, 2008, were approved as written.

IV COMMENTS BY COUNCIL LIAISON HARPREET SANDHU

No report. Not present.

V PUBLIC FORUM

Karen Stephenson thanked the commissioners for all their hard work. She attended the NACOLE Conference in Cincinnati and she was very impressed with how everyone that attended takes their jobs so seriously. She said that there have been a lot of negative things happening and that, as a citizen of Richmond, she is very proud of what the Commission does.

Phil Mehas requested that the Commission publish a yearly schedule of its meetings and locations on the City website.

VI COMMENTS BY CITY ATTORNEY'S OFFICE

- A. Discussion regarding Legal Opinion on Police Commissioner Involvement with Campaign Brochure

Assistant CA Mary Renfro said that Commissioner Tallerico did not ask to be included on the flyer. The people who sent the flyer out did so without Commissioner Tallerico's consent. She read the response to the legal opinion which said that there is nothing wrong with identifying the City position you hold on a political flyer. It also said that the flyer did not imply that the statements attributed to Mr. Tallerico were said in his official capacity.

- B. Discussion regarding Legal Opinion on Spanish translators at Police Commission Meetings

Assistant CA Renfro read the response to this request for legal opinion which stated that there are no legal requirements for the provision of Spanish translators at police commission meetings.

- C. Other Current Topics

This item is included on the agenda in case anything came up during public forum that someone wanted the CA to respond to. She read an excerpt from the Brown Act that said no action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of a legislative body such as the Police Commission, or its staff, may briefly respond to statements made or questions posed by persons speaking under public forum.

Andres Soto stated that he doesn't disagree with the substance of the legal opinions. He said he is aware that there is no state law requiring the provision of translation. There are several municipalities who have taken it upon themselves to provide translation services. As far as the commissioner involvement, he said there appears to be a conflict of interest if there is a member of the commission receiving funds from the RPOA, whose job is to

defend police officers who are being accused of misdoings, and yet people are receiving funds from them. He urged the commission to adopt rules regarding this type of conflict of interest.

Phil Mehas asked the City Attorney if she said that the Brown Act allows City members to respond to question from the public. **Assistant CA Renfro** said that the Brown Act Government Code Section 54954.2, paragraph (a) (2) says, "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3," which is public forum. She said that means there can be some brief responses.

Phil Mehas asked if the Police Commission had an ethics policy on removal of a member from the commission. He asked if it was a violation of ethics or a conflict of interest if a member of the Commission receives money from a representative of the police department, who the commission oversees.

Commissioner Reyes thanked Mr. Soto for bringing up the issues that he talked about tonight. He said he thinks that Spanish translators should be required at meetings. He said he'd like to make a motion to have the conflict of interest involving municipal employees investigated. **Assistant CA Renfro** said it was inappropriate to make a motion at this juncture.

Commissioner Williams said if a commissioner is running for office, there is not a conflict. The only time there is a conflict is if they are on the commission and they are working on a case after they get elected. She said council members running for office all accept money from different organizations.

Commissioner Reyes suggested that the Commission get a legal opinion on the issue of conflict of interest.

Commissioner Tallerico said that campaign contributions don't go directly to a candidate. Candidates for office set up a committee that is governed by the Fair Political Practice Commission and every penny has to be accounted for, both inbound and outbound.

Chair Ward said a legal opinion will be obtained. She stated if the Commission holds a meeting in a Spanish speaking community, there will be a translator available.

Commissioner Hembree asked the City Attorney to bring information back to the Commission regarding translators and what process the City would use for obtaining a translator.

Commissioner Potts asked if the translators would be certified because there are liability issues involved. **Assistant CA Renfro** said she will prepare a legal opinion on this.

VII REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE

No representative present.

VIII REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE

No representative present.

Andres Soto said he wanted to thank the Guardians of Justice publicly for the letter that they issued in regards to the RPOA hit piece mailer.

IX REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE

No representative present.

Andre Soto said he wanted to thank the LPOA publicly for having the courage to stand up to the RPOA and stand for the people against discrimination and racism.

X DISCUSSION AND ACTION REGARDING ELECTION OF CHAIR AND VICE CHAIR

Commissioner Williams made a motion to postpone the election until the Police Commission meeting in February. **Commissioner Bautista** seconded the motion. All were in favor.

Chair Ward said she attended the NACOLE (National Association for Civilian Oversight of Law Enforcement) Conference in Cincinnati, OH. She said that **CIAO Casimere** is one of the founding board members of NACOLE. She wanted everyone to know that he was highly recognized and appreciated at this conference and that he was presented with a Lifetime Service Award.

Commissioner Hembree said she was on the original Commission when **CIAO Casimere** became investigative officer. He has represented the City of Richmond and the Commission over the years, since its inception. She said the Commission is proud of the work he has done in representing the community.

XI REPORT BY CONFIDENTIAL IAO

CIAO Casimere reported that he and **Chair Ward** attended an outreach event at Faith Tabernacle on 10/24/08, where business and City leaders were given an opportunity to talk about their role in the City government. **CIAO Casimere** said he was pleased to receive the Lifetime Service Award at the NACOLE Conference. He said he is proud of his involvement with NACOLE, IACOLE (International Association of Civilian Oversight of Law Enforcement) and his long relationship with the Richmond Police Commission.

XII COMMISSIONER'S REPORTS

A. Outreach Committee

No report

B. Reports on Community Events/Training Attended

Commissioner Stephenson

- Attended NACOLE Conference and brought back many good ideas for the Commission to look into

Commissioner Bautista

- Congratulated CIAO Casimere on his awards
- 10/05/08 – Attended Home Front Festival
- 10/14/08 – Attended Off. Moody Memorial Service
- 10/23/08 – Attended Government Ethics Training
- 10/27-30/08 – Attended NACOLE Conference and also has much information for the Police Commission

Commissioner Williams

- Involved in National Democratic Headquarters
- West County Alcohol Policy Working Group:
 - Wal-Mart and Target have requested licenses for alcohol. Neighborhood near Target approves with conditions. Neighborhood near Wal-Mart is against them having any alcohol license. It will go to the Planning Commission tomorrow.

Commissioner Tallerico

- Ride-along with Det. Rood
- Attended RPD line up

Chair Ward

- Attended NACOLE Conference – spoke with Cincinnati's Chief of Police and attended several interesting seminars

Commissioner Hembree

- Attended Home Front festival
- Attended Off. Moody Memorial Service
- Speaker for Moose Youth Awareness Program

Commissioner Potts

- Attended Human Rights Commission meeting

Commissioner Reyes

- Attended monthly meeting at Brookside Health Clinic
- Attended Candidate's Night at St. Mark's Church
- Attended Press Conference regarding hit piece

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

A. Current Topics

Chief Magnus distributed two handouts, a flyer translated to Spanish regarding auto theft prevention and a copy of RPD's crime fighting and problem-solving update. The Chief introduced RPD's new Code Enforcement Manager, **Tim Higaes**. He came from the City of Alameda and has 22 years of experience in code enforcement. **Mr. Higaes** said that he will focus on filling the vacancies in the department and developing a plan. He will also focus on foreclosures in Richmond. **Chief Magnus** said all sergeants and some lieutenants are attending a week long professional standards complaint investigation supervisor's class. They are looking at making some changes in the complaint process and helping people do a better job of documenting performance. They will also introduce a new evaluation form in the near future. The Chief reported that their shift and beat selection process is underway. **Chief Magnus** said that **Capt Brown** is putting together a working group of volunteers from the police department, as well as civilians, to help with the police department's centennial celebration in 2009. **Capt. Brown** said they were looking into having a public event that showcases the department and its history during National Police Week in May 2009. **Chief Magnus** acknowledged the many acts of kindness and support that the Police Commission and the community provided to the department after the loss of Off. Brad Moody. The Chief said that they received a complaint on what appears to be very poor judgment on the part of one of their newer officers. They are doing an investigation on the matter and the officer has been separated from the department.

Commissioner Bautista asked **Mr. Higaes** how many people he will have on his staff and when they would be operational. **Mr. Higaes** said they will hire four people initially, 3 code enforcement officers and a building inspector, and a supervisory position will be filled later.

Commissioner Williams asked about the monthly report on tasers. **Chief Magnus** said he will check on the status of the report.

Commissioner Potts asked the Chief if he had the information regarding checkpoints that he had requested. **Chief Magnus** said it is still being finalized. **Commissioner Potts** said he was able to view a study on the internet regarding unlicensed drivers worldwide. He said about 20% of unlicensed drivers cause many of the fatal, serious accidents and that police departments that have increased their checkpoints have seen a considerable drop in accidents. He encouraged RPD to continue with their checkpoints. **Chief Magnus** said since

they've increased the number checkpoints they have seen a 17% reduction in accidents. He said one of the reasons he was disappointed in the mailers that were sent out was that they inaccurately depict the reason for checkpoints. He said the only legitimate reason for the checkpoints is traffic safety.

Commissioner Reyes offered his condolences to the officers for the loss of Off. Moody. He also thanked the Chief for doing what he has done in Richmond and for his leadership.

XIV 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 was taken in closed session.

XV ADJOURNMENT

Upon motion by **Commissioner Williams** and second by **Commissioner Stephenson**, the meeting was adjourned at 8:54 p.m.

Don Casimere
Confidential Investigative & Appeals Officer