

RICHMOND POLICE COMMISSION

**Wednesday, May 5, 2010 – 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 Cora Ward

ROLL CALL

Present: Nemy Bautista
Scott Gillespie
Dolores Hembree
Felix Hunziker
Bea Roberson
Glenn Stephenson
Cora J. Ward
Naomi Williams

Absent: Roberto Reyes

Vacancies: None

Administrative

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

Council Liaison: Jeff Ritterman, Council Liaison – Present

City Attorney's

Office Representative: Bruce Soublet, Assistant City Attorney – Present

II APPROVAL OF MINUTES – April 7, 2010

Upon motion by **Commissioner Williams** and second by **Commissioner Stephenson**, the minutes for the regular meeting of April 7, 2010, were approved as written.

III COMMENTS BY COUNCIL LIAISON JEFF RITTERMAN

Councilmember Ritterman said the council approved a resolution opposing the new Arizona law. They are also in a very positive process of trying to negotiate a settlement regarding the tax differences with Chevron. Cybertran has signed a lease and they are coming to Richmond. The City is trying to raise money through the Department of

Transportation for them to do a demonstration project. He said he heard that the Cinco de Mayo celebration went very well.

Commissioner Hembree asked if the City had considered cancelling the July 3rd fireworks to save money. He said he will check and see how much money it would save. **Assistant City Attorney Bruce Soublet** said in the past the fireworks cost between \$15 and \$20 thousand dollars, which includes the cost of the fireworks and the barges.

IV COMMENTS BY CHIEF OF POLICE (Chris Magnus or his representative)

Chief Magnus distributed copies of the following policies for the Commission to review: 323 – Discrimination/Harassment, 343 – News Media Relations, #400 – Patrol Function, 700 – Department Owned and Personal Property, 702 – Personal Communication Devices, 706 – Vehicle Use Policy, 1032 – Fitness for Duty. He also handed out copies of Richmond Part I Crimes. He said violent crime is down 10% from where they were last year at this time. Property crimes are down 5%. He said they had a very positive Cinco de Mayo weekend. He thanked the commissioners that attended the events. The police officers did a good job and they had great support from the 23rd Street Merchants Association, as well as the Fire Department, Public Works and the City Manager's office. The chief reported that they are on the cutting edge of an initiative regarding gang members that are on parole being outfitted with ankle bracelets. The bracelets will help the police department track where they are and what they are doing. There are approximately 20 parolees that will be wearing the bracelets. Overtime will still be an issue because of the budget crisis they are dealing with. They will be getting new software that will help them keep better track of how overtime is being spent.

Commissioner Stephenson asked how they will choose the 20 parolees who will wear the bracelets. **Chief Magnus** said they are selected by the Department of Corrections and Richmond's Special Investigations Division. They are people that have committed serious crimes and who continue to be involved in criminal activity in the community.

Commissioner Hembree asked what happens if they remove the bracelets. **Chief Magnus** said an alarm will be set off and they would go back to prison.

- **DUI Checkpoint on Macdonald Ave near Civic Center Plaza on 3/25/10**

Capt. Allwyn Brown said the focus of the checkpoint was to detect impaired drivers. It was located on Macdonald Avenue, just south of the Civic Center Plaza parking lot and it went from approximately 7:00 p.m. to 11:00 p.m. There were 686 vehicles that traveled through the checkpoint. It did not result in the arrest of any drunken or impaired drivers but they did issue a number of citations, including 39 traffic citations and the impound of five cars. During checkpoints, they typically have officers that work side streets in adjoining neighborhoods enforcing traffic violations. Most of the citations that were issued were issued by these officers. The location of the checkpoint was not directly in front of St. Cornelius Church. There was an event going on at the church that night which caused an impromptu demonstration by a number of young people who came over from the church, led by Father Roberto Barrera. The DVD includes approximately 10 minutes of footage that was captured by one of RPD's CCTV

cameras mounted in the area. It shows the check point and the group of young people who basically stood and walked on both sides of the streets on the sidewalk throughout the duration of the checkpoint. The officers who were working the line at the checkpoint also had to focus their attention on traffic safety for the young people that were unexpectedly there. **Chief Magnus** said that the location of this checkpoint was never chosen with the idea that they were doing this near this particular church as a measure of disrespect or harassment towards anyone. They have already expressed regret if it was perceived by anyone in that manner. The reason it was chosen there is because they usually choose a main street for checkpoint locations. They have been criticized in the past for having their staging areas close to a school and the school district has expressed their concern about using their lots. They chose this location because it was close to the city parking lot, assuming that would be a safe location.

- **View RPD DVD of above checkpoint (subject to the verification of the existence of an RPD DVD)**

The DVD was viewed. When the situation turned into something they didn't expect, Sgt. Hill, who was in charge of the checkpoint, called in to one of the on duty camera monitors and asked them to catch the video footage of the incident. The camera showed the number of young people (approximately 200) that were there that night and what they were doing. Some officers were standing in the street trying to ensure that the young people didn't walk into traffic on Macdonald Avenue. Traffic was held up each time the group tried to cross the street. They would cross the street at Broadway and Macdonald and then go to the next corner, Civic Center and Macdonald and then cross Macdonald Avenue again. This went on for a considerable amount of time. No arrests were made. The checkpoint focused on vehicles heading westbound. The warning signs that there was a check point up ahead were a couple blocks ahead of the actual checkpoint leaving cars the option of turning off before getting to the checkpoint. There were also demonstrators holding signs to warn people that there was a checkpoint ahead.

Commissioner Roberson asked what kinds of citations were given out. **Capt. Brown** said they were mostly moving violations, illegal turns and things of that nature.

CIAO Casimere asked what event was being held at the church and if the checkpoint interfered with it at all. **Chief Magnus** said the city manager and himself were asked to attend a meeting at the church that turned out to be with about 500 members of the congregation. They were told that confirmation classes were going on at the time of the checkpoint. They were also told that the checkpoint shouldn't have been held there because it was holy week. They brought up concerns that their congregation is primarily Latino and that many of them may be undocumented. They were concerned that they couldn't attend church services because they may be stopped.

Commissioner Hembree said it got to the point that they were not using the crosswalk and she said it was fortunate that none of the children got hit by oncoming cars.

Commissioner Williams said none of the children looked like they were old enough to have a driver's license and they shouldn't have been out at 9:00 or 10:00 at night. She said when the priest got to where the command van was, he would turn toward the command van and say something even louder as though there was a camera on him. He did this several times. She said the police did an excellent job. They did everything they were supposed to do and did it correctly.

Chair Ward asked if it would be fair to say that if they would have stayed at the church and attended their confirmation classes, they would have had no reason to go outside walking around. **Capt. Brown** said that is a fair assessment. They did not know that there would be classes or meetings taking place on a Thursday night.

Commissioner Hunziker asked if the checkpoints get published in the newspaper a few days prior to the checkpoint. **Chief Magnus** said yes and they also work with CISCO which is an interfaith organization that has a significant Latino membership. They have an understanding with them that they can be present at the checkpoint. If the only reason someone is in violation is because they don't have a valid driver's license, then one of the volunteers can enter into an agreement with the driver of the vehicle that's unlicensed to drive the vehicle away so it is not towed. The volunteers were also notified in advance and were present that night.

Commissioner Williams said that in Richmond the Latinos already know that the police are not going to do anything to them if they are undocumented. The police have been told to not touch them for that reason. If there's a crime involved, that is different.

CIAO Casimere asked if there were any arrests made, if any officers filed use of force reports to the department, and if there were any citizen complaints received regarding this checkpoint. The chief said there were no arrests made. **Capt. Brown** said there was no use of force. Typically this type of demonstration would require people to go through the normal permit process through the City Manager's office. This was an impromptu demonstration. The officers exercised restraint and professionalism and didn't unnecessarily provoke any sort of confrontation with anybody. **Chief Magnus** said no formal complaints were received, however, he and the city manager were asked to come to the church about two weeks later. There were about 500 parishioners at the church and there were many complaints voiced that evening about this checkpoint happening at this location. They were not happy that there had been rumors or allegations out that the father had been drinking.

Commissioner Roberson said it was a shame that some people had the nerve to say at the council meeting last night that it was Andre Hill who chose the place and Andre Hill who did it. **Chief Magnus** said he and **Capt. Brown** delegate Andre Hill as their traffic sergeant to coordinate and handle traffic matters, including checkpoints. The chief said he takes full responsibility for the checkpoint including the location and the circumstances that occurred. He said he

regrets that it was as close to the church as it was because it was never their intention to show disrespect to the church or create any problems.

Commissioner Hembree said the officers all acted impeccably considering what could have happened that night. She said it was wrong for the priest to take the young people out and have them participate in something like that. The police department did nothing wrong.

Commissioner Bautista said he spoke with Sgt. Hill the day after the event and he said that the police department did their job professionally and they were very considerate that night.

V **COMMENTS BY DEPUTY DISTRICT ATTORNEY KABU ADODOADJI REGARDING GUN CRIME PROSECUTION IN RICHMOND**

Deputy DA Kabu Adodoadji said he's been with the DA's office for 3-1/2 years. He works with **Mark Eichman**, another DA in the police department. They have similar roles but he will focus on gun prosecution. He is involved in the earlier stage of the filing process than would normally occur. The officers can ask him questions about how their reports are written, about how the gun was discovered, and anything else related to the case. The biggest benefit of this position is communication with the officers. It makes it much easier to get the information that he needs from the officers and any information the officers may need from him. The other role he has is the actual prosecution of the case itself. The hope is that he will be able to stay with the case in every step of the way. He will handle any pretrial motions that occur and also any post conviction things that occur such as sentencing hearings. There will be training at the police department. He will notify them of changes in case law.

Commissioner Williams asked if he will be reviewing cases for officers that only involve guns or any case that an officer might have a question on. **Mr. Adodoadji** said the focus is primarily on cases involving guns but he does get other cases to review as well.

Commissioner Stephenson asked if this position was a direct result of letters that the Police Commission had sent to the DA in the past. **Chief Magnus** said it is a result of community effort in which the Police Commission has played a part in, as a result of the Commission's desire to have more focus from the DA's office on Richmond crimes. This is also a result of a contract between the City, through the council, with the DA's office for **Mr. Adodoadji's** services. This is a shared contract between the DA and the City.

Commissioner Bautista asked if his job would still be the same if a new DA is elected. **Mr. Adodoadji** said it is a 2-year contract and his assumption is the position would remain.

Commissioner Hunziker asked if he thought, with his working closely with the officers to make sure their reports are written so that they are well prepared for court, that it will greatly reduce the number of gun possession cases where the gun charges are pled out in favor of lesser charges such as drug possession charges. **Mr. Adodoadji** said that his

expectation is that being engaged in the early process of the case means that it will be that much stronger if it does get to trial. There is an interesting mixture of problems presented in dealing with gun possession cases.

Commissioner Hunziker asked if there was a way to measure what's currently happening with pre-prosecution gun charges and perhaps a few years down the road to see if there's any increase. **Mr. Adoadji** said he will be keeping statistics. **Chief Magnus** said they will track what happens to cases that he is involved in.

Commissioner Gillespie asked if there was anything the Police Commission or the public could do behind the scenes to help him do his job more effectively in relation to Penal Codes 12025 and 12031. **Mr. Adoadji** said he hasn't really thought that far ahead. He said making the statutes simpler would help.

VI COMMENTS BY GUARDIAN ANGELS – BILL HELDUND, CHAPTER DIRECTOR (Commissioner Bautista)

Chapter Director Bill Hedlund gave an overview on what the Guardian Angels will be doing in Richmond. He gave a history on the establishment of the Guardian Angels. He stated that they were still in the development stage in Richmond. They train their members how to observe and report crimes that are being committed in neighborhoods and communities. They will patrol city streets at night. They will work with neighborhood councils and neighborhood watch groups. They're looking forward to recruiting in Richmond. The new members will be citizens of Richmond. They have gained some support from the Police Department through Chief Magnus.

Commissioner Williams asked how many members they have recruited. **Mr. Hedlund** said they currently have five members. He said it will take approximately one to two years for it to become an effective chapter.

Commissioner Stephenson asked what brought the Guardian Angels to Richmond. **Mr. Hedlund** said he had been one in the past in San Francisco and with the recent violent crimes that have been happening in Richmond, he thought it would be good to have the program here in Richmond.

VII REVIEW AND ACTION ON RPD POLICIES (313 – Crime Gun Tracing; 404 – Briefing Training; 406 – Crime and Disaster Scene Integrity; 408 – Special Response Team; 424 – Rapid Deployment Team Policy; 706 – Vehicle Use Policy)

Commissioner Hunziker had a question on Section 313.3.2 (b) regarding maintaining in-house firearm information databases. He wanted to know if a person is released without charges, is the record of their firearm that was initially recorded purged or is it retained. **Chief Magnus** said it would depend on the circumstances. **Commissioner Hunziker** gave an example. If a person, who was carrying a gun according to the open carry laws, was brought in and the serial number is recorded and eventually they are released, would a record of the firearm be retained in the database. **Chief Magnus** said it wouldn't be in the system in those circumstances. They wouldn't be brought in unless there was an arrest. If there was an arrest and it involved firearms then there would be a

record of the firearm and serial number described in the report. If the gun had to be sent out for analysis associated with the crime that would be entered in a state data base.

Commissioner Stephenson said in 406.2.5 the text is unclear. **Chief Magnus** said there will be a final proofreading before these policies are finalized.

Commissioner Gillespie said he didn't have any questions. He has some suggestions that he'd like to send to the Chief for his consideration.

Commissioner Hunziker asked, in reference to section 408, if Oakland PD's SWAT officers were killed by policy failure. If so, what was that failure and is it addressed in this RPD policy. **Chief Magnus** said there was a thorough analysis done on this incident. **Commissioner Hunziker** asked if it was something that would be covered by policy or more of an in house tactical guideline. The chief said the answer is both. It mandates that the SWAT team has to have a more extensive set of its own policies which is being updated now. They have training materials and guidelines that cover a lot of the concerns that were relevant to the Oakland situation.

Commissioner Roberson made a motion to approve the RPD policies and also recommends that the Chief consider the suggestions and comments made by the commissioners. It was seconded by **Commissioner Bautista**. No commissioner voiced opposition to the motion.

Chief Magnus said that he has already incorporated several of the commissioners' suggestions and ideas into the previous policies that they reviewed.

VIII REPORTS BY:

- **Richmond Police Officers' Association**

No representative present

- **Latino Police Officers' Association**

No representative present

- **Guardians of Justice**

No representative present.

Commissioner Williams made a motion to remove these groups from the agenda because they have not been attending the meetings. If they do attend a meeting in the future, they can give their report under Public Forum. The motion was seconded by **Commissioner Roberson**. All were in favor. After more discussion, **Commissioner Bautista** requested that this item stay on the agenda. **Chair Ward** asked for a show of hands from those that wanted to keep this item on the agenda. Five commissioners were in favor of keeping the item on the agenda.

IX PUBLIC FORUM

No public speakers

X REPORTS BY:

Commissioner Stephenson

- Attended Family Justice Center Meeting
- Attended Neighborhood Council Meeting

Commissioner Roberson

- Ride-along
- Attended REACT Board Meeting
- Taught a REACT Class
- Attended City Council Meeting
- Attended Neighborhood Council meeting
- Attended Earth Day Celebration
- Attended Crime Prevention Meeting
- Attended RNCC Meeting
- Walked in Cinco de Mayo Parade
- Worked at Cinco de Mayo Festival

Commissioner Bautista

- Attended Police Department Promotional Ceremony
- Attended May Valley Neighborhood Council Meeting
- Had discussion with Councilmember Lopez on upcoming FY
- Ride-along with Off. George Marcos

Commissioner Williams

- Attended Police Department Swearing-In Ceremony
- Attended RNCC Meeting
- Attended City Council Meeting x 3
- Attended Crime Prevention Meeting
- Attended Southside Improvement Group Meeting
- Attended BWOPA Meeting
- Attended Cinco de Mayo Parade
- Worked Crime Prevention table at Cinco de Mayo Festival
- Attended Juneteenth Planning Meeting
- Ride-Along

Commissioner Hembree

- 4/15/10 – Attended Family Justice Center Meeting
- 4/26/10 – Attended Swearing-In Ceremony
- 5/01/10 – Attended Cinco de Mayo Parade
- 5/02/10 – Attended Cinco de Mayo Festival

CIAO Casimere

- Daily Contact Log distributed

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

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

Two complaints received in the past month

XII ADJOURNMENT

Upon motion by **Commissioner Hembree** and second by **Commissioner Stephenson**, the meeting was adjourned at 9:00 p.m.

Don Casimere
Confidential Investigative & Appeals Officer