

RICHMOND POLICE COMMISSION

Wednesday, February 5, 2014 – 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 Felix Hunziker**

ROLL CALL

Present: Therese Barquet (arrived 7:03)
Nemy Bautista
Scott Gillespie
Felix Hunziker
Alejandro Navarro
Bea Roberson
Glenn Stephenson (arrived 7:01)
Yenny Velazquez

Absent: Eleanor Thompson

Vacancies: None

Administrative

Staff: Terry Simpson, Investigator – Present
Malia Glover, Executive Secretary I – Present

Council Liaison: Jael Myrick, Council Liaison – Present

City Attorney's

Office Representative: Bruce Soublet, Assistant City Attorney – Present

II APPROVAL OF MINUTES – January 8, 2014

Upon motion by **Commissioner Roberson** and second by **Commissioner Bautista**, the minutes for the regular meeting of January 8, 2014, were approved with corrections.

III REPORT OF COUNCIL LIAISON JAELE MYRICK

A. Reports on recent activities, events, incidents and related matters

Councilmember Myrick said that the council received a report from staff to look into a potential half cent sales tax measure to fund maintenance of city roads. It would bring in approximately 6.5 million per year. They voted to move forward to

the next step. They heard a very thorough report on public safety from Chief Magnus. They also will be looking at the potential of renaming a city street or community center for Nelson Mandela. The council moved forward with a number of additions to the industrial safety ordinances for

Chevron based on recommendations from the Chemical Safety Board. One part of it was to make sure that workers have the ability to shut down a portion of the refinery if they see something they think is a safety hazard.

Commissioner Bautista asked for an update on the water taxi proposal. **Councilmember Myrick** said that the Water Emergency Transportation Authority (WETA) will make the decision on the water taxi in Richmond. He said that nobody from West County sits on that board so they aren't represented well on the board. He said they don't seem to be in a rush to approve it.

Commissioner Roberson said that the half cent sales tax money will be going into the general fund and it will be up to the council on how that money will be spent. It won't necessarily all go to repair roads. **Councilmember Myrick** said there is a need to make sure that a majority of it does go to roads.

B. Report, discussion and action on the joint Celebratory Gunfire Prevention Project

Councilmember Myrick reported that there has been one meeting with the committee on efforts to reduce the amount of people that engage in gunfire on holidays. They will work with the faith community and young people to help get the word out. If they are able to financially, they will post information on billboards and public service announcements. They will also be meeting with the police department.

Commissioner Navarro asked about minimum wage in Richmond. **Councilmember Myrick** said they did vote to direct staff to draft language and do an economic study regarding raising the minimum raise in the City of Richmond.

IV REPORT OF CHIEF OF POLICE (Chris Magnus or his representative)

A. Report of recent crime statistics with monthly/annual comparisons

Chief Magnus gave an update on crime statistics. For January 2014, there was a 31% decrease in violent crimes compared to January 2013. There has also been a 26% decrease in property crimes. They are having a problem with cell phone armed robberies, especially near the BART station near 23rd Street. Assault with a deadly weapon had a 60% decrease, assault with a firearm 67% decrease, battery with injury went from one to five, carjacking is down 67%, strong arm robbery is down 37%, residential burglaries are down 44%, vehicle theft down 26% and commercial burglary is down 50%. Auto burglaries are up 18%.

B. Report of recent ShotSpotter statistics with monthly/annual comparisons

As far as celebratory gunfire, some of the things that they've been working on in the past several years, as well as community engagement, have helped to decrease the

numbers. The entire city is not covered by ShotSpotter. **Chief Magnus** said that on New Year's Eve between 11:00 p.m. and 2:00 a.m. a lot of the noise is fireworks. There were 36 incidents of gunfire between that time, which is markedly down from what they've seen in the past.

C. Report of other recent activities, events, incidents, and related matters

Chief Magnus said they've been doing a lot of community outreach. They have done some focused outreach to the Latino community because there is still a divide between the police and the Latino community. This is partially due to the language barrier and also because Richmond has a very large undocumented population and there remains a significant fear even though this is a sanctuary city. Many residents are not sure what that means and they assume that any police interaction might mean that they would be deported. This tends to make it more difficult to have good communication and dialogue back and forth. They want individuals who are a victim of crime to report those crimes. They want to work on blight issues in neighborhoods. They have set up a program similar to a citizens' police academy that is called Unity in the Community. They discuss issues such as gang violence, neighborhood watch and crime prevention with additional topics coming in the future. They are continuing to make progress with the Family Justice Center. They have secured a 2 million dollar bond which will be used for the renovation and rehab of the former county health building. The chief said they are involved in a major project with the federal government with several other cities in the country regarding domestic violence homicide reduction. They are currently in the data collection stage. Proactive intervention will be a high priority. They are moving forward with body cameras. They are testing with the third vendor. Hopefully, they will get funding this fiscal year. The chief suggested to the commissioners to watch the council meeting from last night to see the presentation he gave on training. He also distributed a copy of the power point presentation.

Commissioner Velazquez asked how she could become involved with Unity in the Community. **Chief Magnus** told her to contact Michelle Milam in Crime Prevention at (510) 620-6538 or e-mail mmilam@richmondpd.net.

Commissioner Bautista said he wanted to congratulate the lieutenant that handled the DUI checkpoint last December. He said it was very successful.

Commissioner Barquet said that BART police need to patrol more at the BART station. She sees several Richmond PD officers but no BART police patrolling the area. **Chief Magnus** referred her to Zachary Mallet who is the West County representative on the BART board.

Commissioner Stephenson asked if the decrease in auto thefts was related to the automated license plate readers. The chief said that he thinks it helps. Because of a huge amount of public awareness and prevention on this subject, people know that they are being used in the city which makes it less attractive to be driving in a stolen car.

Commissioner Navarro asked if RPD does patrolling at the BART station. **Chief Magnus** said they do extensive patrolling with bike, foot and car patrols at BART.

Commissioner Roberson said that she'd rather have RPD than BART officers patrolling the area because of Richmond's performance; BART does not have the training that RPD has.

Commissioner Gillespie asked the chief if he had any predictive policing success stories. **Chief Magnus** said he's not prepared yet to say that it's a success because they are still gathering data. He thinks it's successful to the degree that it's kind of a win-win in that it gets officers out of their cars and it focuses them on areas where they know they've had problems.

Commissioner Velazquez asked if crime at the BART stations was being committed by people in the community or outsiders. The chief said it's a little of both.

Commissioner Bautista asked if there's a possibility of having quarterly DUI checkpoints. **Lt. Schlemmer** said he thinks there were four last year and a lot of the DUI checkpoints that they hold are required to be held within a specific time frame because the funding is made available through grants. They usually have them around the 4th of July, Labor Day and the holiday season. **Chief Magnus** said they sometimes partner with neighboring agencies in doing the checkpoints. **Lt. Schlemmer** said that both DUI officers had over 100 arrests last year.

Commissioner Stephenson said that body cameras were going to be expensive and he wanted to know the need for it. **Chief Magnus** said it's not a need based on police misconduct but it's an important tool to document activities that they are part of or serving in the course of handling calls and making arrests. The DA's office wants to be able to produce evidence in domestic violence cases showing how the perpetrator behaves at the scene. There are also many other reasons to have the cameras.

Asst. City Attorney Soublet said it's a good idea for officers to have cameras for liability purposes.

Commissioner Stephenson asked if there will be red light cameras in Richmond. The chief said the council would have to decide that but it won't be in the near future.

Chair Hunziker agreed that the body cams will be a valuable tool. The ACLU will probably want to discuss the cameras with RPD. He asked if this had already taken place. **Chief Magnus** said that from what he's seen, the ACLU's interest has been more concerned with officers' rights in having to where the cameras all the time or whether they will be able to turn the cameras off at different points during the day. He said these details are being worked out.

Chair Hunziker asked what the month to month ShotSpotter activation is in comparison to what it was last year. The chief said the information is complicated in that it is based on every time a sensor picks up a round of gunfire, it is its own discreet incident. Multiple sensors that are located close to each other can pick up the same incident and record it as a separate and discreet incident even though they are one in the same. The data really has to be analyzed/calculated manually.

He said as they go forward they can compare it month to month but it's not a productive use of time to go back and try to analyze the old data.

Lt. Schlemmer said that they've been ramping up enforcement on street robberies that are occurring near the BART station. He said they're trying to do outreach for crime prevention to make people aware of who is being targeted such as people on their phones or with their headphones on and not paying attention to what's going on around them.

D. Police Commission Ride-along forms

Chair Hunziker said he spoke with **D/C Medina** and he agreed that each commissioner needs to fill out one form that will be kept on file. **Chief Magnus** said he is fine with that; he will e-mail the form to the commission.

V. **POLICE DEPARTMENT POLICIES, PRACTICES AND PROCEDURES REVIEW**

A. Discussion and action on tow waiver for recovered vehicles to reduce unnecessary and expensive tow fees (Chris Magnus or his representative)

Lt. Schlemmer explained that when a car is reported stolen it's put into a statewide database, the stolen vehicle system (SVS). Once the vehicle is recovered they are required to take the car out of the system so that it's no longer flagged. RPD makes an effort to contact the citizen by phone and advise them that the car has been recovered and whether it's drivable or not. If the citizen responds right away, they will wait a good amount of time to provide them safe passage to the location where the car is and for them to take custody of it. If the citizen would have signed a form allowing RPD to leave the vehicle there and the vehicle sits there, the vehicle has been taken out of SVS and it's no longer reported stolen. So there is a potential for that car to be taken again. If it is, it may be used to commit a violent felony, and there is no way to track it back to the actual suspect. If an officer comes across that car and pulls it over for a headlight out or for a traffic violation, there's nothing that will provide the officer with information that the car is stolen. The officer may be approaching the car with violent felons in it and he can't use the correct tactic for making a felony car stop because he doesn't know that the car is stolen. If the person is out of town and RPD can't get a hold of them, the car may be sitting in a neighborhood where residents will be calling RPD to complain about a car that doesn't belong there. If the car is left in a bad neighborhood, the person can be victimized themselves when they come to pick up the vehicle.

Lt. Schlemmer suggested some alternatives to the form. He said there needs to be a better sense of communication with the victim such as getting the proper address, phone numbers and cell phone numbers so that they can be contacted day or night. Also, they can ask them for other forms of communication such as e-mail, Facebook, or another form of social media, or the name, address and phone number of the closest relative not living with them, or another secondary contact. He said he has always been able to outreach to the tow companies and work out an acceptable price if the person has a hardship in paying the full amount.

Chair Hunziker thanked him for the report.

Chief Magnus said that he has seen a continual pattern where if people contact them with special needs or circumstances regarding the tow of a recovered stolen vehicle, the officers go out of their way to work out an arrangement that is mutually beneficial. He said one thing they can do a little better is to help people understand that it's never inappropriate to ask if they have a need. They can also do more outreach to prevent vehicles from being stolen again. He said they have a tow contract coming up where they can readdress the issue of fees.

Chair Hunziker said that they gave a good presentation and brought up a lot of things that they hadn't considered.

Commissioner Gillespie asked how they provided the club to citizens. **Chief Magnus** said they can get the club from RPD after the first time their vehicle is stolen. The crime prevention manager sends a letter to victims of auto theft to offer them a free club device. **Commissioner Roberson** said that Crime Prevention also gives them out at special events.

Chair Hunziker asked if the current report form that officers use has room for a citizen to provide their e-mail address or any other additional information. **Lt. Schlemmer** said that there is a miscellaneous field on the form that can be used to put the victim's Facebook information or e-mail address.

Commissioner Navarro asked if there was a specific person in RPD that people should contact if they are having a hardship in paying the tow fees. **Chief Magnus** said they need to contact the traffic lieutenant or sergeant during regular business hours.

Commissioner Stephenson asked if they need to request an appeal. **Lt. Schlemmer** said they can contact him or **Sgt. Pomeroy** because they deal directly with the tow companies.

Chief Magnus said they will follow up with what **Lt. Schlemmer** has suggested in using the form to document additional points of contact for victims and to do additional outreach about the availability of the club and using the lieutenant as a lead source if there are special circumstances that someone needs help with. **Chair Hunziker** said the commission appreciates them taking a look at this.

- B. Progress report on recent concerns about safety in city parks (Chris Magnus or his representative)

Chief Magnus said they ask their beat officers to take ownership of the parks in their areas and if they see an area that has increased crime, they give it more attention. **Chair Hunziker** explained that **Commissioner Navarro** had brought up the subject of safety in city parks and **Diego Garcia** spoke in public forum and described some illegal and problematic activity that is scaring people away in various city parks. **Chair Hunziker** said he sent an e-mail to **Mr. Garcia** and copied **Chief Magnus** and the captains and asked him to give more specific details. **Chief Magnus** said they could facilitate a meeting with the captains and **Mr. Garcia, Commissioner Navarro** and some of the PAL coaches and discuss ways that they can work together to improve safety.

VI PUBLIC FORUM

No public speakers.

VII POLICE COMMISSION CONTINUING EDUCATION

- A. Discussion of planned or proposed educational and training opportunities for members of the Police Commission

No discussion on this item.

VIII POLICE COMMISSION OUTREACH

- A. Discussion and action on planned or proposed outreach projects to educate the community about the Police Commission

No discussion on this item.

- B. Discussion and action on improving Coffee with a Cop (Glenn Stephenson)

Commissioner Stephenson had asked everyone to bring a suggestion on what might improve Coffee with a Cop. He thought it would be best to have it in a central location. He read an article about Antioch PD's Coffee with a Cop and how successful they were. He contacted the department to get more information and will be attending their next Coffee with a Cop in April. **Commissioner Roberson** said that having it in one location in Richmond won't work because the neighborhoods don't mingle. **Chair Hunziker** said that El Cerrito PD is starting a quarterly Coffee with a Cop program. He said that perhaps the police commission shouldn't be trying to implement this; they should ask the police department to handle this. One reason is that the commission doesn't have the budget or the time for it. Coffee with a Cop is actually a national program that has a lot of information for the police department for planning their event. Having PD do this will be much more effective. He said the commission can recommend this to RPD. **Commissioner Roberson** said they can let PD know that the commission would like to be involved also. **Commissioner Stephenson** said he would like to address it again after he gets more information back from the Antioch meeting.

IX POLICE-COMMUNITY RELATIONS

- A. Discussion of planned or proposed outreach projects to strengthen partnerships between the community and the Police Department

Chair Hunziker said that **Commissioners Barquet** and **Velazquez** are still interested in doing a survey for students. This will be discussed at the next meeting. **Asst. City Attorney Soublet** suggested having **LaShonda White** from the city manager's office assist with the survey.

X REPORTS BY:

- **CHAIRPERSON**
- **COMMISSIONERS**
- **STAFF**

Chair Hunziker

- Attended Gun Fire Reduction meeting

Commissioner Roberson

- Attended 4 Richmond Reception
- Attended RNCC meetings
- Attended Economic Development Commission meeting
- Attended West County Alcohol Policy Working Group meeting
- Attended Crime Prevention meeting

Commissioner Bautista

- Attended Gun Fire Reduction meeting at Salute's with Chair Hunziker, Councilmember Myrick and Jan Mignone
- Helped with collecting signatures on a petition for transgender teen that was charged with battery in Hercules (petitioned for case to be dropped)
- Attended Martin Luther King celebration at Hercules Middle School
- Attended WCCUSD meeting

Commissioner Stephenson

- Attended Atchison NC meeting
- Attended Beldingwood NC meeting

Investigator Terry Simpson

- Reported that there is one case currently open. He is waiting for the complainant to schedule an interview. He will try to contact the complainant one more time. If there is no interview scheduled within a week of that contact, he will submit his report without the interview.

XI CLOSED SESSION

A. Discussion and action regarding RPC Complaint #03-2013

Upon motion and second, the report for RPC Complaint #03-2013 and findings of **Exonerated** for allegations of excessive/unnecessary force were accepted.

The complainant, officers, and chief of police will be notified in writing of the findings regarding these complaints.

XII ADJOURNMENT

The meeting was adjourned at 9:30 p.m.