

RICHMOND POLICE COMMISSION

**Wednesday, September 3, 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 7:04 p.m. by **Chair Scott Gillespie**

ROLL CALL

Present: Therese Barquet
Nemy Bautista
Scott Gillespie
Felix Hunziker (arrived 7:05)
Alejandro Navarro (arrived 7:07)
Glenn Stephenson
Yenny Velazquez

Absent: Bea Roberson

Vacancies: One

Administrative Staff:

Terry Simpson, Investigator – Absent
Malia Glover, Executive Secretary I – Present

Council Liaison: Jael Myrick, Council Liaison – Absent

City Attorney's

Office Representative: Bruce Soublet, Assistant City Attorney – Absent

II APPROVAL OF MINUTES – July 2, 2014

Upon motion by **Commissioner Bautista** and second by **Commissioner Barquet**, the minutes for the regular meeting of July 2, 2014, were approved as written.

III REPORT OF COUNCIL LIAISON JAELE MYRICK

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

No report

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

No report

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

- A. Report on latest crime statistics and ShotSpotter activity.

Chief Magnus handed out the Compstat data for July; he will e-mail the August data when it is available. He said that crime was down 20-24% compared to last year. There were no homicides in August and only eight year-to-date. In July, shots fired were down by almost 50%.

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

Chief Magnus handed out a draft version of a guide to some of RPD's programs/services for Fall 2014. It will eventually be available on-line. He welcomed any feedback from the commission. Another handout was a flyer that focused on the department's recruiting efforts. The chief said that the police department never takes positions on candidates who are running for office. They do not get involved in politics. The unions have political action committees who are free, under law, to endorse whoever they want. **Chief Magnus** said they are going forward with their plan for body cameras and hope to have them by January 1st. They are also working on a policy for the cameras. He said they are working with IT to put together a list of resources and referral agencies that officers can give to the public on services such as housing, mental health, juvenile issues, etc.

Commissioner Bautista asked if body cameras will be provided to everyone on patrol. The chief said yes, and to traffic officers also.

Chair Gillespie asked if that included the SWAT team. The chief said yes.

Commissioner Velazquez congratulated him and the RPD officers for doing an amazing job. She said she was happy with the police department overall. **Chief Magnus** thanked her for the feedback.

Commissioner Velazquez asked if officers will have the cameras on even if they don't call the stop in. **Chief Magnus** said the vast majority of stops are called in. Traffic officers on motorcycles do so much traffic enforcement that they don't call in every stop. They generally let them know where they are working. Body camera requirements will be that they are activated on all enforcement activity regardless of whether the stop is called in. **Commissioner Velazquez** asked if there will be a consequence if the officer does not record. The chief said he knows that there will be instances when officers forget to turn the cameras on. He said he wants to be reasonable in how he deals with that. He said if they see the same officers conveniently forgetting repeatedly, there will be discipline. With new systems, people can forget. There will be follow up and, if necessary, consequences.

Commissioner Barquet said she agrees that Richmond police department is a good department compared to a lot of other departments. She has seen several incidents that she thought were well handled by the officers. The chief thanked her for her feedback.

Commissioner Navarro said that the traffic division and SWAT teams do excellent work. He asked the chief how many Explorers they have. **Chief Magnus** said they have 18. He said it is a very expensive program and it requires overtime for the police officers that are supervising them. The department is dealing with budget cuts so the program cannot be expanded at this time.

Commissioner Navarro asked if the Explorers could work at the elementary schools. **Chief Magnus** said he would like to do that but most of the Explorers are in school at the same time.

Commissioner Stephenson asked, in regards to the body cameras, how long the information would be kept. The chief said that hasn't been determined yet. He said possibly one year, unless it was an incident that was the focus of a complaint or related to an active investigation, then it could be longer.

Commissioner Stephenson asked if they were watching what was going on in Colorado and Washington with the cannabis law changes in respect to the number of DUI's, etc. **Chief Magnus** said they will be watching that because it's probably just a matter of time before it becomes legal in California.

Commissioner Barquet asked if they thought of having an officer go to juvenile hall to talk to kids about how they feel about the police because many of them get the wrong impression at a young age. The chief said he liked that idea. He said they are looking for a variety of opportunities to open up dialogue with junior high and high school students.

Commissioner Bautista asked if National Night Out was a success with such a limited budget. **Chief Magnus** said they weren't able to do the caravan and the feedback before the event was very negative but the feedback after the event was very positive. The officers were able to spend more time at the neighborhood parties. It worked out well and there was great participation. He thanked the commissioners that attended.

Chair Gillespie congratulated the chief and the department on the remarkably decreased statistics. He commented about the events in Ferguson, MO and how disturbing it was to see officers cavaliering the use of AR-15 rifles. He said it would seem like officers would readily point an assault rifle before even drawing their pistol. He hasn't seen anything like that in Richmond. The chief agreed. The chief said when there was a demonstration at Chevron a few years ago, they had a role to play in making sure things stayed civil and that property was protected. They utilized their mobile field force. The officers handled things much differently than they did in Ferguson. They also worked with the organizers of the march and were respectful to the media.

- C. Report by the Chief of Police looking back over the previous 12 months on the effectiveness of Automated License Plate Readers (ALPR) including:
- (i) Number of stolen/wanted vehicles recovered.
 - (ii) Effectiveness of data-mining ALPR-collected data retained over the prior 12 month period.
 - (iii) Number, if any, of false-positive alerts wherein an ALPR camera may have Misread a license plate.
 - (iv) Results of ALPR system audits as specified in Policy 462.5(e).

Capt. Williams handed out copies of the summary of the ALPR audit. It was a 12-month audit going back to 9/3/2013. He said that the ALPR is a very useful tool used nationwide. He said Richmond PD, Marin County Sheriff's Office and San Pablo PD have it but not many other police agencies in this area have it. RPD shares information with their immediate law enforcement neighbors, as well as Contra Costa County sheriffs, Marin County sheriffs, Sacramento County sheriffs and Sacramento PD. RPD has four ALPR units. Patrol officers will use that car on a regular basis during their routine patrol. They have specific areas in their beat that are known for stolen cars. They will also use it for training new users as they come on. **Capt. Williams** went over some of the statistics and explained how the unit works. He said that overall, the system is working well.

Chair Gillespie asked about false positive hits. He wanted to know if the policy allows for officers to make an enforcement stop without first verifying that that vehicle is in fact stolen or not. **Capt. Williams** said that the policy is that the officers are to confirm hits as reasonably as they can. He said it's not uncommon even for a non-ALPR car for an officer to come upon a vehicle and that vehicle automatically speeds off, indicating some kind of criminal activity or possibly a stolen car. Under those circumstances, they wouldn't want the officer to try to multi-task in the middle of a chase by trying to read a license plate printout, and confirming it with the machine. He said their policy is if they get a hit, they confirm it by looking at the plate, looking at the printout and then confirming with dispatch that it's really a stolen car. **Chief Magnus** said that there is always the possibility of human error even at the point of entry or at the point of removal when it comes to a stolen car that's been entered into the system. **Capt. Williams** said he asked every user what they do when they get a hit. Each one of them said they confirm it with dispatch. **Chair Gillespie** said that the policy should read, "absent exigent circumstances, all hits shall be verified..." He said the policy, as it's written, seems to steer away from verification rather than steering in with certain exceptions. **Chief Magnus** said he would consider the feedback and he didn't think it would be a problem in adding that to the policy.

Commissioner Bautista asked if all cars with ALPRs are dispatched on every shift. **Capt. Williams** said no, not every shift. It's up to the discretion of the sergeant as they are deploying their officers but at times they don't have enough officers on a shift to cover all the beats. They are deployed on a regular basis each week.

Commissioner Stephenson asked if only officers that are trained on the ALPRs are the ones using them. **Capt. Williams** said yes. **Commissioner Stephenson** asked if the whole force would be trained eventually on using the ALPRs and if they are used at night. **Capt. Williams** said they do want to have all the officers trained eventually and they are used at night with an infrared camera.

Commissioner Hunziker asked for clarification on correct and incorrect hits. **Capt. Williams** explained that a picture of the plate that was entered will show on the screen as well as digital printout. If they match, it's a correct hit; if they don't match they push a button that says they do not match.

Commissioner Navarro asked if the information was shared with Northern California Regional Intelligence Agency. **Chief Magnus** said he believes the answer is no but he will check.

V READING OF THE CITY ATTORNEY'S WRITTEN OPINION THAT GOVERNMENT CODE SECTION 34090.6 AS SPECIFIED IN POLICY 462, DOES NOT APPLY TO ALPR-COLLECTED DATA

Chair Gillespie read the response from the City Attorney's office which said that this particular government code section is inapplicable to ALPR-collected data. **Chair Gillespie** asked the chief if they were keeping the data for 90 days. **Chair Magnus** said yes and the policy will reflect that.

VI WITH THE CHIEF OF POLICE OR HIS REPRESENTATIVE PRESENT, POLICE COMMISSION REVIEW AND DISCUSSION OF RPD'S USE OF ALPRs AND ITS ALPR POLICY AFTER ONE YEAR OF ALPR USE BY THE RICHMOND POLICE DEPARTMENT

A. Discussion and recommendation of RPD Policy 462.3(f): Should all ALPR hits be verified through CLETS before any enforcement action is taken? Current policy allows enforcement action based solely on an ALPR hit.

Chair Gillespie said that as discussed earlier, the chief is open to tweaking the policy to encourage officers to verify absent exigent circumstances. The chief agreed.

B. Discussion and recommendations of RPD Policy 462.4:

(i) Based on the City Attorney's OPINION, should the reference to Government Code Section 34090.6 be stricken from Policy 462?

The chief said it will be stricken from the policy.

(ii) If Government Code Section 34090.6 is inapplicable to Policy 462, what is the Commission's recommendation specifying how long the RPD should retain ALPR-collected data?

Chair Gillespie said that as discussed earlier, the data will be retained for 90 days.

C. Discussion and recommendations regarding RPD Policy 462.5(e):

- (i) Is the term “on a regular basis” sufficiently clear on how often ALPR system audits are conducted?

Chair Gillespie said that every two weeks seems to be reasonable. He asked if there had been any unauthorized access to actual pictures taken through the ALPR system. **Capt. Williams** said the system is password protected. Currently there are only seven officers trained on the system; there have been no unauthorized log-ins.

- (ii) Based on the Chief’s report, is the basic term “audit” sufficient in its scope and purpose?

Chair Gillespie said that it sounds like the audits will be conducted with the police commission’s concerns in mind. There were no motions made for modifications to the scope and purpose of the audits.

Commissioner Stephenson asked the chief if he felt that Ferguson, MO seemed to be a city that was unprepared and untrained for this situation and just overreacted. **Chief Magnus** said if you are not accustomed to dealing with people in different circumstances that sometimes may be adversarial or confrontational then it may be possible to overreact. He said Richmond has had a pretty remarkable track record when it comes to officer involved shootings compared to many other departments, but he will never take that for granted. He said that he thinks it is due to a lot of training, policy, exposure to a lot of dangerous situations on an ongoing basis that officers can learn from, supervision, equipment and overall style of relationship with the community.

Commissioner Hunziker said he attended the Mobile Field Force Training and that it was very interesting. He recommends that all commissioners attend this training.

VII PUBLIC FORUM

There were no public speakers.

VIII REPORT ON PROGRESS OF STUDENT SURVEY (Commissioner Barquet)

Commissioner Barquet said the survey is currently a draft and she is asking for any suggestions on the name of the survey and any questions that should go on the survey.

Chair Gillespie suggested that she get together with a few other commissioners and discuss it. **Commissioner Stephenson** said that he would participate. **Commissioner Barquet** said she will send out an e-mail to meet with the committee and they will come back with recommendations.

IX REPORTS BY:

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

Commissioner Stephenson

- Ride-alongs with Officers Ojo and Zeidan
- Reported and was a witness to a car break-in
- Attended seminar at the San Francisco Office of Citizen Complaints regarding mediation and developing policy
- Attended Neighborhood Council meetings
- Attended City Council meetings
- Attended National Night Out

Commissioner Bautista

- Attended National Night Out

X ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Scott Gillespie, Chair