

RICHMOND POLICE COMMISSION

**Wednesday, December 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 7:00 p.m. by **Chair Scott Gillespie**

ROLL CALL

Present: Therese Barquet
Nemy Bautista
Scott Gillespie
Felix Hunziker
Bea Roberson
Glenn Stephenson
Yenny Velazquez

Absent: Alejandro Navarro

Vacancies: One

Administrative Staff: Terry Simpson, Investigator – Absent
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 (November 5, 2014)

Upon motion by **Commissioner Bautista** and second by **Commissioner Roberson**, the minutes for the regular meeting of November 5, 2014, were approved as written.

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

A. Report on latest crime statistics and ShotSpotter activity.

D/C Brown said that they haven't completed the review of the school survey yet. **Commissioner Barquet** said she has a revised copy for them to review. He handed out crime stats for October. He said crime continues to go down. There has also been a decrease in shots fired.

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

D/C Brown said that the chief recently promoted two sergeants. The promotion ceremony will take place on 12/15/14. They will also be swearing in three new officers. He said staffing still continues to be a challenge. There were two sergeant vacancies that were frozen due to the budget. Two sergeants will be promoted in July. **D/C Brown** said he is the point of contact for the Violence Reduction Network that they are a part of. They have preference to various federal resources. They will be having training in February 2015 called Unconscious Bias. It will be training for the entire department, Oakland PD, Contra Costa and Alameda County Sheriffs. They will also be having a workshop for agencies in northern California on 3/10/14 called Justice Based Policing which focuses on officers' interaction with the public.

C. Demonstration of Body-Worn Audio/Visual Recorders

D/C Brown reported that the cameras that they ordered were received yesterday. They plan on full deployment on 1/4/14. They will do the demonstration in January.

Commissioner Barquet asked if Richmond PD had drones. **D/C Brown** said no.

Commissioner Roberson said that they will all miss Mike Gormley, who recently passed away. She also asked if officers take cell phones from people that they've arrested. **D/C Brown** Thanked her for mentioning Mike Gormley and said he was dedicated, well-respected and will be missed. He said during routine traffic stops, officers would not typically confiscate cell phones. They would only take a cell phone if it's used for evidence related to some kind of criminal investigation. They can only look at cell phones if they have a search warrant.

Commissioner Hunziker asked **D/C Brown** to let the commission know ahead of time if they aren't able to discuss policies or provide demonstrations listed on the agenda because they may be subjects that the public might be interested in. He also said that the data for the crime statistics that **D/C Brown** provided tonight was for October, but the chief sent out an e-mail today with data for November. He asked if they could provide clarification on the differences between the two months. **D/C Brown** said that he would.

Commissioner Bautista asked the approximate cost of a body camera. **D/C Brown** said the camera is approximately \$700.00. The cost to store the data is \$400.00 per month.

Commissioner Stephenson said he got a call from the beat seven area from someone who wanted to know if the officer that was involved in a shooting recently was on desk duty. **D/C Brown** said their policy is to put the officer on paid administrative leave and allow them to take at least one work week off, then they are allowed to come back to full duty. He is back to full duty. The investigation is nearing a close. The coroner's inquest will be held next week in Martinez on 12/10/14 at 9:00 a.m. at the A.F. Bray Courthouse.

Commissioner Bautista asked if any RPD officers provided mutual assistance to Oakland during the recent protests. **D/C Brown** said they have officers that are part of the county team. He said they got a request for mutual aid from the county at about 11:00 p.m.; by the time the officers got there at about 1:00 a.m. it was already under control.

Commissioner Hunziker asked that when they do the camera demo in January if they could see to it that it includes the typical end of shift download if possible with an officer's full day of calls for service on it so they can see how long it would take to download, etc. **D/C Brown** said they would give as comprehensive of a demonstration as possible.

IV DISCUSSION AND ACTION REGARDING RPD POLICY 450 BODY-WORN AUDIO/VISUAL RECORDERS (AVRs)

Chair Gillespie said that the policy review subcommittee met and they had some recommendations to make from the commission as a whole. These are the recommendations:

1. In Section 450.1, in the first sentence replace the parenthetical term "(AVR)" as follows: (hereinafter, an "AVR"). In the balance of this policy, delete all remaining "portable body-worn" phrases.
2. In Section 450.2, third paragraph, second sentence, insert after "School Resource Officers," the term "SWAT incidents."
3. In Section 450.3, add the following new section:

450.3.1 Request for Deletion of Accidental or Inappropriate Recording
In the event of an accidental or inappropriate activation of the camera where the resulting recording has no investigative or evidentiary value, and the recording may unreasonably infringe on a person's privacy concerns or rights, the recording employee may request that the video file be deleted by submitting a written request to delete the file with the recording employee's supervisor. Such request shall contain the specific reasons for recommending deletion of the recording. The Chief of Police, or his or her designee shall review the file and approve or deny the request.
4. In Section 450.7, in the last sentence, replace the word "should" with "shall."
5. In Section 450.7.1, change "180 days" to "90 days."
6. In Section 450.9, add a new subsection (f) as follows:

(f) By the Police Commission when reviewing a personnel complaint.

Commissioner Roberson asked if the body cameras were open to the Public Information Act. **D/C Brown** said yes with certain exceptions. It's not if it's inside someone's home.

Chair Gillespie asked if media personnel could make a request outside of a public records request. **D/C Brown** said typically they need to make a formal request and PD would need to review it before releasing it.

Commissioner Roberson made a motion to approve the requests. It was seconded by **Commissioner Bautista**. All were in favor.

V PUBLIC FORUM

There were no public speakers.

VI REPORT OF COUNCIL LIAISON JAELE MYRICK

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

Councilmember Myrick said that they passed a resolution that says that 50% of the money from Measure U will be used for street repair. He said there was also conversation regarding the Shea Home Project in Pt. Richmond. This is still under negotiation.

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

Councilmember Myrick said that New Year's Eve is coming up so he has talked to Michelle Milam about meeting with the subcommittee to see what they can do to make sure that they can make an impact. He said that there was an impact with the work that they did before the July 4th holiday. He said he hopes to make more of an impact for New Year's. He wants to continue working with RYSE and outreach to liquor stores.

Commissioner Roberson said that the council did not agree to put 50% of the money from Measure U towards street repair. They agreed to have staff come back with the feasibility of doing such. And there was no discussion on the Shea Homes project because it was pulled from the agenda and it will be heard on the 16th.

Councilmember Myrick agreed that it was pulled from the agenda. He said the developer is trying to figure out some things they can do to make the project a little more acceptable to the immediate neighborhood. He said that staff will come back with the feasibility of Measure U at the next meeting.

Commissioner Hunziker asked if the reduction in the gunfire on July 4th was an actual drop or just part of the normal trajectory of a decrease in gunfire.

Commissioner Barquet asked if they've gotten any closer to appointing another commissioner. **Councilmember Myrick** said he will check with the mayor.

Commissioner Bautista asked about the rules for appointing the new councilmember. **Councilmember Myrick** said they will have a special meeting and the council will appoint someone. **Asst. City Attorney Soublet** said the election code provides a provision by which vacancies are filled. The council can appoint somebody or call for a special election.

Commissioner Hunziker said it's a struggle for the commission to make itself known to residents of the city. He asked for **Councilmember Myrick's** help in fighting for them to get funding for handouts and things to give out during outreach events. **Councilmember Myrick** said he will work on it. **Commissioner Roberson** pointed out that other commissions do have a budget and that the police commission is just as important as the other commissions. **Chair Gillespie** said that they should put a committee together to establish what their needs are.

VII DISCUSSION AND ACTION REGARDING STUDENT SURVEY (Commissioner Barquet)

Chair Gillespie asked if they wanted to vote on the survey now or wait until January.

Commissioner Hunziker asked **Commissioner Barquet** if she had been in touch with RYSE. **Commissioner Barquet** said she has and she will follow up.

Commissioner Roberson asked **Asst. City Attorney Soublet** if they had a legal obligation to wait for PD's comments. He said there is no legal obligation to wait but he wouldn't tell them not to put it out.

Commissioner Roberson made a motion to put the survey out now.

Commissioner Barquet said she would like them to look it over while they are here. She said they should let PD know that the survey is almost done.

Chair Gillespie said that no matter the circumstances in January, they will vote to approve or disapprove the survey, irrespective of the police department's input or lack of input.

Commissioner Velazquez asked if the survey was going to just be put out in the classroom. **Commissioner Barquet** said that it was agreed that it would be filled out in the home rooms with a cover sheet with instructions for the teachers. **Mr. Soublet** said to add, "Your participation in this survey is voluntary." **Commissioner Hunziker** said to add to the bottom of page two, "Thank you for your time and participation." **Commissioner Roberson** said it should say, "The Police Commission thanks you for your time and participation."

Commissioner Velazquez said she thought the commissioners were going to go to the schools and make themselves noticed and talk to the students. **Commissioner Barquet** said that someone will have to be available to go to each home room. She said the commissioners will have to volunteer to explain the survey in further detail. **Mr. Soublet** said that if they do something like that, in order to make the results relevant, they have to make sure that the pitch to the students is uniform from one person to the other; rehearse the script and don't vary from it.

Mr. Soublet suggested that they remove the wording, "show off your intelligence."

Commissioner Roberson said that the top part of the survey should be read by the teachers and the students should only get the questions.

Chair Gillespie suggested that **Commissioner Roberson** join the subcommittee and go together to PD to get their input 2 weeks before the next meeting and then come back with a final version at the meeting in January.

Mr. Soublet said to send an e-mail to the chief and **D/C Brown**. He will also remind them.

Chair Gillespie said the survey will be approved next month. He reminded the commission that there was a motion to publish the survey as is. **Commissioner Velazquez** seconded the motion. **Commissioner Hunziker** made a substitute motion to adopt revisions that were talked about tonight, send it to PD and a request to RYSE to respond as well and make a finished product to vote on in January. **Commissioner Bautista** seconded the substitute motion. The motion passed with the following vote: Ayes 4, Noes 0, Abstentions 2.

VIII REPORTS BY:

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

Commissioner Stephenson

- Attended East Richmond NC meetings

IX ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Scott Gillespie, Chair