

Letter from Vice-Mayor Eduardo Martinez on False Reports by the Police Department

Cultural change is a difficult and slow process. When Chief Chris Magnus came to Richmond, he began the move toward community policing which required significant changes in the police department. Mark Gagan is an outstanding example of a community minded police officer. I have always known him to be hard working, open to the whole community and fair. I so much respected his work, I had suggested that he be considered as chief when the position was open. I also believe that Chief Brown is doing an excellent job under very trying budgetary circumstances.

I have no information about the charges brought against Mark or his involvement in my case but from my experience with him, and until I have contrary information, I would think he may be the victim of internal police department politics.

I believe overall we have an exemplary police force. But as some other recent events like the Celeste Guap abuse case have shown, despite the progress we have made toward the community policing model and despite the many fine officers we have, we still have a few rogue police officers.

The mysterious action against Mark Gagan exemplifies one of my ongoing concerns about the police. The operation of the Department is not transparent. Whether because of the State law, called the "Policemen's Bill of Rights" or for other reasons, the actions of the police department and individual police officers are protected from public scrutiny. I have supported a more open process and a stronger civilian oversight of the police department.

Since the incident I was involved in is connected to this current case, I would like to make sure the facts are known. Let me make it clear: I am not against transparency. I am against the selective release of information by the Police to punish citizens or elected officials.

Let's consider the chronology of events:

1. Wednesday, October 26 around 10 PM I am robbed of my wallet and cell phone at gunpoint. I drove to the nearest phone at 915 W. Cutting Ave. At 10:41pm a police report was written, describing me as being "visibly shaken but uninjured", no mention of intoxication. I was driven home because I had no ID and no phone. No mention of alcohol was made.
2. Tuesday, November 1, 5 days later, around 6:00 PM: a supplemental narrative was written mentioning my possible intoxicated state. The officer stated that he smelled alcohol on my breath but mentioned no physical signs of intoxication except that I talked slowly. Everyone knows that I talk slowly especially under stress, the result of a stutter difficulty. It was not entered into the files until Monday, November 7, 2016. I did not find out about this supplemental report until I was asked about it by a newspaper reporter who somehow had a copy of the supplemental report before it was in the files. She was not given the original report.

I thought that the supplemental report about me was suspicious on a number of grounds:

- Why was it requested 5 days later since there was no indication of intoxication in the first report, no breathalyzer or request for me to walk a line. The crime was a gunpoint robbery. I was the victim. What was the purpose of the additional information?
- After it was written why was it immediately pushed out to a reporter—not a usual police procedure?

This raised the possibility that one or more in the police department were using the powers of the police to try to punish me for the positions I have taken on some issues regarding the police department. I filed a complaint and asked for it to be investigated.

I want to be clear, that filing a complaint is the extent of my involvement in the investigation. I did not pressure for anyone to be disciplined and I have made no further inquiries into the investigation.

I know a narrative of my being anti-police has been floating around some circles. I know that when I try to be fiscally responsible, some use my decisions to feed that narrative (see <http://richmondconfidential.org/2016/10/20/council-votes-to-fund-contract-for-new-police-body-cams-and-tasers/>).

Past political history, the chronology of events, and the anti-police narrative pushed by some individuals leads me to think this was a set up to create negative copy for the next election.

My questions still have not been answered. In fact more have been raised: Who were the people responsible for generating the false “supplementary report” and feeding it to the press? What was their reprimand? What was their motive? Is firing popular Officer Mark Gagan a part of this?

It is important that we advance further in the implementation of Community Policing values. If seeking police assistance after a robbery is used by the police to create falsehoods about a councilmember victim of a robbery, and these falsehoods are fed to the press for ulterior motives and political agendas, what trust will ordinary residents have in our police force when they find themselves in similar circumstances?

Eduardo Martinez
Richmond Councilmember and Vice-Mayor