

**COMMUNITY POLICE REVIEW COMMISSION
(CPRC)**

Wednesday, April 7, 2021

7:00 P.M.

Zoom Meeting

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:01 P.M. by Chair Randy Joseph, with all Commission Members participating via teleconference.

Present: Randy Joseph (Chair), Yenny Garcia (Vice Chair), Diego Garcia*, Oscar Garcia, Carol Hegstrom, Andre Jackson, Donnell Jones*, Steven Lacy, and Dow Tunis

*Arrived after Roll Call

Absent: None

Staff: Shané Johnson, Staff Liaison – Present

Council Liaison: Vacant

City Attorney's

Office Representative: Bruce Soublet, Senior Assistant City Attorney – Present

II. APPROVAL OF MINUTES (December 2, 2020 and January 6, 2021, February 3, 2021 and March 3, 2021)

The minutes from the December 2, 2020 meeting were available but the minutes of the January 6, February 3 and March 3, 2021 meetings were not available.

ACTION: It was M/S/C (Hegstrom/Lacy) to approve the minutes of the December 2, 2020 meeting, as submitted; approved by Roll Call vote 7-0 (Ayes: O. Garcia, Y. Garcia, Hegstrom, Jackson, Lacy, Tunis and Joseph; Noes: None; Abstain: None; Absent: D. Garcia and Jones.)

III. AGENDA REVIEW

There were no changes to the agenda.

IV. PUBLIC FORUM

Cordell Hindler, Richmond, recommended a virtual retreat for next month's agenda for the benefit of the new members of the CPRC.

Carol Johnson, Richmond, stated the recent promotion of Louis Tirona as Assistant Police Chief was inappropriate given that he had been one of the officers involved in the beating death of a resident in 2008 when the City had to pay a \$1.25 million settlement.

V. REPORT OF CITY COUNCIL LIAISON (Vacant)

Senior Assistant City Attorney Bruce Soublet reported that Councilmember Claudia Jimenez had been appointed as the City Council Liaison to the CPRC at last night's City Council meeting.

VI. REPORT BY CHIEF OF POLICE (Chief Bisa French or Designee)

Captain Timothy Simmons presented the Police Chief's Report and stated that he would combine the Chief's Report along with his RPMA Report. He reported there were 12 vacancies that could be filled (not the frozen vacancies) and a total of five officers who were currently on modified duty. He commented that vacancies coupled with officers out on injury and modified assignment represented holes that had to be filled due to mandatory minimum staffing levels that ended up being backfilled into overtime capacity.

Captain Simmons reported that a DUI Checkpoint had been conducted last week and he thanked Vice Chair Garcia and Commissioner Diego Garcia for attending that checkpoint. He reported that 1,510 vehicles had passed through the DUI Checkpoint at 23rd and Bissell and out of those there were 84 citations, a combination of individuals who did not possess a driver's license or were driving with a suspended license. Four vehicles had been towed, there were four warrant arrests, and one DUI.

For the RPMA report, Captain Simmons advised that there had been three homicides in 2021. Out of the three, two were case closed meaning that the individuals responsible were in custody and cases had been charged. He referred to the 5-week old baby who had been murdered and the young Hispanic boy who had been murdered at the liquor store, with the third at the AM PM gas station off 23rd Street where one individual was in custody and there were additional suspects being sought. A case had been filed with the DA's office on that case. There had been 20 shootings to date in 2021, and 13 victims, none of whom had life-threatening injuries at the time of the shooting.

Captain Simmons referred to the spike in gun violence last summer and the deployment of the Community Violence Reduction Team (CVRT). The Police Chief had moved some officers assigned to patrol to the Investigations Bureau and the Criminal Intelligence Unit had been combined to focus on those individuals who were believed to be involved in the violence to avoid exposing any portion of the community to unnecessary police contact and there had been a huge success in doing that. As such, the Special Investigations Unit had been reorganized to permanently employ the CVRT and continued to utilize more of a surgical approach to be able to identify individuals involved in gang and gun violence. The CVRT would connect with community groups and businesses to have a presence and be known to community stakeholders and be specific to identify those involved in gun violence.

Cordell Hindler stated that last month between 12:15 and 2:30 P.M., an individual by the Library had threatened him, the security guard, library staff and the gardener and he suggested the police should have been able to handle the situation differently. He referred to 27th and Nevin Avenue as an area of real concern given the speeders in that area, particularly during the day, when a car had almost hit a child at the corner.

Vice Chair Garcia questioned the effectiveness of the checkpoints and asked if the DUI grant could be used differently. She recommended that other options be explored.

Captain Simmons explained that while the grant could be used differently, one of the requirements of the grant required a certain number of checkpoints within a specified time period as a condition of the grant in addition to the other ways such as a saturation of mobile units driving around looking specifically for drunk driving precursors. He noted the grant paid for all the expenses, including overtime.

Commissioner Oscar Garcia asked about the ShotSpotter report and Captain Simmons stated there had been no ShotSpotter report since the resignation of the Crime Analyst who had taken another position. The RPD was in the process of recruiting another Crime Analyst.

Commissioner Jones clarified with Captain Simmons that the DUI Grant was under the auspices of the Office of Traffic Safety (OTS), which funded the grant and the funds were specific to traffic and traffic-related issues along with checkpoint enforcement. He wanted to know why the City had applied for that type of grant.

Captain Simmons explained that the Traffic Manager could provide more details. He explained that the City of Richmond had the highest per capita traffic collision rate in Contra Costa County and a major problem with DUI collisions, which was why the grant had been awarded.

In response to the Chair, Captain Simmons described the RPD's relationship with the Office of Neighborhood Safety (ONS) and its mission and was in regular communication with the ONS.

VII. REPORT BY RICHMOND POLICE OFFICERS' ASSOCIATION (Jason Wentz)

Jason Wentz, Vice President of the Richmond Police Officers' Association (RPOA), stated that the DUI Checkpoint and traffic enforcement through the DUI grant saved lives. He emphasized the high number of DUI collisions in the City and noted that the District Attorney assigned to the RPD had indicated the majority of the blood alcohol levels for the City's DUIs were generally more than twice the legal limit. He emphasized the importance of enforcement and urged the CPRC not to underestimate the value of the grant and that the grant paid for the overtime involved.

Officer Wentz referred to the City's Noise Ordinance, the number of recent complaints and the requirement that the RPD enforce the Noise Ordinance. He stated the ordinance was vague, poorly written, and put the officers working the street in a predicament that would not end well, and where warnings would have to be given with citations issued afterward. He explained it was difficult for officers to have to shut down something that in most cases was not unreasonable. Ninety percent of the complaints related to Hispanic families having parties in their yards and there were cultural issues involved. While the RPD would address unreasonable noise, most noise complaints were not unreasonable. He also stated the ordinance was not used consistently and he wanted to make sure things were handled equitably and fairly and he recommended some clean-up language in the ordinance. He commented that while specific decibel levels were identified in the ordinance, the RPD did not have a decibel reader.

Commissioner Oscar Garcia asked for a copy of the Noise Ordinance and agreed that there was currently more celebrations given the easing of COVID restrictions. He also noted that noise was relative, it bounced in different directions and got amplified.

Commissioner Oscar Garcia agreed that enforcing the noise ordinance would be problematic both from a cultural and a technical standpoint.

Officer Wentz advised that he would send a copy of the ordinance and copies of the training bulletins to the CPRC with regards to the required enforcement levels.

Vice Chair Garcia did not doubt that the DUI Checkpoints saved lives but she questioned what other things could be done since during the checkpoints many who were drinking and driving drove around the checkpoint to avoid it. She asked what other options besides enforcement were possible.

Officer Wentz agreed there were other options and some saturation activities had been mixed in where officers would drive around looking for impaired drivers and impaired driving. He added that state law required a notification of checkpoints in the media which allowed citizens to avoid them but intoxicated drivers would still go through the checkpoints. He could meet with CPRC members off-line to talk more about the program.

Chair Joseph referred to previous comments from Detective Therriault about a new vision of the types of calls the RPOA thought the RPD should be responding to and noted that an update was to have been provided to the CPRC.

Officer Wentz referred to the last Reimagining Public Safety Task Force meeting where that had been discussed and he would talk to Detective Therriault upon his return for a response to the CPRC.

VIII. REPORT BY RICHMOND POLICE MANAGEMENT ASSOCIATION (Captain Timothy Simmons)

Captain Simmons had earlier provided his report.

IX. OLD BUSINESS, DISCUSSION ITEMS

A. Update on Reports Status (Threet)

Jerry Threet, Investigative Officer, identified three investigations before the CPRC under executive session and once processed stated there would be two investigations pending; the complaint by Sarah Bell Lynn about policing during the Black Lives Matter protest in Oakland was expected to be completed in the next two weeks, and the officer-involved death of Jose Luis Lopez-Rodriguez continued to be investigated. After that he would investigate the officer-involved shooting of Juan Ayon-Barraza from last April.

When asked, Officer Threet advised that he would work to reduce the videos to the relevant portions for viewing by Commissioners.

X. NEW BUSINESS

A. Introduction of Dominique Roache-Green (Chair Joseph)

Chair Joseph welcomed Dominique Roache-Green who would be replacing Shané Johnson as the Staff Liaison to the CPRC.

The CPRC welcomed Ms. Roache-Green, verified that she was already on the job, and looked forward to working with her.

Chair Joseph and the CPRC also thanked Shané Johnson for shepherding them throughout the process and stated she would be greatly missed.

Cordell Hindler welcomed Ms. Roache-Green to her new role.

B. Electing Designated Voting Person for NACOLE (Chair Joseph)

Chair Joseph advised of the need to designate a voting member from the CPRC to vote on issues at the National Association of Civilian Oversight of Law Enforcement (NACOLE) annual conference in Tucson, Arizona in October.

Cordell Hindler suggested that one of the new members of the CPRC should serve as the designated voting member for NACOLE.

Officer Threet clarified the role of the designated voting member at the annual conference, to vote on resolutions related to bylaw changes and other changes and to vote on the election of officers for NACOLE's Board of Directors.

The item was continued to the next meeting agenda to identify the CPRC members who would be attending the annual conference and then designating a voting member.

XI. OPEN FORUM BEFORE CLOSED SESSION

No written comments were submitted or oral comments made by any member of the public.

XII. EXECUTIVE SESSION – CLOSED TO THE PUBLIC – Government Code §54957(b)

The CPRC adjourned into executive session at 8:00 P.M.

- A. Receive Report from CIAO on Case #2019-4, Officer Involved Shooting of Ciel Luk - Discuss and Vote on Findings and Recommendations**
- B. Receive Report from CIAO on Case #2020-4, Unnecessary Force/Appeal for Gustav Proka - Discuss and Vote on Findings and Recommendations**
- C. Receive Report from CIAO on Case #2020-3, Unnecessary/Excessive Use of Force for Cassandra Robinson - Discuss and Vote on Findings and Recommendations**
- D. Report Any Final Action(s) Taken in Executive Session**

The CPRC returned to open session at 9:09 P.M. and Mr. Soublet provided the report from executive session.

ACTION: For Case #2019-4, Ciel Luk, the CPRC had voted six yes with two abstentions to accept the report of the Investigative Officer. The vote to accept the recommendations of exoneration for two officers, and not substantiated for one officer, was six yes, one no, and one abstention.

ACTION: For Case #2020-4, Gustav Proka, the CPRC had voted eight to zero to accept the report, and eight to zero to accept the recommendation that there was no excessive force used.

ACTION: For Case #2020-3, Cassandra Robinson, a motion was made to postpone the case for one month so that Commissioners who had not had the opportunity to view the AVR footage could do so. That motion passed with six yes votes and two no votes.

XIII. REPORTS OF SUBCOMMITTEES, COMMISSIONERS, AND STAFF, RIDEALONGS

Vice Chair Garcia reported she had attended the DUI Checkpoint this past Saturday with Commissioner Diego Garcia.

Commissioner Diego Garcia had attended the DUI Checkpoint with the Vice Chair, described it as a good experience where they had learned a lot and recognized the need to support the RPD more often given the number of restrictions that could put the community in danger, especially if any of the drivers sped off and the RPD would have to go after them. He referred to two cars that had come by and had taken off, which sent a bad message to other people. He noted the need to join forces to do a better job and to join the RPD in this case.

Chair Joseph stated on April 15, 2021 at 6:00 P.M., he would be doing a Community Conversation with the Reimagining Public Safety Task Force with respect to the RPD budget and he invited all community members to participate in conversations about the budget. He added the Reimagining Public Safety Task Force would next meet on April 14, 2021 at 5:30 P.M.

Ms. Johnson advised that she would send out the AVR footage screening schedule again to the CPRC.

XIV. ADJOURNMENT

The meeting was adjourned at 9:16 P.M.

Randy Joseph, Chair