

**COMMUNITY POLICE REVIEW COMMISSION  
(CPRC)  
Wednesday, February 3, 2021  
7:00 P.M.  
Zoom Meeting**

**MINUTES**

**I. CALL TO ORDER, ROLL CALL, PLEDGE**

The meeting was called to order at 7:03 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\*, Steven Lacy and Dow Tunis  
\*Arrived after Roll Call

**Absent:** Donnell Jones

**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)**

There were no meeting minutes available for the December 2, 2020 and January 6, 2021 meetings.

**III. AGENDA REVIEW**

Chair Joseph requested that the presentation shown under Item X, New Business, Presentation on RPD hiring practices and procedures, be continued to the next meeting to allow Sergeant Loucas an opportunity to participate in the discussion.

**IV. PUBLIC FORUM**

Cordell Hindler, Richmond, requested an agenda item for next month's agenda regarding a listening session; sought a member of the CPRC to attend a neighborhood council meeting to speak to the CPRC and its purview; and asked that the items on the agenda be condensed to allow the full agenda to be completed.

**V. REPORT OF CITY COUNCIL LIAISON (Vacant)**

Senior Assistant City Attorney Bruce Soublet reported that the City Council had not yet appointed its liaisons.

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

Chief Bisa French offered a review of 2020 and reported that the Communications Center had answered 195,600 calls for service, there had been 82,600 calls for service for officers, 380 guns had been recovered, over 11,500 reports had been taken, there had been almost 2,200 arrests, 2,900 collision reports had been taken and 355 people had been arrested for DUIs. There had also been 22 homicides, 250 robberies, 529 domestic violence calls and 93 sexual assault calls. Stolen vehicles had been a big issue and there were 1,084 in 2020. There had been 787 burglaries, and 422 auto burglaries, which was almost a 50 percent decrease compared to the year prior, probably due to the pandemic when people were not out as much. Year over year, there had been a two percent decrease in violent crime and a 22 percent decrease in property crime.

Staffing had been budgeted at 157 officers and there were currently 145 officers, out of which 16 officers were not on full duty, with eight on light duty and the other eight completely off work. Chief French did not anticipate those eight would come back to work. Professional staff had been budgeted at 60 and at this point there were 53. The Communications Center had been a tremendous challenge given the loss of dispatchers and the RPD was below staffing. As a result, police officers had to sit in the Communications Center to take calls for service. A survey of the Communications Center was being conducted to find out the issues why employees were leaving, particularly since there were others who had expressed plans to leave. The employees had indicated that the main reason for leaving was that they were tired of working overtime given that there was mandatory overtime due to short staffing.

Chief French identified the operational changes in place for 2021 along with the noise complaints and civil standbys that had been identified last month. She stated a Narcan program had been rolled out last year and officers could check out Narcan kits.

When asked, Captain Simmons clarified that Narcan was an anaphylactic anti-reactionary medication that counteracted an overdose of opiate-based drugs, and Chief French explained there had been at least four or five saves where the Narcan had been administered and those affected had been brought back from death.

With respect to hires and separations and to identify the challenges involved with staffing, Chief French stated that seven police officers had been hired last year. Three did not make it through the training, two did not make it through the police academy and one did not make it through field training. Eleven professional staff had been hired last year and four of the dispatchers had not made it through the dispatching program. Out of all those hired, only about 12 were still on staff. She added that 26 people had been lost from the RPD last year due to retirement, going to other departments or getting out of law enforcement altogether. In the last two weeks, she had received two additional resignations from the Crime Analyst and the Crime Prevention Specialist. Both positions were significantly underpaid, as were the Communications Dispatchers.

A copy of the Chief's report and the new report to identify the new officer beats was requested to be provided to each member of the CPRC.

Chair French thanked Commissioners Garcia and Tunis for coming out to the DUI Checkpoint and engaging with the officers involved and for offering feedback of those operations.

Commissioner Hegstrom complimented the City of Richmond since surrounding cities had experienced an increase in crime as opposed to Richmond which had not, although Chief French clarified that while there had been a two percent decrease in violent crime there had been an 80 percent increase in gun violence and other assaults had gone down.

Cordell Hindler referred to a problem with speeders on 27<sup>th</sup> and Nevin Avenue, stated that one of the things not in the report was that pre-COVID he would have been able to express concern for the 7Eleven business, as an example, where he had witnessed a shooting, and where the neighborhood council meetings would have included the participation of an RPD Officer who would have been able to listen directly to the concerns of residents.

Vice Chair Garcia thanked the Chief for allowing her and Commissioner Tunis to come to the DUI Checkpoint and to be at the briefing, which had been helpful to understand the checkpoints, the process and the fact that when people were found not to have a violation the RPD had allowed those affected to call someone to get their vehicle to avoid an expensive impound. She added that the officers were well behaved, informative and helpful, which also offered a good opportunity for the community to be aware of CPRC Members interacting with the community.

Commissioner Tunis added that the RPD offered a lot of respect to the community and those who had gone through the checkpoint appeared to be encouraged by the process.

Chief French explained that those who were unlicensed had been allowed a couple of years ago to have someone pick up their car until the end of the checkpoint. Only six vehicles had been towed at the latest checkpoint. She stated it was different for someone with a suspended license when a car would be towed.

It was clarified that the courtesy of allowing someone the ability to have their vehicles picked up had not been restricted to just checkpoints, it had been allowed every time an officer stopped an unlicensed driver, and it was also clarified that everybody could get a driver's license, even the undocumented.

Commissioner Hegstrom referred to the parking lot in front of Richmond Works where two stolen cars had been found, where a shooting had occurred near her window during the middle of the day, and where people were hanging out day and night in an open-air drug market. She urged a greater RPD presence in that area of 25<sup>th</sup> between Nevin and Macdonald Avenues.

## **VII. REPORT BY RICHMOND POLICE OFFICERS' ASSOCIATION (Ben Therriault)**

Cordell Hindler stated he had attended City Council meetings in the past and requested that a couple of RPD Officers be stationed in the Council Chambers to control the crowd.

Detective Ben Therriault, President of the Richmond Police Officers' Association (RPOA), stated the main issues of the PD were staffing and retention. He expected 10 to 14 people in the RPD who were on injury leave to depart or those who would retire in the year, which would be a challenge. He explained that money was part of the problem with retention and on top of that there were different work environments that would hopefully get better throughout the year.

Detective Therriault referenced an upcoming meeting with the City about Workers' Compensation, which had to do with injured officers, how they were treated and when they received treatment. Depending upon the results of the meeting, there could be an additional impact on staffing. He reiterated, as reported by the Police Chief, that while there had been a two percent decrease in violent crime there had been a significant increase in shootings. More than one gun a day was being taken off the streets during the pandemic and last night an officer had viewed a shooting when on patrol, which incident was being investigated. He had some concerns with that situation and would provide a more detailed report next month. He added that DUIs were a huge problem.

Commissioner Oscar Garcia asked about retention and whether Detective Therriault had a recommendation to address that concern, and was advised that he had planned to talk about it with more specifics at the next Reimagining Public Safety Task Force meeting and could bring back the information to the CPRC.

Detective Therriault stated some things were internal and the environment and culture of the RPD was not tip top along with issues of equity. He added that not just with the RPD, many employees did not feel valued and he did not think the politicians had done a good job to show value to employees or to public safety, and sometimes the City Council's discourse and discord did not help.

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

Cordell Hindler expressed an interest in what Captain Simmons had to say.

Captain Timothy Simmons, President of the Richmond Police Management Association (RPMA), stated with respect to violent crimes and the ShotSpotter report there had been an increase from November to December that directly correlated to the New Year's Eve holiday where most were gunshots as opposed to fireworks. The 20 percent increase month over month was directly associated with New Year's Eve up to midnight on the 31<sup>st</sup>. During the month of January, there had been a total of five shootings that had a total net effect on six different victims, half of whom had sustained injury as a result of the gunfire. One shooting had been self-inflicted. Those cases were open and currently being investigated. There had been zero homicides during the month of January.

By contrast, neighboring agencies in the Bay Area had a significant jump in gun violence where Oakland had 14 homicides during the month of January and other cities on the I-680 and I-580 corridors had also had homicides. He added that they were looking for other ways to deploy the Criminal Intelligence Unit to expand their mission to address violent crimes such as neighborhood drug house complaints, fireworks issues and include gun violence in hot spot neighborhoods and problem areas such as the neighborhood earlier mentioned.

Captain Simmons spoke to the concern for staffing and retention and stated one of the other things to consider with respect to authorized staff was in addition to those out on injury there were 12 to 14 vacancies that could actually be filled. The actual number of working personnel able to do the job was significantly less than what had been available in the past and what should be available. He wanted to address the issue before it got worse.

Captain Simmons added that there were three managers and three lieutenants who were of the age and tenure who could retire at any moment and two of them were injured. Given the mid-level managers who could be lost, the Police Chief needed the opportunity to promote. He added the RPMA had a strong interest in being involved with the City Council, CPRC and Human Resources to make the RPD a place to attract the best and the brightest, and to allow them to recruit efficiently and effectively.

Commissioner Hegstrom asked if police officers were allowed to get the COVID vaccine as first responders and Detective Therriault stated they were considered first responders and the vaccine had been made available to RPD personnel. Several had gotten the vaccine and several had been scheduled to get the vaccine, and the Police Chief had allowed an opportunity for personnel to go on-duty or off-duty to get vaccinated. He also noted that about 50 percent of the RPD had chosen not to get the vaccine.

Captain Simmons urged support from the CPRC with respect to recruiting and retention which would benefit the entire City.

## **IX. OLD BUSINESS, DISCUSSION ITEMS**

### **A. Update on Reports Status (Threet)**

Jerry Threet, Investigative Officer, reported there were six pending investigations from 2018 that had not been prioritized given more pressing deadlines; two still from 2019 and one, the officer-involved shooting of Luc Ciel #2019-4 had been completed. Case #2019-1 was still pending. There were six from 2020, one #2020-7 had been completed and was in the closed session for Ms. Castellanos, and three others were currently in process and two remained to be addressed.

Vice Chair Garcia asked if it was possible for Officer Threet to narrow down available AVR footage to the relevant portion, and Officer Threet stated he could do that.

Commissioner Hegstrom asked about time limits and Officer Threet stated normally the time limit was one year and when COVID restrictions were put in place that had effected all departments and it may be possible there would be disputes as a result. He explained that the statute called for one year from when the RPD learned of the incident.

Vice Chair Garcia thanked Officer Threet for his very detailed reports which made a difference when considering the facts in order to make a decision.

## **X. NEW BUSINESS**

### **A. Presentation on RPD Hiring Practices and Procedures (Chair Joseph)**

Chair Joseph advised that the presentation had been continued to the next meeting.

## **XI. OPEN FORUM BEFORE CLOSED SESSION**

The CPRC adjourned into executive session at        P.M.

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

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

**A. Receive Report from CIAO on Case #2020-7, Unnecessary and Excessive Use of Force, and Racially Abusive Treatment of Veronica Castellanos – Discuss and Vote on Findings and Recommendations**

**B. Report Any Final Action(s) Taken in Executive Session**

The CPRC returned to open session at [REDACTED] P.M. and Mr. Soublet stated in executive session Case #2020-7, Unnecessary and Excessive Use of Force filed by Veronica Castellanos had been heard, and the Commission had voted eight to zero, with one absence, to accept the report of the Investigative Officer. He advised that Commissioners Diego Garcia, Oscar Garcia, Carol Hegstrom, Andre Jackson, Steven Lacy, Dow Tunis, Vice Chair Yenny Garcia and Chair Randy Joseph had all voted yes to accept the report, and Commissioner Donnell Jones had been absent.

Mr. Soublet clarified the reason for delineating the CPRC's vote consistent with the Brown Act and would provide the applicable section of the Brown Act with the rationale as to why the votes needed to be read out, which he had done on at least one previous occasion. He added that practice should previously have been done regularly after the change to the Brown Act that required the votes to be read out.

On the second vote to accept a recommendation of exoneration of the officers for the use of unnecessary and excessive use of force, and racially abusive treatment, the vote was seven yes, one abstention and one person absent.

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

Vice Chair Garcia noted the difficulty in getting Subcommittee members to respond to emails to be able to meet and get some work done.

Commissioner Hegstrom acknowledged Commissioner Diego Garcia's withdrawal from the Policy/Ordinance Review Subcommittee, to be replaced by Chair Joseph. She had looked at the ordinance and it appeared as if the outdated ordinance had somehow gotten mixed up with the new one and she asked Mr. Soublet if that was a problem.

Mr. Soublet stated he and Ms. Johnson had been working with the City Clerk's office to identify the issue.

Commissioner Hegstrom stated that the Communications Subcommittee had nominated her to be Chair and with the updated ordinance she recommended that the current communication of the slide show and flyer be updated, and potentially with new communications to be considered.

Commissioner Tunis referred to the City Council Liaison Subcommittee and suggested it was to monitor the City Council agendas and provide a presence at Council meetings when there were items related to the CPRC, and then to share those items with the CPRC. He also reported that he had gone through the Ethics Training.

Commissioner Oscar Garcia recommended keeping a running list of additional changes to the ordinance, and after reading a report on a recent complaint suggested there was a need for automatic investigations, although it was suggested that would be up to the Policy Review Subcommittee, which would have to be discussed.

Mr. Soublet verified that each Commissioner would also have to file a Form 700, Conflict of Interest Form with the City Clerk's Office, which could be done on-line.

Chair Joseph referred to the email from Sergeant Loucas with respect to the RPD's Personnel Recruiting and Training Unit participation in the testing and hiring process on February 26, 2021, and having participated in that training he recommended it for CPRC members.

Vice Chair Garcia had attended the DUI Checkpoint last Friday with Commissioner Tunis and had gone to the briefing and had gotten many answers to questions the community had asked. She had also attended the Richmond Task Force series on Mental Health and talk of funding for RPD and mental health, and asked if the City Council Subcommittee could keep an eye out for that. She had also expressed a desire to be a part of the next panel on RPD's testing and hiring process.

Commissioner Diego Garcia had not been as involved for the last few months given the demands of the family business and the impacts of COVID on his customers and his business. He noted that this last weekend the young men from his soccer program had organized a toy drive and a haircut and had done a very good job.

Mr. Soublet stated he had completed a survey from the National Association for Civilian Oversight of Law Enforcement (NACOLE) related to how different entities had done their oversight to provide guidance to other cities new to the oversight. He also reported that he would talk to Eddie Aubrey to move the process forward with the current complaint and setting up the CPRC's viewing options given there was quite a bit of video footage related to that complaint.

Commissioner Jackson agreed that 2020 had been a rough year and he had not been as active as he had wanted to be. He thanked the CPRC for all its work and hoped 2021 would be a better year.

#### **XIV. ADJOURNMENT**

The meeting was adjourned at 9:14 P.M.

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Randy Joseph, Chair