

**COMMUNITY POLICE REVIEW COMMISSION
(CPRC)**

Wednesday, December 2, 2020

7:00 P.M.

Zoom Meeting

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

[AUDIO FOR THIS MEETING STARTED IN THE MIDDLE OF ITEM VI, REPORT BY POLICE CHIEF.]

The meeting was called to order at _____ P.M. by Chair Randy Joseph.

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

Absent: Steven Lacy and Yenny Garcia (Vice Chair)

Staff: Shané Johnson, Staff Liaison – Present

Council Liaison: Jael Myrick, Council Liaison – _____

City Attorney's

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

II. APPROVAL OF MINUTES (October 7, 2020 and November 4, 2020)

The minutes of the November 4, 2020 meeting were not available.

<p>ACTION: It was M/S/C () to approve the minutes of the October 7, 2020 meeting; approved by voice vote (Ayes: Noes: Abstain: Absent:</p>
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III. AGENDA REVIEW

IV. PUBLIC FORUM

V. REPORT OF CITY COUNCIL LIAISON (Jael Myrick): None

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

[The meeting started with a discussion in progress about kids, bicycles and dirt bikes, public safety, potential liability to the City, the need for resolution and potential avenues for a resolution, the desire not to criminalize the (unidentified) behavior, the fact that there was a dirt bike park off of the Richmond Greenway and at Nicholl Park, and a suggestion that the City work with Rich City Rides to help address the issues. The CPRC agreed that the issue would need to be discussed further.]

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

Detective Ben Therriault, President of the Richmond Police Officer's Association (POA) and a resident of Richmond, introduced himself to the new members. He spoke of the Reimagining Public Safety Task Force and the POA's positional intent to reimagine calls for service. He described the desire to focus on significant crimes of violence and criminal violations of the law and to move away from some of the social service aspects. The intent was to clear the way for non-sworn service providers instead of officers responding to calls related to mental health, homelessness and other non-violent issues. Currently officers responded to calls attached to homelessness, quality of life, non-criminal mental health, juvenile disturbances, public health violations, non-injury collisions, parking collisions, mail theft, legal advice, civil advice, noise and barking dog complaints, and found or lost property, among other calls.

Detective Therriault emphasized the need for officers to be available for community engagement and being visible to prevent violent crimes. The reality was that staffing was not getting better and the limited resources needed to be used the best way possible. He provided an extensive, although not exhaustive, list of the calls received for service that in most cases did not require a police response or were more appropriately covered by other entities. The POA was open to discussion to free up police officers to respond to criminal activity and high priority crime, particularly since there was a lot of crime in the City of Richmond, which was not acceptable.

Detective Therriault stressed that shifting those types of calls would not mean that fewer police would be needed but police officers should be allowed to do what they were trained to do, and for other people, other groups and third party entities or government agencies that had shirked their duties to pick up those types of calls for service. He referred to a study of the issue and stated there was a lot of data and a lot of good academic research that showed the need for necessary police staffing.

Chair Joseph sought a link to the referenced study and Detective Therriault stated he would send the link to staff who would provide it to the full Commission.

VIII. OLD BUSINESS, DISCUSSION ITEMS

A. Update on Reports Status – Mr. Threet

Jerry Threet, Investigative Officer, reported that he was working on three investigations: a complaint by Veronica Castellanos for excessive force; a complaint by Sarah Bell Lynn, a journalist alleging excessive force during a protest; and an officer-involved shooting of the deceased Luc Ciel. He expected two investigations to be completed by the next meeting.

B. Review, Discuss, and Make Recommendations Regarding RPD Manual, Section 450 Portable Audio/Video Recorders (AVR) and 450.9 Review of Recorded Media Files (Commissioner Hegstrom)

Commissioner Hegstrom pointed out that she had looked at an old version of the manual and the correct section was actually 427.

Commissioner Hegstrom referred to a prior controversy as to whether the CPRC could get AVR recordings from the RPD. She had been asked to look at other organizations and stated the City of Berkeley had responded that the right was in its police manual.

Commissioner Hegstrom referred to Richmond's Police Manual and Section 427.9 F where: *The police commission will have view only access whenever the file is associated with a police commission investigation or upon authorization of the Chief of Police.* As such, there was authorization to review the files for only City of Richmond cases or for other cases only if approved by the Police Chief.

Mr. Threet explained that at the time the CPRC Chair had wanted the Commission to view the video during executive session it had not been provided. It had been provided to him as the investigator and he had viewed the video and had presented a narrative to the CPRC of what had been on that video.

Bruce Soublet, Senior Assistant City Attorney, stated he did not recall the circumstances and he would have to look the situation and get back to the Commission.

Commissioner Hegstrom did not see a need to suggest any changes to the manual since it allowed the Commission to look at the video. She recommended waiting for Mr. Soublet's return on the question.

IX. NEW BUSINESS

A. Introduction of New Commissioners Andre Jackson, Donnell Jones, and Dow Tunis

Chair Joseph introduced new Commissioners Andre Jackson, Donnell Jones and Dow Tunis.

Cordell Hindler, Richmond, was pleased that the vacancies on the CPRC had finally been filled.

Each new Commissioner introduced himself, identified his background, and described his interest in being part of the CPRC.

Commissioners welcomed the new members, looked forward to working with them, and encouraged them to read the ordinance that had established the CPRC.

Mr. Soublet described his background for the benefit of the new Commissioners and stated he would send each information on the Brown Act and other material electronically that would provide all the information needed as members of the CPRC. He highlighted the major points of the Brown Act at this time.

Shané Johnson, staff Liaison to the Commission, introduced herself and advised that she was also available to respond to questions.

Mr. Threet also introduced himself, his background, and his investigations to support the CPRC for consideration in executive session where the CPRC would make the decision about the findings for those allegations.

B. CPRC Attendance and Responsibilities (Vice Chair Y. Garcia)

Cordell Hindler stated that attendance was very important since there had to be a certain number of members present to create a quorum to be able to conduct business.

Ms. Johnson advised that she would keep track of the attendance and attendance sheets would be provided to identify who was attending and participating on the CPRC. Three absences were allowed with the fourth absence an automatic resignation during each 12-month rolling period. Five members were needed for a quorum, with all members required to be on time for a 7:00 P.M. start to each meeting. The information to be provided by Mr. Soublet would identify the responsibilities of each Commissioner. She would send an e-mail to identify whether a Commissioner was getting close to an automatic resignation.

Mr. Soublet reiterated the need for Commissioners to read the ordinance carefully to know what each could or could not do.

C. Approve Public Summary for Keyon Williams Complaint #2019-2

ACTION: It was M/S/C (O. Garcia/Hegstrom) to approve the Public Summary for Keyon Williams Complaint #2019-2; approved by Roll Call vote: 4-0-3 (Ayes: D. Garcia, O. Garcia, Hegstrom, and Joseph; Noes: None; Abstain: Jackson, Jones and Tunis; Absent: Y. Garcia and Lacy).

D. Review Existing Subcommittee Groups and Create New Groups and/or Assign/Reassign Members (Chair Joseph/Commissioner O. Garcia/Staff S. Johnson)

Cordell Hindler referred to the CPRC's presentation to the Richmond Coordinating Council last year and urged a presentation from the CPRC at meetings of the neighborhood councils since many did not know about the CPRC's existence.

Mr. Soublet suggested that information on the four subcommittees; the City Council Liaison, Communications, Outreach and Policy Review be identified for the benefit of the new members who could learn about the committees and make a decision on their choices at the next meeting. The item was moved to the next meeting agenda.

E. Request for a Presentation of the CPRC to the Reimagining Public Safety Task Force (Chair Joseph)

Deborah Small, a member of the Richmond Public Safety Task Force, stated the Task Force was interested in a presentation about the CPRC to make sure the work of the Commission was in alignment with the work of the Task Force.

Chair Joseph referred to the 21-member Reimagining Public Safety Task Force, which had requested that the CPRC present at this meeting what the CPRC did, its function and scope, and he asked for a volunteer to identify what the CPRC did at the Task Force meeting scheduled for December 9, 2020 at 5:30 P.M.

As a member of the Task Force himself, Chair Joseph wanted another voice to talk about the process. He had the CPRC PowerPoint presentation that had just been updated and noted the need to take a picture that included the new members.

Commissioner Oscar Garcia volunteered to make the presentation at the December 9, 2020 meeting of the Reimagining Public Safety Task Force.

F. Discuss and Recommend CPRC Response to Community Members for Cases Outside of the Commission's Purview (Chair Joseph/Commissioner O. Garcia)

Commissioner Oscar Garcia described receipt of a recent complaint that was not within the CPRC's purview that had been troubling and had hit a nerve with several members. He suggested it was the right thing to do to submit a personalized note to those, who in many cases, had nowhere else to turn. In such cases, he recommended a personalized response from the CPRC on an ongoing basis.

Mr. Soublet clarified that when findings had been made on a complaint, the complainant had automatically been notified by a letter signed by the Chair when a decision had been made that their complaint was not within the purview of the CPRC, which was as far as the CPRC could go as a Commission. He had seen the proposed letter, understood the feeling behind it, but stated it went further than Legal Counsel would suggest. He emphasized the CPRC was limited by the terms of the ordinance to investigate complaints and to make findings.

Commissioner Oscar Garcia did not think it presumptuous for the CPRC to have a response to something that was within its purview; a complaint. He supported a personalized response to complaints and he was willing to work with Mr. Soublet to create appropriate verbiage to allow that to occur.

Mr. Soublet reiterated his serious concern for the recommended letters and expressed the willingness to work with Commissioner Garcia offline to discuss those concerns.

The CPRC concurred, and Ms. Johnson asked that the person responsible for sending those letters, if that was determined to be the decision, also be identified.

G. Discuss and Recommend Change to Ordinance Allowing CPRC Members to Sit on Promotional Panels.

Mr. Soublet stated the question had come up when the last amendments had been brought to the City Council and Councilmember Martinez wanted to add a provision that a member of the CPRC sit in on promotional exams in the RPD. Since that time, he had done some research and had discovered that promotional exams were embedded within the Memorandums of Understanding (MOUs) for RPOA and the Richmond Police Management Association (RPMA), and as such any changes would have to be negotiated with the bargaining unit. Negotiations occurred two times; either the unit would agree to reopen the contract if closed or when it expired it could be negotiated at that time. The RPOA's current MOU was closed and would not expire until June 30, 2022.

Mr. Soublet explained that at this particular time, the RPOA would have to voluntarily agree to reopen the MOU for this one issue. He stressed that the promotional process was specifically outlined very thoroughly in the MOU.

Given that information, Chair Joseph withdrew his recommended change to the ordinance.

Mike Parker asked for the specific sections of the MOU that prevented participation by members of the CPRC in the promotional process.

Mr. Soublet clarified that promotional observers and promotional interviews were specifically laid out in the MOU and in order to change that it would have to be negotiated with the RPOA pursuant to Section 28 of the RPOA MOU.

Mr. Therriault confirmed that the legal basis had been established.

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

Speaking to ridealongs, Mr. Therriault noted the challenges involved given the pandemic and emphasized the importance of ridealongs to understand the on-the-ground realities.

Ms. Johnson reported that Lieutenant Max Stonebraker was aware there were members of the CPRC who wanted to participate in ridealongs and the Lieutenant would reach out when ridealongs could begin again.

Chair Joseph stated that last week he and the Vice Chair had participated in training to sit on oral boards for the RPD and would sit on the oral boards scheduled for December 4, 2020. He appreciated the opportunity.

Commissioner Diego Garcia noted recent discussions with Captain Tim Simmons about how to continue to provide sports opportunities for kids not currently available due to COVID restrictions. He also reported on the 14th Annual Food Giveaway where close to 350 bags of food and clothes had been donated through the efforts of numerous volunteers under enforced COVID restrictions.

Chair Joseph stated as part of the Richmond Reimagining Public Safety working group they were collecting donations for a Warm Winter Drive, especially due to COVID and the economic climate, collecting warm clothes, tarps and other materials for the un-housed. He wanted to find a way to make it a year round program.

XI. ADJOURNMENT

The meeting was adjourned at 9:33 P.M.

Randy Joseph, Chair