

**COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)**

Wednesday, November 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, Donnell Jones, Steven Lacy, and Dow Tunis

Absent: Andre Jackson

Staff: Dominique Roache-Green – Present

Council Liaison: Claudia Jimenez - Present

City Attorney's

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

II. APPROVAL OF MINUTES (January, February, March, April, May, and June 2021)

There were no minutes.

III. AGENDA REVIEW

There were no changes to the agenda.

IV. PUBLIC FORUM

An email from Cordell Hindler was identified and Dominique Roache-Green advised that Mr. Hindler apologized for not attending the retreat due to a scheduling conflict, and suggested that Commissioners have closed session at the start of the meeting as opposed to the end like the City Council.

V. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Councilmember Claudia Jimenez reported the City Council had received a presentation from the Reimagining Public Safety Task Force with four proposals that the City Council had approved. With one of those proposals, the City had been able to hire 340 youth through Youth Works and six to eight positions would be added to the Office of Neighborhood Safety (ONS). The City Council had not been able to go through the new reorganization chart but the Deputy Chief of the ONS would be an important position.

Councilmember Jimenez also reported that Safe, Organized Spaces (SOS) was working at Castro and helping with abatement and other issues and the community crises mental health response had been working on implementation. Because there were some funds available through the American Rescue Plan Act (ARPA) to address homeless issues, the Finance Department had presented funds for mental health response to support homeless residents.

Councilmember Jimenez added that she would be putting an agenda item on the November 16, 2021 City Council agenda for a report from the CPRC, and that Chair Joseph and Jerry Threet, the Investigative Officer, would be making the presentation.

It was recommended that the CPRC's City Council Subcommittee make the CPRC's presentation to the City Council.

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

Lieutenant Eric Smith reported that to date there had been 17 murders, the most recent on October 9 in the 4100 block of Florida Avenue, when an argument between two 59-year old males led to gunfire and the victim was pronounced at the scene after being shot multiple times. The suspect had been identified and arrested a few days later in Richmond, booked and charged with that murder. With respect to the ShotSpotter activations, there had been 68 events of gunfire during the month of October, seven of which had more than ten rounds fired. He stated that was a 40 percent reduction in ShotSpotter activations.

Lieutenant Smith explained that staffing challenges continued. There were currently 15 full-time civilian positions in the RPD that were vacant ranging from dispatch, police cadet, records clerk, public information officer, crime analyst, technician and parking enforcement and three civilian part-time employee vacancies, which added to the currently vacant 12 sworn positions, eight of whom were police officers. There were 16 personnel within the RPD that were off work completely for work-related illness or injury and an additional three who were on modified-duty status. He stated that minimum staffing for a shift was nine police officers and with 19 off, the RPD was down two patrol teams and the vacancies represented another patrol team, so the ability to respond to calls for service in a timely manner and to respond to crime was affected by the injuries and vacancies. Violent crime was down last month by 22 percent with a slight increase in property crimes and commercial burglaries were up from 6 percent to 13 percent in a month. Other statistics were pretty much static.

Commissioner Oscar Garcia acknowledged the action taken by the City Council in response to the Reimagining Public Safety Task Force recommendations, recognized that the CPRC's recommendations had not been presented to the City Council prior to that action, but suggested the submittal of the CPRC's recommendations could still have value with the City Council. Commissioner Tunis agreed.

When asked by Commissioner Jones, Lieutenant Smith described the ShotSpotter system and explained that 5.4 square miles of Richmond were covered by shots fired sensors that worked in the background similar to cellular phone towers. If there was an event recognized as gunfire, the system would instantly create a Computer Aided Dispatcher (CAD) detail that would pop up on a screen as a new event, be confirmed and published, with an officer response without the need for staff at a terminal.

Commissioner Jones expressed concern with the lack of ShotSpotter reports and questioned the accuracy of the reported reduction in ShotSpotter activations given that the word on the street was that there had been an increase in shootings. He asked if the youth being trained by ONS would be trained to address violent crime.

Bruce Soublet, Senior Assistant City Attorney, described the loss of RPD's Crime Analyst some months ago and explained that the ShotSpotter reports had not been provided for months as a result.

Commissioner Hegstrom understood that the information was still being collected even though the reports had not been compiled and submitted to the CPRC. She verified with Lieutenant Smith that the ShotSpotter system had identified 138 shots fired with a 44 percent reduction.

Lieutenant Smith clarified that if gunfire occurred inside a car or outside the coverage area, it would not be captured by the system. If a car was moving down a street and the gun was being pointed outside of the car it would be captured as long as it was captured by three sensors in that it took two sensors to identify gunfire and three to locate it. He stated that outdoor audible gunfire would be captured, and 80 percent of the time the system would report on the location within 25 meters (83 feet) of where the actual gunfire had occurred. As such, it aided response and provided that important data within its coverage area.

Chair Joseph asked about the hiring practices and hiring events and whether there would be more oral interviews, to which Lieutenant Smith stated that a December test had been proposed and the RPD would reach out to members of the Board for its participation.

Lieutenant Smith also reported that the RPD had recently attended a car show at Winehaven where the RPD had a booth, had gone to a couple of local police academies to recruit, and now that some COVID restrictions had been lifted and campus closures had been opened the RPD would be scheduling recruiting events there as well.

Chair Joseph asked if the RPD would be putting on any holiday events giving back to the community and Lieutenant Smith stated that the Police and Fire Toy Giveaway program signups would be on November 6, with the event scheduled for December 18, 2021. There were links available in English and Spanish for sign-ups and ways to donate. He would send the program flyer to the CPRC staff liaison. He added that the Shop with a Cop would occur again and there would be an Angel Tree where people would put names of their family members and things they were seeking for their kids, and officers would grab a family's name and provide gifts. The Angel Tree would be set up next week.

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), spoke to the Richmond Fire and Police Toy Giveaway and described how that COVID hybrid event would work with a drive-up for the distribution of gift cards and a raffle and chance for bicycles for kids. Numerous families throughout the City were sponsored by RPOA officers.

Officer Therriault reiterated that staffing continued to be a huge concern and that a few of the officers who had left had been convinced to return to the RPD. He described the problem in the City of Richmond with a perception in the RPD as to how police were viewed and were treated by City Hall and how it interacted with the RPD. People had pay issues, human resource issues and others that were difficult to fix and a perception from the political apparatus that it did not care and seemed to lament having a police department at all. Those officers who had left did not feel they had support, which was a problem. He implored the City Council Liaison to take that back to the wider body and work on that perception that needed to be fixed to address the retention and recruitment problems. He wanted to see some of the other Councilmembers support some of the things the RPD had done and he stated action spoke louder than words and it was important to address the retention and recruitment issue. He commented that when he had been hired he had to compete against 400 other candidates while currently a routine testing cycle involved about a dozen candidates. He also commented that the recommendations from the Reimagining Public Safety Task Force had involved good ideas but how that had been handled politically had not been good and the ultimate consequences had been very bad.

Commissioner Jones asked Officer Therriault if that change would really create a better relationship between the RPD and the City Council, which had been strained for a number of years, and Officer Therriault stated it would definitely help and he offered an example of a situation where the husband of the CPRC's City Council Liaison had made a comment about several officers and the use of force that had been incorrect and which had been cited by some of the officers as a reason for leaving.

Commissioner Jones understood that complaints about police departments was a national issue and there had to be a strategic meeting of the minds to reestablish a relationship with the public. He recognized that the issue had damaged all the community policing work that had been established over the years.

Officer Therriault stated while it was a national problem, it was a focused problem in Richmond in that comparatively speaking other police departments did not have the same problem. He wanted to see Councilmember Jimenez and others acknowledge the good that RPD had done as well.

Commissioner Oscar Garcia verified that the RPOA continued to support the annual Police and Fire Toy Giveaway, particularly given the pandemic and specifically given the need in Richmond.

Councilmember Jimenez stated the reality was that she was the person on the City Council when the proposals had come from the Task Force and there had been a lot of misinformation that the recommendations would cut 35 officers. She noted that a flyer from the RPOA had caused a lot of confusion and she verified that no police officers would be cut at this time. She agreed that the City Council, the RPOA and the RPD had to work together and discuss ideas of how that would be done. She also noted with respect to the comment about misinformation from her husband that she had asked for the correct information to clarify the situation, had not received that information, and asked for the information from the RPOA at this time to verify what had actually occurred. She asked that the data be shown so that it could be clarified. She did not support the scare tactics about the options recommended by the Task Force and expressed a desire to meet to be able to talk about ways to work together.

Officer Therriault stated he would be happy to meet with Councilmember Jimenez at any time and he explained what had occurred that had provided an incorrect perception that the City Council did not support the RPD, which had resulted in numerous resignations from the RPD.

Chair Joseph commented that everyone wanted the same thing, to have a safe City where people could live and enjoy their families. He acknowledged that mistakes had been made on both sides, and things had not been clearly communicated and clearly thought out on both sides. He was always grateful for the work of the RPD but disagreed on occasion with the focus of the RPD, which should be on violent crime. He commented it was not about the officers but about the system in place. As a black man, the system had not always been fair and he commented that there were still some bad apples in the RPD. He also asked how he could volunteer to help with the Toy Drive and what he and others could do for the RPD to free up officers to focus on the violence in the community and on the root causes of crime in the community.

Vice Chair Garcia was very hopeful after hearing the conversation that the community and the RPD could work together and emphasized the need for transparency and clarity, with a commitment to work together and to avoid assumptions, misinformation and miscommunication to avoid creating wounds that oftentimes never healed. She emphasized that one of the main goals of the CPRC was to improve communication and hoped that would start something bigger to create a safe and thriving community.

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

Captain Timothy Simmons, President of the Richmond Police Management Association (RPMA), was not available and Lieutenant Smith had no report from the RPMA.

IX. OLD BUSINESS, DISCUSSION ITEMS

- A. Update on Reports Status (Threet)**
- B. Report on Pending and Completed Investigations (Threet)**

Jerry Threet, Investigative Officer, reported that last week he had completed the investigation of a complaint alleging excessive force that had been filed by a relative of Marco Manriquez, Jr. from 2018. Commissioners had received evidence of the report this week but the complaint had not been scheduled for closed session this week. He recommended that the CPRC view the video related to that case. He also reported he was currently reviewing another excessive force case from 2018 for Nora Corazco but today had received two new complaints, one of which was an appeal from a decision by the RPD on a complaint filed by it. Given that it was timelier, he would shift his efforts to that complaint prior to returning to the Nora Corazco complaint. With that, he reported there were five pending complaints with the two new ones.

Chair Joseph urged CPRC members to make arrangements with Mr. Aubrey to view the AVR footage of the Manriquez complaint.

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

X. NEW BUSINESS

A. Vote to Approve the Removal of the Reciting of the Pledge of Allegiance from all Future Meetings (Commissioner Hegstrom)

Commissioner Hegstrom did not see that the Pledge of Allegiance had a purpose for the CPRC, and in the past she noted that many Commissioners had not participated in the Pledge. The item had been on the agenda for the special meeting although there had not been a quorum at that time to discuss it.

Commissioner Oscar Garcia noted his understanding that most, if not all, public meetings started with the Pledge of Allegiance which was not unique to the CPRC. He saw it as a chance to be vocal, free speaking citizens, which went back to the Constitution, and while this country was not perfect, he suggested it was a reminder that the public had a right to speak. As someone who had lived in other countries, he commented that the rights of Americans were bigger and grander than other countries.

Commissioner Hegstrom commented that was not what the CPRC was about.

Commissioner Jones agreed that the Pledge was a reminder but he questioned whether the CPRC had to be reminded each meeting. He suggested the Pledge had different meaning for different people.

Chair Joseph asked staff if there were any rules related to removing the Pledge.

<p>ACTION: It was M/S (Hegstrom/Lacy) to remove the Pledge of Allegiance from the agenda. The motion FAILED by the following Roll Call vote: 4-2 (Ayes: D. Garcia, Hegstrom, Jones and Lacy; Noes: O. Garcia and Tunis; Abstain: Y. Garcia and Joseph; Absent: Jackson.)</p>

B. Discussion on the Police Bystander Duty to Intervene and Vote to Recommend to the Chief that Officers are Required to Undergo Duty to Intervene Training Such as Offered by ABLE (Active Bystandership for Law Enforcement) Project (Commissioner Hegstrom)

Commissioner Hegstrom stated she had attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) meetings by Zoom and one of the sessions was on active bystander training, which helped officers to stand up and say something, or to report it to their superiors. She stated the ABLE project offered to train the trainer where one person from the RPD would get the training and then be able to train other officers. She sought a discussion of the possibilities.

Commissioner Oscar Garcia had taken a look at what had been sent on the item and did not feel that he knew enough about it. He recommended a presentation from an expert to allow questions to be asked.

Commissioner Tunis noted that a video from NACOLE was available through the end of the year and understood this had been one of the recommendations that had resulted from the George Floyd incident.

Vice Chair Garcia suggested more research might be required to be able to know of the content given that the information had been provided in the CPRC packets just received. Given little time to review the item, she too sought more information before discussing it.

Lieutenant Smith reported that while the training had not been included, the RPD already had a duty to intercede under Policy 300 requiring officers where there was a use of force incident beyond what was reasonable to intercede when in a position to do so, and to report it. The duty to intercede was required by RPD policy and failing to abide by that policy could result in discipline and ultimately termination or charge of a crime.

Ms. Roache-Green noted with respect to the timing and distribution of agendas that was normally done 72 hours prior to the meeting, and in the case of this month's agenda due to extenuating circumstances the packet did not get distributed as usual.

Chair Joseph suggested that more discussion be considered before requiring the change to the timing and distribution of the agenda. He recommended that the conversation be continued to the next meeting with more information.

Commissioner Hegstrom urged CPRC members to read the information available through NACOLE to inform the discussion at the next meeting.

Mr. Soublet explained that when CPRC recommendations had to do with the working conditions of police officers there may be labor implications as a result of those recommendations.

C. Discussion on CPRC Ordinance Section 3.54.080(b) (Commissioner Hegstrom)

Commissioner Hegstrom referred to Section 3.54.080 (b) 10, which stated that within 30 days after the hearing the CPRC shall submit written findings and recommendations to the Police Chief. Within 30 days of receiving such findings and recommendations, the Police Chief shall submit a written response to the CPRC. She questioned whether that had ever been done.

Mr. Soublet stated that had not recently been done. He had prepared a form that had been submitted to the CPRC to transmit the CPRC's findings to the Police Chief and had made the Chief aware of the CPRC's action but stated the Police Chief was not required to respond.

Commissioner Hegstrom acknowledged receipt of the form and suggested that the Police Chief was required to respond according to the ordinance, which should be done, and that past cases should be submitted as required, which she suggested was an important aspect of the CPRC's role.

Vice Chair Garcia agreed that for the CPRC to work well it needed to get information in a timely manner in order to have time to read the information provided to it, and because she understood the staff challenges she recommended more staff support to get the CPRC back on track.

Commissioner Hegstrom also stated that some CPRC forms and the website were out-of-date and needed to be updated.

Councilmember Jimenez asked for clarification on the support needed so that she could discuss that issue with the City Manager given the current discussions related to the reorganization of the City. She acknowledged the importance of the CPRC receiving the information needed to do its job.

ACTION: It was M/S/C (Joseph/Hegstrom) that all previous complaint cases where a finding had been made by the CPRC be forwarded to the Police Chief or designee for response, with the letter to be signed by the Chair, carried by the following Roll Call vote: 8-0 (Ayes: D. Garcia, O. Garcia, Y. Garcia, Hegstrom, Jones, Lacy, Tunis and Joseph; Noes: None; Abstain: None; Absent: Jackson.)

Mr. Soublet cautioned not to hold the Police Chief or an Interim Police Chief to a 30-day deadline given the number of cases involved and the burden it would impose.

D. Election of a Chair and Vice Chair (Chair Joseph)

Chair Joseph advised that his appointment had technically been terminated on November 1, 2021 and there was a need to select a new chair.

On the discussion of the use of a secret Doodle Poll or an outside Google Form Poll and the need to have a poll at this time, Ms. Roache-Green advised that Chair Joseph could serve for up to 90 days until someone had been appointed to fill his position.

Mr. Soublet instructed the CPRC to look at the Board and Commission Handbook that had been adopted by the City Council in April 2021, and the provision that because of state law about holding incompatible offices members could only be on one commission at one time but if an individual had been a member of the CPRC prior to the adoption of the Handbook, the individual could serve out that term. With the expiration of that time and if on multiple commissions and task forces, a decision would have to be made on which commission that individual wanted to remain. Using Chair Joseph as an example, he stated if he wanted to remain on the Reimagining Public Safety Task Force he could not continue to be a member of the CPRC.

Chair Joseph stated that if he was reappointed to the CPRC, he would resign from the Reimagining Public Safety Task Force.

ACTION: It was M/S/C (Lacy/Jones) to table the election of Chair and Vice Chair to the next meeting carried by the following Roll Call vote: 8-0 (Ayes: D. Garcia, O. Garcia, Y. Garcia, Hegstrom, Jones, Lacy, Tunis and Joseph; Noes: None; Abstain: None; Absent: Jackson.)

Councilmember Jimenez asked how many people had applied to the CPRC and Ms. Roache-Green advised that she had one application from a candidate who was not a member of the CPRC along with applications from Commissioners Lacy and Joseph for reappointment.

Mr. Soublet clarified that four terms were expiring and those who held those positions could apply for them as well as others to be considered for those positions. Everyone whose term would expire had reapplied for reappointment.

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

As a reminder, Vice Chair Garcia recited the membership of each CPRC subcommittee and the purpose of each subcommittee.

Mr. Soublet stated with respect to his prior recommendation that subcommittee meetings be deferred pending a clarification of meeting rules, that a meeting would be scheduled with the City Manager and the City Clerk to discuss that issue. In the meantime, he recommended that CPRC subcommittees meet as needed on an infrequent basis pending more information.

Commissioner Hegstrom reported that the new ordinance had been posted and stated there was a need for the Communications Subcommittee to update CPRC flyers given a change in scope.

Mr. Soublet reiterated the need for CPRC members to review the Board and Commission Handbook which identified the obligation of the CPRC. He advised that an online binder would be developed for board and commission members to identify all the state laws required to be followed along with the Conflict of Interest Code, Brown Act and Public Records Act and advised that if conducting CPRC business on private devices, text messages, computers or any other electronic media those communications were subject to release under the Public Records Act. He noted that a separate Internet address could be set up to segregate CPRC business from members' personal business. He added that case law required that if there was a public records request information on personal devices that was city business would have to be disclosed.

Councilmember Jimenez asked if the CPRC had received training about public record requests, and Mr. Soublet stated that part of putting together the binder similar to what Councilmembers received would include training between the City Attorney's and City Clerk's Offices, some of which would be video training about the requirements involved.

Vice Chair Garcia referred to the information provided to CPRC members years ago and emphasized that the CPRC had previously been promised the same information but with a lack of staff support that information had not been evenly provided. She stressed the need to do a better job at the City level with better communications for the CPRC to get what it needed, specifically for new Commissioners.

To clarify the situation with respect to staff support, Ms. Roache-Green recognized the frustration and explained that she provided purview over all the City's boards and commissions comprised of 271 seats and she had other roles in the Mayor's Office. She apologized if the CPRC felt it was not being fully supported. She noted the challenges involved to provide support and emphasized that the City in general was under staffed.

Vice Chair Garcia reported that she had attended the Richmond High fundraiser Halloween event that Commissioner Diego Garcia had put together to raise funds for his literacy class.

Commissioner Oscar Garcia had attended the Trunk or Treat on Sunday with several neighborhood councils, and if it was produced again next year he suggested it would be a good opportunity for the CPRC to participate given the event had been well attended with over 100 vehicles.

Commissioner Diego Garcia thanked the Vice Chair who had participated and stated he was supporting the entrepreneurship class he taught at Richmond High School, which wanted to do something for the younger kids in the community and had held a carnival that had been well attended, after which there had been a dance that eight different organizations had supported, with more expected next year.

Chair Joseph invited everyone to tour the building of RYSE Commons and thanked those who had taken the tour so far.

XII. ADJOURNMENT

The meeting was adjourned at 9:15 P.M.

Randy Joseph, Chair