

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

Wednesday, December 1, 2021

7:00 P.M.

Zoom Meeting

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:04 P.M. by Vice Chair Yenny Garcia, 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: 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

Commissioner Hegstrom noted that the election of Chair and Vice Chair had not been included on the agenda and staff liaison Dominique Roache-Green advised that it would be placed on the next meeting agenda.

IV. PUBLIC FORUM

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

V. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Councilmember Claudia Jimenez reported that a presentation from the CPRC had been placed on the last City Council agenda, although that meeting had gone too long and the presentation had been moved to the City Council agenda of December 7, 2021. She thanked Chair Joseph and the CPAC Investigator Jerry Threet who had provided information for the presentation and who would be making that presentation.

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), reported that the Richmond Police and Fire Toy Giveaway program that put on an event every year to serve 500 families in Richmond and Contra Costa County would take place on December 18, 2021. He stated the RPOA was looking for volunteers on December 10, time to be announced, to go to the Food Bank of Contra Costa County to pick up food and would need help offloading the pallets and would do that with the Police Athletic League (PAL). He would advise of the time on December 10. On December 11, the food would be bagged starting at 9:00 A.M. Donations were also needed. The RPOA would also participate in other events in the low-income housing areas that had communities with a higher level of violence and there would be a health day in that area in December as well through the Richmond Crime Prevention program. Shop with a Cop had also been scheduled on December 21 at the Richmond PAL, and 20 to 30 kids would be picked and given \$100 to buy gifts for their family. Officers would go with them and get gifts for them as well for the holiday season.

Officer Therriault reported that the Assistant Police Chief would provide an update on the RPD at the City Council meeting on December 7, and update the staffing information at that time.

Commissioner Oscar Garcia thanked the RPOA for continuing to sponsor the Toy Program and noted this year there was a greater need.

Commissioner Hegstrom also thanked Officer Therriault for all the work the RPOA did for families in Richmond.

Vice Chair Garcia verified with Officer Therriault that staffing was still a challenge and there was a problem nationwide where police hiring was poor. In Richmond in particular there was a perception problem where there were City staff issues in general and where Richmond was not a good place to be a police officer and cops were not supported.

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

Captain Timothy Simmons, President of the Richmond Police Management Association (RPMA), commented that he had been gone for six months after major reconstructive surgery on his arm. He stated with respect to the RPMA that it had partnered with Commissioner Lacy's Community Resource Foundation along with the Black Neighborhood's Foundation to pass out turkeys, would partner again with the Lacy Foundation to also give away toys and gifts to families for the holidays, and would partner with RPOA, PAL and others for the police and fire holiday giveaway. He noted that entire Thanksgiving meals had been provided to 500 Richmond families on Thanksgiving Day and recipients had been very thankful for that event.

From a management perspective, Captain Simmons shared the concern for staffing given that several issues were being balanced; service, the safety of officers and the ability for officers to address quality of life issues. Crime overall had trended down but so had staffing and at a time when the RPD should be able to address quality of life issues, that was not possible given a lack of staffing to do so.

Captain Simmons commented that abandoned cars, for instance, were being addressed by one parking enforcement staffer. He referred to patrols, which were a priority to make sure there was an officer available to respond to 9-1-1 calls, emergencies and acute incidents that required an immediate response. As the Investigations Bureau Commander, he described the reality of the situation and how it had been affecting the RPD. He referred to the Property Crimes Unit that currently had one active detective out of four and noted one was on light duty, one who had received costly specialty training had just given his two-weeks' notice, one had just had surgery, and the last detective had been sick the last two days, which meant the cases just piled up, which turned into a backlog that impacted RPD operations overall. When he had first started in the bureau two years ago there had been 20 more detectives than the RPD currently had, and starting in January there would be half of what the RPD currently had, which was one third of what the RPD had two years ago.

Captain Simmons was extremely concerned with the situation, the RPD was doing more with less, learning to become more efficient, but he stated it had been a struggle within the Bureau to adequately stay on top of active cases. He added that just in the last two weeks since he had been back at work, there had been another handful of officers who would be leaving the RPD. He emphasized that the situation with respect to staffing had not improved.

Chair Joseph joined the meeting at this time and chaired the meeting.

Vice Chair Garcia asked the number of vacancies in the RPD, to which Captain Simmons reported that there were currently 12 vacancies, which did not take into account the number of officers currently out. There were a total of 19 officers not able to work their regular assignments, two of whom were Lieutenants, one was a Sergeant and 16 were officers. As such, the RPD was down 31 working bodies. As to what was being done to address that situation, he reported there was a designated Personnel and Training Unit comprised of two officers, a Sergeant and a Lieutenant who had the primary responsibility to oversee the recruitment and processing of candidates. The RPD was in contract with a recruiting agency that had provided the RPD an online presence and an attractive website. He stated that after the work had been done and testing had been scheduled there were few applicants, and after all the job fairs and technological recruiting efforts the number of applicants was extremely low and the quality of applicants to meet the minimal standards of police officers in the state resulted in limited selectees. He clarified that several officers had left to work for BART, Antioch and Nevada County, which was the concern along with the difficulty of attracting and retaining good officers.

Commissioner Oscar Garcia reminded the CPRC that one of its duties was to improve the relationship between the RPD and the community and if the RPD was not responding given a lack of officers that would make the community be less receptive to the RPD. His question was whether there was anything that state government could do given his understanding that the state was intervening in some shopping district issues.

Captain Simmons stated that the lack of staff had pushed the RPD to look at other ways of doing things, to collaborate more and connect to other resources, one of which had been the Northern California Regional Intelligence Center (NCRIC), which was a federal and state funded and run central hub for law enforcement that fed information from all over multiple jurisdictions.

The RPD had now tapped into that resource and RPD's crime analyst attended those meetings related to smash and grabs. The RPD had learned that armed caravans, roving smash and grabs and side shows were interconnected and involved many of the same people. The RPD was getting more organized to track those individuals and working with other agencies to identify them and disrupt their activities. He stated that NCRIC had been a great resource and the people being identified and arrested had been found to be from Brentwood, Oakley, Oakland, San Francisco, Modesto, Richmond, Redwood City, Foster City, Concord and Antioch, and they were connected from both ends of the Bay Area moving through all the Bay Area cities.

Commissioner Tunis had noted a number of CHP on the outskirts of the City and Captain Simmons verified that the Governor had recently ordered the CHP to saturation points throughout the Bay Area at pre-determined locations where the caravans had been using I-80 and I-580 as the thoroughfares to access the smash and grab locations. He noted that many Costcos had been hit throughout the corridor by smash and grabs and was on the list of saturation points.

Commissioner Lacy thanked Captain Simmons for his support and invited the CPRC to the toy drive on December 23, 2021.

Councilmember Jimenez referred to the staffing issue and asked how many people were applying and how many had made it through. She also asked about the average crime rate from 2015 to date, and Captain Simmons stated he would get that information and provide it to Councilmember Jimenez.

Chair Joseph referred to the loss of 12 positions with the RPD as a result of City Council action on recommendations from the Reimagining Public Safety Task Force and suggested that even if those 12 positions were returned they would likely still be vacant given the inability to recruit.

Captain Simmons concurred but emphasized that several dynamics were involved. He noted that years ago when he had joined the RPD there had been struggles attracting police officer candidates and there were a lot of deep roots as to why Richmond struggled to attract people into the field. He explained that when the Reimagining Public Safety Task Force had gotten into the height of its recommendations that had probably been one of the key influences as to why officers had been lost but it was not one of the key influences as to why it had been difficult to attract officers.

Chair Joseph asked if the RPD was working with businesses to help address smash and grabs and Captain Simmons stated that RPD detectives had met with Costco staff and security this date to help them think about how to identify the modus operandi with the groups to be able to identify them before they even got into the store. They would do the same with 23rd Street and noted that many cell phone shops had been hit in Richmond.

Chair Joseph asked if there was anything the CPRC could do to help in that regard and Captain Simmons stated he would connect with RPD's Crime Prevention Manager to develop a flyer for businesses, particularly technology businesses.

Commissioner Hegstrom referred to the Target on Macdonald Avenue as another store to watch and she asked about the marijuana dispensaries.

Captain Simmons stated the Regulatory Unit, which would be terminated in January 2023, had been staying in touch with all the marijuana dispensaries throughout the City, had been providing them with security tips and state requirements, and in the future there would have to be a way to maintain the relationships given that there would be no Regulatory Unit in the future.

Chair Joseph asked if those officers on injury leave were expected to return, and Captain Simmons stated that many of those officers out on injury leave would not return to work given their injury while others were expected to be able to return.

Captain Simmons reported that the ShotSpotter activations in November totaled 77 activations with the highest concentration on the south side of Richmond. Twenty three had been single rounds where the other 54 had been multiple rounds, an increase from the prior month. Seven or more had 10 rounds fired, which was a concern. There were currently 18 homicides for the year and 86 shootings with victims for the year. Violent crime was slightly up from October to November at 5 percent, which included homicides, aggravated assaults or a physical assault with great bodily injury. Robberies, strong-arm robberies and sexual assaults were included in violent crimes. Property crimes such as burglaries, stolen vehicles, petty theft and the like were down two percent.

Commissioner Oscar Garcia referred to a huge side show in November and asked if there was anything going on in the Iron Triangle to address side shows, and Captain Simmons stated he was not aware of any particular help in any neighborhood. The RPD had recently purchased some tools that had been deployed in patrols to help address side shows using Stop Sticks that would allow the interruption of side shows and force individuals to move in a direction that got them out of the City. If that could not be done, the sticks could be placed behind the wheels of a car to deflate them, and if a particular vehicle was actively involved in the mayhem of the side shows the same stop sticks could be used, the vehicles stopped, towed, the drivers arrested and cited and the information would go to the NCRIC to identify the suspects who might be involved in other crimes.

Officer Therriault commented that they were doing some cement roundabouts in some areas but barriers were not possible at other locations.

Mr. Soublet stated that when doing things in the streets there was a whole process to analyze impacts on traffic flow and potential risks that could be created with the placement of such barriers.

Councilmember Jimenez stated that the City was working on a Local Road Safety Plan that included engineering and other City departments and was pursuing a Caltrans grant to address road safety, potentially using American Rescue Plan Act (ARPA) funds.

VIII. OLD BUSINESS, DISCUSSION ITEMS

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

Jerry Threet, Investigative Officer, reported that a new complaint alleging excessive force would be considered in executive session.

Officer Threet added that he was close to completing two additional complaints, an excessive force complaint from 2018 and a recent appeal from findings from the RPD that were unfounded for alleged dishonesty by an officer, which would leave four incomplete investigations, three from 2018 and a recent complaint filed last month.

C. 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). Discussion continued from November 2021 CPRC Meeting (Commissioner Hegstrom)

Commissioner Hegstrom commented that she had been watching the NACOLE meetings and had seen one on bystander training, and she had learned it was not required for RPD officers but suggested it was a good idea. She asked for a vote to make a simple recommendation or suggestion that the Police Chief consider that option. In response to the understanding that RPD was already doing that, she stated RPD officers were not getting the training that had proven to increase the compliance with how to recognize when officers needed to report.

Captain Simmons stated the RPD had the policy of the duty to report and under critical policies those were covered and talked about in the line of training where the commanders discussed the requirement to intervene and to report what the policy dictated. He was not aware of outside training other than the line-up training with a regular conversation that sergeants and lieutenants had with personnel when it came to reviewing and documenting all the critical policy training and conversations.

Officer Therriault advised that he taught defensive tactics and use of force updates for the entire RPD, went through the updates as required by state law in compliance with SB 230, an update on the use of force and also a use of force standards and guidelines. He added that officers were encouraged to intercede when other officers used unnecessary force and intercession could be verbal or physical. He could provide the CPRC with information on all of that training provided by the RPD.

Vice Chair Garcia referred again to the ABLE training, suggested it would be a useful resource for the community and hoped it could be considered.

ACTION: It was M/S/C (Hegstrom/O. Garcia) to recommend that the RPD consider the Active Bystandership for Law Enforcement (ABLE) Project to determine whether it might be useful training, with the RPD to return and indicate whether the training had been worthwhile; carried by the following Roll Call vote: 7-0 (Ayes: D. Garcia, O. Garcia, Y. Garcia, Hegstrom, Lacy, Tunis and Joseph; Noes: None; Abstain: None; Absent: Jackson and Jones.)

IX. NEW BUSINESS

A. Review and Discuss the CPRC's Requirement to Perform Ridealongs (Commissioner Oscar Garcia)

Commissioner Oscar Garcia asked for an update on Ridealongs and asked for a discussion around what could be done to ensure that ridealongs were done periodically.

Commissioner Oscar Garcia also asked how the ridealongs could be tracked given the education they provided to see how the RPD worked.

Chair Joseph noted that ridealongs were a requirement for members of the CPRC under the ordinance, and until ridealongs were re-started he encouraged members to reach out to RPD officers and noted that RPD officers were very approachable.

Captain Simmons reported that ridealongs would be restarted consistent with City policy that those involved had been vaccinated and could provide proof of vaccination or proof of a negative COVID test within 72 hours of the ridealong date. CPRC members only should contact him to schedule ridealongs. He also noted that many CPRC members had been part of the Citizen's Police Academy in the past and the RPD was looking to bring that back this spring. He highly recommended the Citizen's Police Academy.

Councilmember Jimenez asked the percentage of RPD vaccinations and Captain Simmons stated he did not have that information that would be available through the HR Director.

Captain Simmons clarified that for RPD officers to work they had to be vaccinated and have provided proof to HR or every single week had to get a COVID test and produce negative results with proof to HR in order to return to work.

B. Review and Discuss CPRC's Attendance at Public Events in 2022 (Commissioner Oscar Garcia)

Commissioner Oscar Garcia stated for the benefit of new members that the CPRC had traditionally been involved in a lot of City events such as the Cinco de Mayo festival, Juneteenth, and International Women's Day. He recommended a CPRC booth at those events since it was a good way to identify the CPRC and its role as well as an opportunity to recruit and identify the complaint process.

Chair Joseph stated that he had the materials the CPRC could use at the booths at those events and Mr. Soublet stated the City had the banner, although Vice Chair Garcia commented that the banner was outdated and needed to be replaced with the new name of the group. Chair Joseph would bring up the issue of the banner next month.

C. Discussion on the CPRC's Complaint Application Process, Including Updating the Form, Places to Present the Form to the Community, and Alternative Ways to Receive Complaints (Commissioner Hegstrom)

Commissioner Hegstrom commented that given the expansion of the CPRC's scope, the complaint form on the website needed to be updated and the complaint process needed to be simplified for ease of use. She recommended the production of a flyer with a complaint form that could be distributed in public places such as the Library and City departments, with a list on the website where forms could be picked up in person. She also recommended a process where a complaint could be filed online.

Mr. Soublet stated this discussion had occurred several times in the recent past and one of the reasons why the complaint form was not in the RPD was that the CPRC had decided the form should not be at the RPD to avoid a perception that the CPRC was part of the RPD.

Mr. Soublet agreed that the forms needed to be updated and translated into Spanish. In terms of the ability to create a fillable form that someone could fill in and sign electronically that might be a possibility going forward. He clarified that while City Hall was closed the door to the City Clerk's office was open and forms could be picked up at City Hall, they could be placed in the Library, and IT could be asked if a fillable form could be put on line as well as how the mailbox could be monitored to make sure that the complaints were quickly picked up.

Commissioner Hegstrom suggested that the CPRC's Communication Subcommittee could prepare a brochure to go with the forms. She wanted to make sure that members of the community could easily file complaints.

Commissioner Diego Garcia noted that the complaint had to be received by the City Clerk who preferred an actual document. During COVID, he suggested it would be worthwhile to ask if someone could fill out a complaint online but he stated that the CPRC would have to work with the City Clerk to make that happen.

Councilmember Jimenez stated she had emailed IT staff who were already working on the website and she had CC'd the City Clerk and the Chair to see what could be done.

Mr. Soublet urged the CPRC to look at the ordinance to see what it said about complaints since electronic filings could require an amendment to the ordinance.

D. Discussion on RPD Policy on How Confiscated Guns are Tracked and Put into CA Crime Database (Chair Joseph)

Chair Joseph referred to a recent article about the confiscation and tracking of guns into the California Crime Database. He asked how that process worked, the usefulness of the database and why all guns were not tracked.

Captain Simmons referred to the article referenced by the Chair and explained it did not always reflect the accurate picture and accurate circumstances. He stated the data referenced was old data from the end of 2020. He added that the crime labs that processed the guns had backlogs. The RPD sent in 100 percent of its crime guns. He clarified that the total number of firearms confiscated included many firearms related to 5150 holds for safekeeping, which were not crime guns. The law allowed the RPD to confiscate those guns for safekeeping, they would be stored in the property vault, and when a judge allowed it would be released back to the owners. Many firearms were taken off the street in that way through the 5150 and mental health process. He added that when sending a gun off for processing it could be sitting in a backlog situation in a crime lab and by the time information was queried by a reporting agency the results had not been returned yet and would not be included in the data point. In addition, there were several components for testing a firearm and each testing process had a significant fee associated with it and the RPD would look for the most effective way to get what it needed which might not be included in the database. He stated that any gun used in the commission of a crime would go through the testing process needed in order to close the case and use evidence in a court of law, although firearms would not be inappropriately tested without a nexus to the crime. That information could be distributed in a community alert type of bulletin to identify the process of testing firearms.

E. Discussion and Clarification on Number of Commissions, Task Force, and Boards a Community Member Can Serve on and Term Limits and Expirations (Chair Joseph)

Chair Joseph had placed the item on the agenda to get clarification.

Mr. Soublet referred to the new Richmond Boards and Commissions Handbook adopted by the City Council in April 2021, and consistent with state law on holding incompatible offices an individual could only sit on one board and commission. If an individual was sitting on more than one board or commission at the time the Handbook had been adopted that individual could remain on multiple boards until the term expired. Once that had occurred that individual would have to make a choice of which board that individual wanted to remain on. In the case of Chair Joseph, his term on the CPRC expired on November 1, 2021 but he would have 90 days from that date until a successor had been appointed for his position. During that time he could remain on the Reimagining Public Safety Task Force.

F. Discussion of Recommendations to Send to City Council Regarding Support Needed for the CPRC as a Whole (Chair Joseph)

Chair Joseph commented that the presentation had not occurred but hopefully would occur at the December 7, 2021 City Council meeting.

Mr. Soublet noted that pursuant to Council rules at 11:00 P.M if someone did not make a motion with a second to extend a meeting the meeting would immediately have to adjourn.

Councilmember Jimenez explained that she could try to move the item up on the December 7 agenda to seek more assurance that the presentation could be made.

X. OPEN FORUM BEFORE CLOSED SESSION

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

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

The CPRC adjourned into executive session at [REDACTED] P.M.

A. Receive Report from CIAO on Case #2018-3, Unnecessary/Excessive Use of Force for Marco Manriquez, Jr. - 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 provided the report that the CPRC had met in executive session and taken the following action.

ACTION: For Case #2018-3, Unnecessary/Excessive Force for Marco Manriquez, Jr., the CPRC had voted eight yes with one absent 8-0 (Ayes: D. Garcia, O. Garcia, Y. Garcia, Hegstrom, Jackson, Lacy, Tunis and Joseph; Noes: None; Abstain: None; Absent: Jones) to accept the report of the Confidential Investigative Officer, and by six yes, two no and one absent 6-2 (Ayes: D. Garcia, Y. Garcia, Jackson,

Lacy, Tunis and Joseph; Noes: O. Garcia, Hegstrom; Abstain: None; Absent: Jones) on the following issues: for the initial take-down of Mr. Manriquez by that same vote the allegation of unnecessary force was not sustained. For the use of force while Mr. Manriquez was against the car, the CPRC voted six-two with one absent (as shown) to sustain the use of unnecessary force against four officers. For the final take-down and submission of Mr. Manriquez the CPRC voted not to sustain the allegations of unnecessary force.

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

Vice Chair Garcia thanked the Communications Subcommittee, specifically Commissioner Hegstrom for all the work she had been doing as part of that Subcommittee. She also thanked the City Council Subcommittee given that the meetings were being attended and questions were being asked.

Commissioner Diego Garcia reported that there had been a good Thanksgiving Holiday Event when 300 bags of food and clothes had been distributed, and when 175 to 200 haircuts with eight different barbers and beauty salons had been provided, and other community members and leaders and 300 families had shown up. All had worked hard to create a great event.

Mr. Soublet reported that this would be his last or next to last CPRC meeting as he would be retiring at the end of the year and a replacement from the City Attorney's Office would be provided.

The Members of the CPRC thanked Mr. Soublet for taking the time to answer so many questions, for being patient and consistent and for serving the CPRC so well. All wished Mr. Soublet well on his retirement.

Chair Joseph offered an open invitation and tour of the new RYSE Commons.

XIII. ADJOURNMENT

The meeting was adjourned at 10:16 P.M.

Randy Joseph, Chair