

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

Wednesday, October 5, 2022

7:00 P.M.

Zoom Meeting

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:02 P.M. by Chair Yenny Garcia, with all Commission Members participating via teleconference.

Present: Yenny Garcia (Chair), Dow Tunis (Vice Chair), Oscar Garcia, Carol Hegstrom, Andre Jackson, Steven Lacy*, and Randy Joseph
*Arrived after Roll Call

Absent: Diego Garcia

Staff: Lilia Corral - Present

Council Liaison: Claudia Jimenez - Present

City Attorney's

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

II. APPROVAL OF MINUTES (September 7, 2022)

<p>ACTION: It was M/S/C (Joseph/Tunis) to approve the minutes of the September 7, 2022 meeting, as submitted; approved by a Roll Call vote: 6-0 (Ayes: O. Garcia, Hegstrom, Jackson, Joseph, Tunis, Chair Y. Garcia; Noes: None; Abstain: None; Absent: D. Garcia and Lacy)</p>
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III. AGENDA REVIEW: None

IV. PUBLIC FORUM

Lilia Corral advised that an email had been submitted by CORDELL HINDLER, who advised that he liked the new agenda format, and he was working on a project that tied into the purpose of the CPRC and he would share it with the group at a later time.

V. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Councilmember Claudia Jimenez reported that for the past year she had been working with City Finance staff to create budget policies to make sure that the City was no longer doing swaps, which had been difficult for the City. She congratulated City staff and the Finance Team and City Manager to get the City out of the swaps and to work on a Finance and Bond issue that was good for the City. The City had been upgraded to a Standard and Poor's AA- rating.

With that rating the City would be able to reduce CalPERS expenses saving the City approximately \$84 million throughout Fiscal Year 2034, and get a fixed rate with a good interest rate.

Councilmember Jimenez also thanked all the City Departments for their help in addressing the sunsetting of Rydin Road, working with transitional housing and utilizing and allocating funding for Housing First in that process. She also referred to a recent discussion with Chief French and Antonio Lopez and other community residents as well as the American Friends Service Committee working to create a good policy for all municipalities, and she thanked members of the City Attorney's Office for continuing the conversations and for having more transparency.

Commissioner Hegstrom noted her understanding that there might have been a vote on the police salaries and Councilmember Jimenez stated that had been discussed in closed session. An open item would be discussed at the next City Council meeting when negotiations for the fire units would also be presented. Negotiations with other labor units were continuing.

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

Commissioner O. Garcia referred to an editorial in the East Bay Times which had spoken to the RPD staffing levels where in the last year levels had gone down 26 percent and in the last seven years staffing levels had gone down 40 percent. He asked what the City Council was actively doing to reverse the trend.

Councilmember Jimenez stated that the City Council had increased the salary for trainees, which had been low. The Council had also approved a Memorandum of Understanding (MOU) with a good package that should help with recruitment as well. She commented that every police department was having recruitment issues.

Commissioner O. Garcia commended the work involved but encouraged the CPRC to propose a request at the next meeting that the City do more to reverse the trend in Richmond given that the City's reduction in force was unprecedented elsewhere. He requested that be considered on the next meeting agenda.

Councilmember Jimenez stated that the City needed to consider other ways to address the issue in ways to serve the community with other services, which was why there had been an analysis of 911 calls for police and fire to identify the data for deploying the services to serve the community and make sure to create a system of care to serve the community.

Commissioner Joseph asked about recruitment and dispatchers, in particular, and noted on his ridealong a couple of weeks ago he had understood the importance of the dispatchers and their understanding of how to prioritize calls.

Councilmember Jimenez explained that the next City Council agenda would consider changes to the dispatcher position list to recruit more dispatchers, which was also part of the process to address RPD staffing issues.

Police Chief Bisa French explained that as shown on the agenda at last night's City Council meeting, a Class and Com Study had recommended a higher level of pay for dispatchers in that Richmond dispatchers were making less than anyone else in the County, which made it difficult to recruit for dispatchers. The RPD was down six dispatchers. The City Council had approved raises that would occur right away to be used as a recruitment tool. She noted that the range passed last night was not the full range that had been recommended by the Class and Com Study and the range was still at the very low end of dispatcher pay. A higher level of pay for staff across the board had been recommended by the Study.

Vice Chair Tunis stated the pay was very important but just changing the wages would not change anything and there was a long way to go given that recruitment was a big challenge. He referred to a national poll where Richmond had been ranked as the fifth most dangerous city in California. He emphasized that there was a lot of work to do and more had to be done to address those issues.

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

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

Police Chief Bisa French presented the crime report for September 2022, and reported there had been 21 aggravated assaults, no homicides, and two aggravated assaults with firearms, 12 robberies, four robberies with firearms, seven strong arm robberies and ten sexual assaults, with 44 burglaries, 114 thefts, 100 vehicle thefts, and three arsons. She added that the ShotSpotter report had been sent to the CPRC earlier this date.

Chief French stated that in addition to the crime, the RPD had all hands on deck for recruitment and retention efforts. There were 37 total sworn vacancies, five resignations in the last month, and all five employees were leaving to work at other police departments. She hoped the new contract that could get solidified at the next City Council meeting would be a tool to retain staff. The RPD was at crisis levels in terms of staffing and in addition there were 15 officers on injury leave.

On the professional side, the Chief reported there were 18 vacancies including the six dispatcher vacancies. The RPD was focused on recruitment efforts and working with the Human Resources (HR) Department that was working with an outside vendor to market materials with the department to reach out to people who had shown interest in the department. Last night the City Council had also approved two parking enforcement positions since that unit had been busy addressing the abandoned autos across the community, and with the sunset of Rydin Road and the homeless population in general there were a lot of RVs popping up across the City. With the additional two positions, there would be a total of five parking enforcement positions. Applications had been collected for that position, interviews would be conducted in the next two weeks and her goal was to bring on those positions by the end of the year.

Chief French noted challenges with respect to street sweeping enforcement but several things needed to occur to allow that enforcement to begin, hoped to be operational by the end of the year. She also noted that the City Council had allowed her to rehire retired Chief Louie Tirona to assist her with special projects such as a strategic staffing plan for the next few years.

The staffing plan would allow the RPD to see where it was going as a department, what units would be able to be brought back to the RPD, and the RPD's progression over the next five years to identify promotional opportunities and growth.

Chief French added that the RPD was focused on the deployment for next year to be able to cover the calls for service and better address the needs of the community. She noted that patrol was the number one priority, which was where the bulk of the staff went. Next year there would only be a dozen investigators and the RPD was focused on fully staffing patrols to address calls for service. Mandatory overtime would have to continue to be able to cover day-to-day operations.

Chief French reported that the military weapons policy had the first reading at last night's City Council meeting, the RPD had helped facilitate the sunsetting of Rydin Road to help protect City staff and to help with the tows, and mental health officers were working with the County to provide resources where necessary. She added that October 7-10 there would be a Faith & Blue event where law enforcement would partner with the faith-based community in a number of events at Living Hope Neighborhood Church at 18th and Rheem. She identified a number of other events associated with the Faith & Blue, which would include a cooking event for men, and several police officers would participate in that event.

Commissioner O. Garcia referred to the same previously referenced East Bay Times article and the calls for mental health issues and fender benders where the City would still need 165 officers. Currently the RPD was comprised of 110 officers.

Chief French explained that the 165 officers were where the RPD was at when it was still able to provide the level of service demanded by the community, answering calls for service, attending community events, attending neighborhood council meetings and the like along with dealing with crime. She stated 165 officers were still needed to address calls for service and address crime to be in community with the community. Eliminating the nuisance calls would still require 165 officers with the understanding that ten percent of officers were usually on limited duty or on the injury list. She added that anything less than the 165 officers would continually require the use of overtime to address safety in the community.

Commissioner Jackson sought information on the Faith & Blue events.

Commissioner Joseph referred to the East Bay Times editorial and asked about the details of the position for 165 officers, and asked if there were officers currently on administrative leave.

Chair French stated there were currently no officers on administrative leave. She stated the strategic staffing plan would include the next five years with the hope that the staffing levels would be up to 165 officers by that time.

Commissioner Joseph stated that he had been able to ride with Officer Ben Therriault for about five hours and had learned a lot, had seen what officers saw, and had seen the professionalism in the officers. He commented that there were a lot of young people on the street and he recommended that stickers be available to hand out to the young people.

Chair Garcia noted that Commissioner Lacy, whose microphone could not connect to the meeting, had sent an email to invite the Police Chief to Gloryland Church at 19th and Barrett on Sunday. She asked Commissioner Lacy to send the Chief more information.

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

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), reported that in December the Richmond Police and Fire Toy Program would be rolled out on December 17, 2022 and there would be some volunteer opportunities for food delivery, packing, bikes and toys.

Chair Garcia reported on a recent ridealong where she had learned of the Racial and Identity Profiling Act (RIPA), a system used by the RPD where officers had to identify the race of a person detained without asking the person for that information. She wanted to talk to someone about that system since she suggested it might set an officer up for racial bias. She asked for more information on that system.

Officer Therriault stated that racial and identity profiling legislation had been created a few years ago, and had created a board that would review data to eliminate racial bias in identifying or profiling. The job of the board was to review policies and come up with stop data and research data created by the State of California. Over the years, the size of an agency had dictated when police departments would participate in that data collection in the State. He commented that the board was comprised of law enforcement officers and community members and required officers to fill out a form on every stop to describe the type of stop, reason for the stop, and to make identifying decisions on the type of ethnicity and gender of those stopped. He stated it was very complex and every agency had its own form but the data collected was the same and although it was a State law, it was also very counter to how he had been trained in that it actually profiled people.

Chair Garcia expressed a desire to look into that situation further. She also understood that a new law would go into effect in January 2023 that would prohibit stops for loitering, which would eliminate a tool that had been used to contact people regarding human trafficking or to address certain situations related to prostitution.

Commissioner Joseph agreed with the comment that the public would have to be educated about the new law.

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

Chair Garcia stated that Captain Timothy Simmons had advised that he would not be available at this meeting.

IX. REPORT BY INVESTIGATIVE AND APPEALS OFFICER (Jerry Threet)

Jerry Threet referred to a complaint in May and noted that he had never received a response from the community member involved in the incident.

Mr. Threet stated he had therefore moved on to requesting an interview with the officer involved in the incident and had encouraged the emergency room doctor in that case to encourage the person involved to reach out to him for an interview. There seemed to be no interest from that person. He added that he had also received a new complaint last August and he would submit a memo tomorrow on that complaint for the next meeting agenda. The Commission had also received a new complaint alleging excessive force and he was in the process of getting the records and setting up an interview in that recent case.

X. OLD BUSINESS, DISCUSSION ITEMS

A. Update on RPD Statistical Data Report as Requested by CPRC (Jerry Threet)

With respect to the use of force review, Mr. Threet stated he was exchanging information with the Police Chief to get access to the information, an ongoing conversation, and he would meet with the Chief to discuss the issue.

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

Commissioner Joseph verified with Mr. Threet that someone could fill out a complaint on someone else's behalf.

B. Update Municode CPRC Ordinance No. 29-20 N.S. (Chair Garcia)

Chair Garcia reported that the City website had the correct version of the CPRC Ordinance, as did the Municode Library, although a section of the Municode Library did not. She understood that there would be a quarterly update on the municode that would occur in October and hopefully in 60 days the discrepancy would be corrected.

C. Update CPRC Reference Handbook/Flyers (Chair Garcia)

Chair Garcia referred to the CPRC Reference book that Mr. Soublet had submitted during the CPRC retreat, and reported that she and CPRC staff were working to create something similar so that all Commissioners had access to the book.

XI. NEW BUSINESS

A. Discuss and Vote on a CPRC Annual Report (Chair Garcia)

Chair Garcia reported that she had submitted links to attachments to different annual reports from other entities and she recommended that the CPRC create an annual report, which was a standard form of transparency. She had submitted the annual report from the City of Berkeley as one of the examples, did not support an unnecessarily long report, but supported an annual report to list the CPRC complaints, the review, the type and a comparison with RPD, to list commissioners and something that showed independent data and showed what had actually been investigated to provide transparency to the public. She suggested the annual report would provide an opportunity to offer the public more information.

Commissioner Hegstrom referred to the budget and noted that an annual report was a tremendous amount of work. With respect to the City of Berkeley, she stated that city had a budget of over half a million dollars with three full-time employees and could afford to prepare such a report. She asked the Chair where the funding, manpower and hours could be found to produce an annual report.

Chair Garcia explained that Mr. Threet did not have a high volume of cases, and if approved, she suggested the City Council Liaison could submit a request from the CPRC for additional funding to allow the Investigative Officer to produce the report since the ordinance allowed the Investigative Officer to create reports.

Mr. Threet advised that he would have to verify the duties of the Investigative Officer under the ordinance.

Commissioner Joseph supported an annual report from every City commission for purposes of transparency.

Chair Garcia noted the comments in the past that the CPRC did not have enough power and she suggested the question was whether the CPRC wanted an annual report, and if there was insufficient funds in the budget this year it could be pursued next year to ensure transparency to the public. She emphasized that the report did not have to be voluminous and could be two pages in length.

Commissioner O. Garcia suggested starting with a pared-down version. He liked the tables around the number of investigations and complaints submitted, and suggested the report could be in a memo style as opposed to a full-blown report. He commented that the Investigative Officer's workload could change and it would be better to have what was needed as opposed to what might be nice to have.

Mr. Threet spoke to whether the request was within the scope of duties of the Investigative Officer and after looking at the ordinance suggested if determined by the Commission, the creation of such a report should be among the functions of the Investigative Officer. Depending on how comprehensive the report would be, he commented that it should not take an inordinate amount of time to prepare.

Commissioner Hegstrom concurred that under the ordinance the Investigative Officer's job was to support the CPRC and she suggested it would be okay to pursue. She liked the idea of approving an annual report now with a discussion to specifically identify what the report should include at the next meeting.

Commissioner Joseph noted that the City of Berkeley report, for instance, covered a number of years. He supported a report to cover one year which should be much shorter in length.

ACTION: It was M/S/C (Joseph/Tunis) to create an Annual Report for the CPRC, and create an ad hoc committee to discuss the contents of an Annual Report; approved by a Roll Call vote: 7-0 (Ayes: O. Garcia, Hegstrom, Jackson, Joseph, Lacy, Tunis, Chair Y. Garcia; Noes: None; Abstain: None; Absent: D. Garcia

Chair Garcia asked for Commissioners interested in serving on the ad hoc committee and Commissioners Hegstrom, Joseph, Lacy and Vice Chair Tunis volunteered to serve on the committee to discuss the content of an Annual Report.

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

B. Discuss and Vote on CPRC New Complaint Form (Chair Garcia)

Chair Garcia thanked Lilia Corral and Shané Johnson for all their work helping to get the CPRC on track.

Commissioner Hegstrom explained that given the new ordinance and the fact that the CPRC's scope of what it covered had been changed from just racial discrimination to include sexual, gender, age, religion, and color discrimination, she recommended that the Complaint Form be modified to eliminate "racial" discrimination and just include discrimination.

Chair Garcia suggested that discrimination be asterisked and that the types of discrimination be clarified on the back of the form.

Commissioner Joseph disagreed and stated to him, racially abusive treatment and discrimination were separate. He suggested adding another checkbox for discrimination.

The CPRC agreed to include both.

Mr. Threet explained that when the CPRC amended the ordinance, racially abusive treatment language had been removed from the ordinance and had been replaced with language about discrimination. He added that the CPRC's authority to investigate had been established by the ordinance.

The racially abusive treatment box was therefore removed and *discrimination* was added to the CPRC Complaint Form.

<p>ACTION: It was M/S/C (Joseph/Hegstrom) to approve the new Complaint Form modified to eliminate "racial" discrimination and just include <i>discrimination</i>; approved by a Roll Call vote: 7-0 (Ayes: O. Garcia, Hegstrom, Jackson, Joseph, Lacy, Tunis, Chair Y. Garcia; Noes: None; Abstain: None; Absent: D. Garcia)</p>

XII. REPORTS FROM COMMISSIONERS, AND STAFF, RIDEALONGS

Commissioner Joseph reiterated that he had gone on a 5-hour ridealong with Officer Therriault and had learned a lot. He added that he would represent the CPRC in the Men Who Cook event on Sunday, October 16 at the Richmond Convention Center.

Chair Garcia thanked Commissioner Joseph for representing the CPRC at the Men Who Cook event and noted that she would be participating at the first Food Tasting Fundraiser through the Bay Area Girls Club, and she encouraged others to participate. The funds raised would go into the College Bound program where laptops were still being sought for girls going on to college.

XIII. EXECUTIVE SESSION – CLOSED TO THE PUBLIC – Government Code §54957(b):
None

XIV. ADJOURNMENT

The meeting was adjourned at 8:32 P.M.

Yenny Garcia, Chair