

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

Wednesday, November 2, 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), Diego Garcia, Oscar Garcia, Carol Hegstrom, Andre Jackson, Steven Lacy, and Randy Joseph*

*Arrived after Roll Call

Absent: None

Staff: Lilia Corral - Present

Council Liaison: Claudia Jimenez

City Attorney's

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

II. APPROVAL OF MINUTES (December 10, 2020; January 6, 2021; February 3, 2021; March 3, 2021; February 2, 2022; March 2, 2022; May 4, 2022)

Commissioner O. Garcia thanked Lilia Corral and all those involved for catching up on the CPRC minutes.

<p>ACTION: It was M/S/C (O. Garcia/Tunis) to approve the minutes of the December 10, 2020, January 6, 2021, February 3, 2021, March 3, 2021, February 2, 2022, March 2, 2022 and May 4, 2022 minutes, as submitted; approved by a Roll Call vote: 7-0 (Ayes: D. Garcia, O. Garcia, Hegstrom, Jackson, Lacy, Tunis, Chair Y. Garcia; Noes: None; Abstain: None; Absent: Joseph)</p>

III. AGENDA REVIEW

Chair Garcia advised that there would be no Report from the Investigative Officer and no Executive Session given that Mr. Threet was ill; no report from the City Council Liaison since she had been committed elsewhere; the Police Chief Report would be provided by new Assistant Police Chief Timothy Simmons; and the Richmond Police Management Association Report would be presented by Lieutenant Esteban Barragan.

IV. PUBLIC FORUM

Lilia Corral, CPRC staff, read the following email from CORDELL HINDLER: “I have some comments for the record. 1) It was my idea to have the agenda format to reflect on how the police accountability board conducts meetings; and 2) Also the update is that I am in the middle of an exciting project that I will share with the Commission at some point.”

V. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Councilmember Claudia Jimenez was not present at this time.

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

Chair Garcia and the CPRC congratulated new Assistant Police Chief Timothy Simmons on his new position.

Assistant Police Chief Simmons looked forward to the new challenge and helping move the RPD forward and help Chief French with the mission. He thanked the City Council for pushing forward the labor contract with the RPOA that would start working to get on the right track to be competitive with the work force and to attract the right candidates to help retain current officers and for future officers. He thanked Officer Ben Therriault for all that he had done for RPOA members.

Assistant Chief Simmons advised that the RPD was still in crises mode with 36 current sworn vacancies out of 145 authorized officers that included one captain vacancy, five sergeant vacancies, and 30 officers' vacancies. In addition to the 36 sworn vacancies, there were 11 officers either out on full-time injury leave, medical leave or long-term sick leave, and five on modified duty, which added stress to the vacancy rate. In the professional ranks, staff was down a jailer, a network system specialist, a crime prevention specialist, three records specialists, eight communication dispatchers, one civilian administrative manager, one public information officer, one property technician, one assistant property technician, one crime scene technician and three parking enforcement officers. The City had just approved three parking enforcement positions that when filled would help alleviate a lot of the calls associated with that element. In addition, one crossing and four cadet part-time positions were also vacant.

Assistant Chief Simmons stated the RPD was in full force recruiting mode along with the just-approved labor contract and the RPD was looking to make upgrades in general to aid officer wellness given that officers had been working mandated overtime, 18-hour shifts. Mobile sleep quarters had been proposed along with specialized public safety counseling services, doubling the amount of sessions allowed. The new labor contract would also allow officers to work out on duty after work to help officers feel better at the end of their shifts.

With respect to crime, Assistant Chief Simmons stated that crime had been steady since the last report, and from September 28 through October 24, 2022, there had been no homicides but the City was currently at the same number of homicides this year as for all of last year, and there had been a lot more domesticated, unhoused-related incidents resulting in homicides that had posed new challenges as opposed to the typical gang-related homicides. The RPD remained vigilant and hoped that number would not increase.

Assistant Chief Simmons also reported that aggravated assaults were down from last month from 21 to 15, aggravated assaults with firearms were up from two to three, there had been 16 robberies, six with the use of firearms; and the RPD was presently investigating a string of armed robberies in the Iron Triangle area and the BART station that seemed to be related. There had also been an increase in sexual assaults to 11. From a 30-day standpoint violent crime remained flat when aggregating the numbers.

As to property crimes, Assistant Chief Simmons reported there had been 35 reported burglaries, although he suggested the number of incidents were being unreported; 11 commercial burglaries, eight residential burglaries, 16 vehicle burglaries, 73 petty thefts, 80 vehicle thefts and one arson fire. Overall property crimes dropped 27 percent. There were 225 traffic citations, up 32 percent primarily a result of road construction. He added that 212 vehicles had been impounded, some related to sideshows. And since sideshows were occurring almost every weekend again, the RPD was working on a countywide operations/collateral assignment to partner with other agencies in Contra Costa County with the sole mission of gathering intelligence related to the sideshows and targeting them prior to them hitting the street. That group would also be doing follow-up. The southern district had the highest number of police reports and the northern district had the highest number of calls for service. Total calls for service were reported at 5,494 calls during that 30-day period; the month prior had 6,288 calls for service. There had been 70 shots fired calls, a 10 percent increase, with 32 ShotSpotter activations. He added with respect to major use of force that for the month of September there had been a total of ten use of force incidents, two of which involved one of RPD's canines.

Commissioner D. Garcia asked if there had been a decrease in drugs, especially marijuana after legalization, to which the Assistant Chief did not know if there had been a decrease in drug sales but he reported that a lot more of the dispensaries had been burglarized. He would have to do some research to get that specific information and could submit that information to City staff for distribution to the CPRC.

With respect to the sideshows, Commissioner G. Garcia noted that car shows brought the community together and he asked if there was some way to find an empty lot and allow "sideshows" on that lot to be able to control that activity, to which the Assistant Chief stated the idea was good although there were fundamental issues with respect to liability. He suggested the City Attorney should respond to that question. He did not recommend some sanctioned event given that some of those involved in the sideshows were not there to drive cars and there were some dangerous people involved.

Chair Garcia advised that Commissioner Joseph had arrived.

Commissioner O. Garcia referred to the item on the agenda to discuss the need for the City to take immediate and measurable action to reverse the loss of police officers, and he asked if there was something the City could do to help reverse that loss that the CPRC could pursue.

Assistant Chief Simmons referred to the recently-approved labor contract as probably the best that could be done along with support for officer wellness initiatives specifically geared to the mental and physical health of officers, placing a premium on officer health. He also referred to other things that had worked in other jurisdictions such as an assigned car program.

Commissioner Joseph supported the mental and physical health of officers. With respect to homicides, especially related to domestic violence, he asked what the RPD could do to address domestic issues before homicides occurred.

Assistant Chief Simmons stated the RPD leaned heavily on the support staff in the Family Justice Center to do targeted outreach to those known at risk of domestic abuse, violence and stalking through the restraining orders from the courthouse, for instance, where advocates could proactively check in and where early intervention might be possible. He stated those types of services within the Family Justice Center needed to be expanded specifically related to those types of crimes. He referred to an upcoming Human Trafficking Summit that would also include domestic violence and noted the need for fresh ideas to address those types of issues.

With respect to the sideshows, Commissioner Joseph asked where they were generally occurring and the Assistant Chief explained that the sideshows were coordinated events of 50 to 100 cars. The alarming trend was seeing the number of violent acts in the midst of and after the sideshows, which had been spread out throughout the community.

Senior Assistant City Attorney Bruce Soublet stated in response to a question with respect to having an empty lot for sideshows, that there were various issues on both sides along with liability issues. Sideshows were an illegal activity with dangerous, reckless driving and even if a vacant lot could be found the City would be condoning a criminal act, which was one of the problems on top of the potential liability. He added with respect to domestic violence that many cities nationwide were finding that their domestic violence cases had spiked during the pandemic because people were forced to be in contact with each other 24/7.

Commissioner Jackson referred to an incident near his home and asked how the sideshows were able to do what they did and why police were not being called out to address the situation, and the Assistant Chief explained that those in the sideshows blocked off roads making it difficult or impossible for an officer to penetrate the sideshow and there was an officer safety component where more than a few officers would have to be sent into a sideshow group because of the violence. He added that one officer already had a career-ending injury since he had gone into the sideshow without the appropriate number of people with him to close things off. He stated that officers were sent out but had to wait for other resources in that there had to be a strategic approach to address the issue to avoid expanding violence. The RPD had to resort to different tactics to meet the tactics the RPD was faced with, which was a process.

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), highlighted a number of major promotions in the RPD. He reported that the RPOA contract with the City had been a very big deal, noted the RPOA's number one priority was the retention of RPD officers and supported some of the ideas discussed and were looking at some of the things that other Bay Area cities were doing to retain officers. He reiterated that the just-approved contract was monumental and put the RPD into the median range for the remainder of the contract and he thanked all those involved. He also referred to RPD's promotional event and recommended that more people attend those events in the future to show their support and to uplift RPD morale.

On the recruiting front, Officer Therriault referred to a take-home car program that other jurisdictions had employed and suggested it would set Richmond apart and would be a good recruiting/retention goal, as would others that he described such as a retention bonus or housing assistance. On the charity front, he referred to signups for the Richmond Police and Fire Toy Program and encouraged everyone to identify families in need who could be directed to that program, hosted at DeJean Middle School the last Saturday before Christmas. He also asked for volunteers to help out with that program.

Chair Garcia urged that the CPRC be informed in the future of special police events such as the promotional event since members would have attended that event.

Commissioner Joseph referred to a RPD event to pass out food for Thanksgiving and he asked to be apprised of how volunteers could help with that and other community events in which the RPD might be involved, such as the reopening of the Booker T. Anderson Community Center. He also asked about the implementation of new legislation and how the RPD would address that implementation.

Commissioner O. Garcia also verified with Officer Therriault the primary things that could be done to help retain officers, and Officer Therriault reiterated the incentives that could be pursued to both retain and recruit new officers. He added with respect to sideshows that low-riders and car enthusiasts could be accommodated but the sideshows were not the same people with the same intent, and many of those people were from the central valley. He emphasized that sideshows were very resource intensive and other efforts to address them would have to be considered.

Commissioner D. Garcia agreed with the concerns related to the sideshows and understood that different solutions would have to be pursued.

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

VIII. REPORT BY RICHMOND POLICE MANAGEMENT ASSOCIATION (Esteban Barragan)

Lieutenant Esteban Barragan, President of the Richmond Police Management Association, described his background as a long-time Richmond resident who had attended Richmond schools, had been with the RPD for almost 23 years, and was President of the Contra Costa County Chapter of the National Latino Peace Officers Association (NLPOA) based in Richmond.

Lieutenant Barragan was pleased with the recent promotions and acknowledged the great number of vacancies that needed to be filled. He concurred with the need to retain and recruit officers and explained that it took time and effort to train new officers and the loss of long-term officers was a critical concern.

Lieutenant Barragan thanked the City Council and RPOA for approving the labor contract that would make a difference in hiring and retention and that would provide new efforts related to officer wellness and mobile sleep quarters. He explained that the mobile sleep quarters would be very helpful. In his case, he had been working 16-hour shifts of mostly administrative work while other officers day after day had been forced to work mandatory shifts working 18-hour days, which was very difficult.

Lieutenant Barragan acknowledged the officers' commitment to the community and noted the short staffing continued to be a serious concern and whatever could be done to bring a balance for the officers should be pursued. He added that the RPMA was working on its own contract with the City and the focus of its efforts were on the retention of existing officers so that officers had something to work towards in their career with the RPD. He emphasized that everyone was working to get Richmond to where it needed to be to provide the necessary services.

Chair Garcia requested a copy of the ShotSpotter report that had yet to be provided to the CPRC.

Commissioner Joseph welcomed Lieutenant Barragan and emphasized the importance of building trust with the community.

Commissioner D. Garcia also welcomed Lieutenant Barragan and noted that he and the Lieutenant had grown up together and had been in the community for over 45 years.

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

As earlier reported, Mr. Threet was not at the meeting and this and the next item were continued as a result.

X. OLD BUSINESS, DISCUSSION ITEMS

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

B. Update CPRC Reference Handbook (Chair Garcia)

Lilia Corral reported that the CPRC Reference Handbook was a work in progress and would be available either at the December meeting or in January.

C. Update on the CPRC Annual Report (Joseph)

Commissioner Joseph advised that the ad hoc committee meeting to discuss a CPRC Annual Report had not yet met. It was clarified that the ad hoc committee was comprised of Commissioners Hegstrom, Lacy, Joseph, and Vice Chair Tunis.

XI. NEW BUSINESS

A. Discuss and Vote to Direct City Council to Take Immediate and Measurable Action to Reverse the Loss of Police Officers (O. Garcia)

Commissioner O. Garcia referred to an article in the East Bay Times that had identified the loss of RPD officers. He explained that while he had been made aware of the RPD's concern for the loss of officers and that issue had been discussed for some time, he had been shocked by the way the statistics had been presented with a 40 percent reduction of officers in seven years and a 26 percent loss in the last year alone. Having joined the CPRC in 2015, the Police Chief at that time had identified an award to the RPD from the Justice Department for being a national model on community policing. To see that at the beginning of his tenure on the CPRC compared with today was unacceptable to him.

Commissioner O. Garcia also commented that the CPRC's prior concern for the issue had been discussed with the City Council Liaison for submission to the full City Council, although that had not occurred. He proposed that the CPRC make a second attempt with potentially a few CPRC members to make a statement during public forum at a City Council meeting to stress the urgency. He was pleased that the RPOA contract had been accepted by the City Council, although that acceptance had not been unanimous. He suggested that more could be done such as officer wellness, an assigned car program and sign-on bonuses, and stated it was time for the City Council to start listening to the professionals and do whatever could be done to stop the loss of officers.

Commissioner Hegstrom asked if there were specific recommendations to vote on and Commissioner O. Garcia envisioned a higher level of recommendations from the RPD that would help with retention and things that supported mental health and the assigned car program.

Commissioner Joseph sought something actionable and measurable, specific and direct. He preferred to defer a recommendation to the City Council pending some specific program or information from the RPD, such as the assigned car and officer wellness programs so that the CPRC would know what it was supporting.

Commissioner O. Garcia suggested working with the Police Chief and the RPD to identify other items. Given that the CPRC met monthly, he preferred to move more quickly to pursue some remedy sooner.

Mr. Soublet agreed with the need for specifics on any ideas to consider and suggested the CPRC could strongly urge the City Council to look favorably upon a list of items that the RPD had developed to deal with the issues of retention and recruitment of officers.

Commissioner Joseph commented that the City Council would look differently in January and he emphasized the need for the CPRC to vet a list of items to be specifically identified prior to lending its support. He suggested the City Council could continue to work with the RPD to come up with strategies to support the recruitment of police officers and making sure that the City Council supported police morale by attending police promotional and non-profit events.

Commissioner O. Garcia agreed but emphasized the need to add on the ideas in a timely manner. He recommended that Assistant Chief Simmons and Officer Therriault draw up a list of recommendations in cooperation with the City Manager to forward to the CPRC, which could be discussed at its December meeting that could then be presented to the City Council in January or February 2023.

Assistant Chief Simmons suggested a list of the items that had previously been mentioned could be identified and presented as a proposal for CPRC consideration.

Chair Garcia supported the submittal of a message to the City Council to identify the CPRC's concern for the loss of police officers and to urge that the City Council do what needed to be done to retain and recruit police officers.

Commissioner Hegstrom agreed with the need to pursue some measurable action.

Mr. Soublet suggested that the CPRC acknowledge the City Council's efforts to recruit and retain officers by passing the recent RPOA contract and that the CPRC encourage the City Council to continue to work with the administration of the RPD in its efforts to continue to recruit and retain police officers.

ACTION: It was M/S/C (Joseph/O. Garcia) that the CPRC acknowledged the City Council's efforts to recruit and retain officers by passing the recent RPOA contract and that the CPRC encourage the City Council to continue to work with the administration of the RPD in its efforts to continue to recruit and retain police officers; approved by a Roll Call vote: 8-0 (Ayes: D. Garcia, O. Garcia, Hegstrom, Jackson, Joseph, Lacy, Tunis, Chair Y. Garcia; Noes: None; Abstain: None; Absent: None)

Commissioner O. Garcia reminded Assistant Chief Simmons and Officer Therriault to return to the CPRC at its next meeting with specific recommendations to be able to provide something more specific to the City Council.

XII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Commissioner Lacy thanked the RPD for its support of Springtoberfest that the Lacy Community Resources Foundation had held.

Mr. Soublet reported he would be around for at least two to three months, longer than expected.

Commissioner D. Garcia stated there had been a community event in partnership with Richmond Main Street, the 14th Annual and first car show, and there had been a number of cities represented. He thanked everyone involved and hoped the event would be even bigger next year.

Chair Garcia thanked Commissioner Joseph for being one of the chefs at the Men Who Cook fundraiser and for the support of other organizations in the community.

XIII. EXECUTIVE SESSION – CLOSED TO THE PUBLIC – Government Code §54957(b): Receive Complaint Report from CIAO on Complaint 2022-2 (Lucietta-Jackson) – Discuss and vote on finding and recommendations.

As earlier reported, Mr. Threet was not available and the Executive Session had been cancelled.

XIV. ADJOURNMENT

The meeting was adjourned at 8:39 P.M.

Yenny Garcia, Chair