

COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, February 1, 2023
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 Carol Hegstrom, with all Commission Members participating via teleconference.

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

Absent: Diego Garcia and Steven Lacy

Staff: Lilia Corral - Present

Council Liaison: Claudia Jimenez – Present

**City Attorney's
Office Representative:** Pam Lee - Present

Commissioner Oscar Garcia led the Pledge of Allegiance.

II. APPROVAL OF MINUTES (May 5, 2021; July 7, 2021; September 1, 2021; April 6, 2022; June 1, 2022; July 6, 2022; October 5, 2022; and November 2, 2022)

<p>ACTION: It was M/S/C (Tunis/Jackson) to approve the minutes of the May 5, 2021; July 7, 2021; September 1, 2021; April 6, 2022; June 1, 2022; July 6, 2022; October 5, 2022; and November 2, 2022 meetings, as submitted; approved by a Roll Call vote: 4-0 (Ayes: O. Garcia, Jackson, Tunis and Chair Hegstrom; Noes: None; Abstain: None; Absent: D. Garcia, Joseph and Lacy).</p>
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III. AGENDA REVIEW

Chair Hegstrom advised that the Investigative and Appeals Officer had requested that his item be moved up on the agenda due to another engagement.

IV. PUBLIC FORUM

Lilia Corral, CPRC staff, read the following email from CORDELL HINDLER: "Good evening Vice Chair Tunis, Commissioners and staff, the update is that my project is coming along for a future agenda. The Commission should consider returning to in-person meetings."

The next item was moved up on the agenda.

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

A. Public Case Summary: 2022-1 (Hausser)

Jerry Threet provided a status update and reported there were currently three complaints pending. One complaint was on hold given that the relevant records could not be provided because there was an open murder investigation connected to the complaint; the two other investigations were ongoing and he expected to be able to present one at the next CPRC meeting; and the third complaint was awaiting officer interviews. He added there were two projects on hold pending the receipt of information; the Use of Force Data Analysis and the Annual Report.

With respect to the Public Summary for Complaint 2022-1 (Hausser), Mr. Threet stated the Summary had been presented to the CPRC. He referred to an error in the second paragraph of Finding of Fact and corrected that paragraph to read: *The Commission found that, while the RPD officer violated the RPD Policy on Language Access Services, there was insufficient evidence to show by the clear and convincing standard of the CPRC Ordinance that the officer had discriminated against the person with whom he talked. Therefore, the Commission found the allegation not sustained.*

Randy Joseph joined the meeting at this time.

ACTION: It was M/S/C (Joseph/Hegstrom) to approve Public Case Summary for Complaint 2022-1 (Hausser); modified as follows: *The Commission found that, while the RPD officer violated the RPD Policy on Language Access Services, there was insufficient evidence to show by the clear and convincing standard of the CPRC Ordinance that the officer had discriminated against the person with whom he talked. Therefore, the Commission found the allegation not sustained;* approved by a Roll Call Vote: 4-0 (Ayes: Jackson, Joseph, Tunis and Chair Hegstrom; Noes: None; Abstain: O. Garcia; Absent: D. Garcia and Lacy).

V. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Councilmember Claudia Jimenez advised that Police Chief French had made a presentation to the City Council on the City's crime data and had identified the differences between UCR (Uniform Crime Reporting) data and the National Incident-Based Reporting System (NIBRS). She explained that the City Council planned to educate the community about how that new data would be presented since it could give the impression that crime was going up while violent crime was actually down by nine percent. The City Council had discussed ways to update and educate the public such as hosting conversations in some of the neighborhood councils. She added that she had also been in conversation with Chief French and the consultant about use of force data.

Commissioner Oscar Garcia clarified that reported crime was going down and he confirmed Councilmember Jimenez's understanding from the Chief of Police that violent crime had gone down nine percent, although Commissioner Garcia questioned whether the community was also expressing the same understanding that crime had declined.

Councilmember Jimenez stated that members of the community had some issues, especially in District 6 wanting to deal with street safety with respect to speeding cars.

Councilmember Jimenez explained that she had conversations with two community groups where those groups wanted the City to look at infrastructure and engineering solutions to slow traffic. She added that she had a good meeting with Councilmember McLaughlin and different City departments including the RPD and the new Public Works Director to consider interdepartmental issues. A meeting had been scheduled for the third week of February with members of the community at some targeted intersections to address issues of concern in those areas.

Commissioner Oscar Garcia asked when the cities and commissions would go back to meeting in-person, and Ms. Jimenez stated that the City Council was expected to return in-person through a hybrid model in March 2023.

Representing the City Attorney's Office, Pam Lee advised that a hybrid model would be pursued starting in March given that the Governor's State of Emergency would end on February 28, 2023. Moving forward under the new laws relaxed under the Brown Act, the majority of City boards and commissions would have to meet in-person unless there was a special reason, just cause or emergency circumstance that would allow a minority of members to be on Zoom or use teleconferencing methods. It would also allow members of the public who could not be present to participate and comment.

Commissioner Joseph referred to comments that if crime was going down it was because people were not reporting all crimes, which he suggested had only been communicated since conversations to defund had occurred and had not been the case prior to that time. He asked Ms. Jimenez what members of the public were saying about crime.

Ms. Jimenez stated that she had meetings with various people and in District 6 particularly, emails and calls related primarily to street safety and how to make sure that people slowed down through engineering enforcement. She commented that if putting money in one particular issue there would be insufficient money to address other issues, and stated that safety was more than one department in that a number of departments were involved. It all required money and funds were limited, and whatever course was taken would have to be driven by data. She noted there was a perception of crime but the reality of the data showed that crime had declined. She referred to fear mongering in many communities to create the idea that there was a wild west but the trends in the City did not reflect the national trends in part because Richmond had been pursuing innovative ideas like the Office of Neighborhood Safety. She suggested that they all needed to think about the data because perceptions and what actually happened were different.

Chair Hegstrom commented that dispatch had been understaffed and she had called the non-emergency number that rang for ten minutes or more without being picked up. She suggested that understaffing might have been a factor in the number of complaints filed.

Commissioner Joseph suggested again those complaints had only started after the defund comments had become so prominent since 2020 when staffing had been a concern, although he suggested that had been an issue since before 2020. He asked why it was a talking point now when data showed that crime had gone down and the argument of needing more police for safety was being debunked by the numbers.

Commissioner Oscar Garcia commented that when he had campaigned for office and had walked District 3 that had been the number one feedback. He asked Councilmember Jimenez to walk District 3 with him to advise residents that the data had shown that crime had declined. He emphasized the need for more perspectives and stated he would follow up with Councilmember Jimenez for that visit.

Councilmember Jimenez agreed with the need for more dialogue which should also address the fear mongering in the community.

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

Chief Bisa French clarified that Mr. Threet was not waiting for any data from the RPD to complete the Use of Force Data Analysis and the Annual Report in that he was looking for data from the vendor.

Chief French understood that crime had become a huge and divisive issue in the community. Noting that everyone wanted a safe community, she recognized there were different opinions as to how to do that. She reiterated that her report to the City Council had shown that violent crime was down nine percent last year and property crime was down seven percent, which was reported crime. She had provided a five-year evaluation of crime to the City Council and the fact was that on average every year in Richmond there were 716 violent crimes and 3,514 property crimes reported, which was more than should occur. Her concern was that whether crime was up or down, reported or not, the reported crimes were too high for the community and her goal was to reduce those numbers. She clarified that the crime statistics were for Part 1 felony crimes, which did not take into consideration quality of life issues such as speeding cars, dumping and the like.

Chief French had also reported to the City Council the mandatory transition from UCR to NIBRS, and explained that NIBRS data was higher than UCR data given that NIBRS took all crimes in an incident into account with a significant incident report to the FBI as opposed to UCR's report of only the highest hierarchy of the crime. That information would be posted to the RPD website and presented to the neighborhood councils.

With respect to staffing, Chief French stated in January five police officers had been hired and put into training, there were seven officers currently in the Police Academy, and nine different police officers were in various stages of the background process. She reported that candidates were now applying to the RPD and the Personnel, Recruiting and Training Unit was working hard to fill the vacant positions and hoped to fill all vacancies next year. There was currently a total of 31 sworn vacancies and 22 civilian vacancies; three positions were vacant and three people were currently in background to fill one of those positions. She added there were three female police officers in the Police Academy and she had offered another female police officer candidate a job who had to go through psych and medical evaluation and would soon start training. There were eight people on injury, three people on modified duty, and one person on maternity leave.

Commissioner Joseph referred to the Tyre Nichols case and asked what the RPD did in terms of training for traffic stops, and Chief French stated that case should never have happened and none of what happened in that case was part of the education and training for police officers.

Chief French reported that RPD's focus would be on violations that caused traffic accidents, and what happened in the Nichols case was completely different from how the RPD conducted traffic stops and it was completely against training. All uses of force were reviewed by not only the supervisor but by the Use of Force Board. If someone was hospitalized for over three days those reports would go to the CPRC for review and there were several mechanisms in place for oversight. She referred to the termination of an officer last year because it had been found that there had been bad behavior on a traffic stop where the officer had immediately been put on leave and had ultimately been terminated.

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), stated that the RPOA had put out a statement on the Tyre Nichols case on its website. He explained that police training in California was very different from police training in other states and what had happened in other states would not likely happen in California given the extensive training involved.

As for crime statistics, Officer Therriault supported the switch from UCR to NIBRS, which offered a more righteous and detailed view of crime statistics, and 50 to 60 percent of police departments were making that switch. He emphasized that the crime that occurred in Richmond was unacceptable and happened at a rate much greater than other large cities in Contra Costa County and the region. He noted that the Reimagining Public Safety Community Task Force through Matrix Consulting had put out a preliminary report that emphasized the lack of resources, lack of officers and how that affected people. He commented there were many times that the RPD did not get to the calls for service, which was a problem and which was a staffing issue, and recruiting efforts had been increased to not only recruit but to ensure retention of officers. The intent was to get the right people without lowering the RPD's standards.

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

Lieutenant Esteban Barragan, President of the Richmond Police Management Association, was not available at this time.

X. OLD BUSINESS, DISCUSSION ITEMS

A. Update CPRC Annual Report (R. Joseph)

Commissioner Joseph had no updates at this time.

XI. NEW BUSINESS: None

XII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Commissioner Oscar Garcia reported he had attended the inauguration of the re-elected District Attorney who had mentioned grants the County had received to create diversion programs, especially for youth.

Commissioner Oscar Garcia also reminded folks that events would occur this year in-person and historically the CPRC had participated with a booth at Cinco de Mayo and Juneteenth events and should plan to do that this year. He could help with both events and any others that might come up to allow residents to learn about the CPRC.

Vice Chair Tunis stated that if others had information about upcoming events that information should be routed to Lilia Corral to allow a discussion of the CPRC members who could attend specific events.

Chair Hegstrom stated that would be a good item for next month's agenda and she agreed with the need to start early on the events to make sure that the CPRC could actively participate.

XIII. ADJOURNMENT

The meeting was adjourned at 7:57 P.M.

Carol Hegstrom, Chair