

**COMMUNITY POLICE REVIEW COMMISSION**  
**of the City of Richmond, California**  
**(CPRC)**  
**Wednesday, July 12, 2023**  
**7:00 P.M.**

**MINUTES**

**I. CALL TO ORDER, ROLL CALL, PLEDGE**

The meeting was called to order at 7:06 P.M. by Chair Carol Hegstrom in the Employee Lunchroom in the Basement of 450 Civic Center Plaza at Richmond, California.

**Present:** Carol Hegstrom (Chair), Dow Tunis (Vice Chair), Oscar Garcia, Andre Jackson, Carole Johnson, Randy Joseph, Steven Lacy\*, Daniel Lawson, and Rachel Lorber  
\*Arrived after Roll Call

**Absent:** None

**Staff:** Lilia Corral - Present

**Council Liaison:** Claudia Jimenez – Present

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

**II. APPROVAL OF MINUTES (May 3, 2023 and June 7, 2023)**

<p><b>ACTION:</b> It was M/S/C (Lawson/Johnson) to approve the minutes of the May 3, 2023 and June 7, 2023 meetings, as submitted; approved by a Roll Call vote: 8-0 (Ayes: Garcia, Jackson, Johnson, Joseph, Lawson, Lorber, Tunis and Chair Hegstrom; Noes: None; Abstain: None; Absent: Lacy).</p>
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**III. STATEMENT OF CONFLICT OF INTEREST**

Pam Lee, Legal Counsel representing the City Attorney's Office, explained that this was the time of the meeting for any member of the CPRC who had a conflict of interest with respect to any item on the agenda to identify that conflict of interest.

Commissioner Lawson verified with Ms. Lee that the conflict of interest laws and regulations would be reviewed during the CPRC's scheduled retreat in August 2023.

**IV. AGENDA REVIEW**

There were no changes to the meeting agenda.

**V. PUBLIC FORUM**

Staff Liaison Lilia Corral advised of a number of comments received on-line and by email, as follows:

CORDELL HINDLER: *Hello Chair Hegstrom, Commissioners and staff, I am submitting the following comments for the record: 1. I am currently working on a project that is related to this Police Review Commission and I will keep this Commission informed at a later date. 2. Also I am glad that the Commission meetings are hybrid so the public can participate.*

**ARIANA BIENDOLAY:** *As a youth that has grown up in Richmond all my life I don't understand why we suddenly need CCTVs if the City has never had a culture of surveillance. This new limitation takes away from meeting community needs such as funding for schools or any youth services that we currently do not have. Our community already does not feel safe and increasing surveillance will only criminalize more people of color making them a constant target as our city is mostly made up of BIPOC [Black, Indigenous and people of color] individuals. Rather than criminalizing people, we should take the money that is planned to be used for the CCTVs and distribute it to new community services and resources.*

EMILY ROSS: *Hi there, I'm a Richmond resident writing to express my concern about tonight's agenda Item 12 [subsection a] The CPRC is tasked with a significant set of duties related to police oversight and accountability regarding excessive use of force, discrimination and harassment by Richmond Police Officers. While most Commissioners appear to take that duty very seriously, I'm concerned about the priorities of those few Commissioners who consistently seem to serve as a secondary voice box for the Richmond Police Officers' Association. The three recommendations related to increased compensation and other perks for police officers are not in service of the CPRC's goals. These proposed recommendations come with substantial budgetary implications that have been detailed. Additionally, the rationale used to justify these recommendations don't account for significant efforts made to address police staffing challenges including the City Council's recent approval of a massive raise for officers, deepened commitment from the Human Resources Department having to do with RPD recruitment and our City's recent increase in police hiring. The final recommendation is for increased surveillance. This also seems to stray pretty far from the CPRC's goals to provide oversight into the police department and from positive police/community relations. As a goal, these recommendations actively undermine community trust and this oversight body. I encourage Commissioners to vote no on Item 12a and maintain your focus on the scope of ordinances dictating the CPRC's work. Thanks, Emily.*

ALICE LOCICERO: *Please take as much time as needed to consider and research the likely impact of increased funding for RPD before moving ahead with this recommendation. There may be other ways to increase recruitment as needed and there are many competing needs for funding in the City. Thank you.*

JUSTIN VILAYSOUK: *I am one hundred percent opposed to CPRC's proposal for offering up 10K for new police officers and a \$1,500 referral bonus for current officers to refer friends to join RPD. RPD has recently recorded that recruitment is going very well so there is no need to incentivize the recruitment of new police officers or have current officers' friends join RPD, and that a recent news report states that gun violence has increased in the City so why give extra money to the RPD when we can use this money for our struggling communities. The RPD budget is already huge, almost at 40 percent and these 10K and \$1,500 will only make the RPD richer while other departments and services will remain low.*

*This proposal is outrageous simply because it's money that can easily improve other important services and departments such as health services and the firefighter department and even provide more opportunities for the youth. We do not need to spoil RPD any more whose officers have mostly been abusing people's Miranda rights, not being professional or even doing their job. Do not pay for more corruption in the City unless it improves the behavior and culture of the police or give it to those who actually need it, aka the people.*

Commissioner Lacy joined the meeting at approximately 7:12 P.M.

PETRONILA FERNANDEZ, a Richmond resident, also spoke to Item 12a and understood that the RPD had reported that police recruitment had been going well. As such, she suggested there was no need to incentivize police recruitment. She did not support the new proposed recommendations for the RPD and was in favor of investing funds for mental health and other resources as part of the community's wellbeing such as the Community Crises Response Program (CCRP).

On the question as to when speakers who wanted to address a specific agenda item should offer their public comments, Legal Counsel Lee explained that typically when there was an agenda item and public comments were related to that specific agenda item most agencies reserved that time to allow public comments to occur when the item was put forward, although that was not always the case. Generally, the public comment period at the top of the agenda related to items not on the agenda. She noted that the CPRC agenda did not specifically state when the public comments would be taken so the CPRC was free to determine when the public could speak to items on the agenda.

#### **VI. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)**

City Council Liaison Claudia Jimenez reported that the City Council had a meeting last night but had now recessed until September. She stated that on June 20, 2023, the City Council had approved a balanced City Budget and among other things funds had been dedicated for additional staffing so that the Library could be open on Saturdays, starting on July 8, 2023 from Noon to 5:00 P.M. In addition, the Richmond Recreation Center would now also be able to open on Saturdays, the hours yet to be announced. She described other investment in City infrastructure expected to occur in the near future.

#### **VII. REPORT BY CHIEF OF POLICE (Chief French or Designee)**

Police Chief Bisa French reported that last month's activities had included a homicide that had occurred in the 600 block of South 31<sup>st</sup> Street on June 3, 2023. A vehicle had been reported stolen from Parchester Village early on June 4 and had later been found torched in Oakland with a dead body inside. Oakland PD had contacted the RPD and advised of their finding and had started their investigation. RPD had found out on June 5 that a shooting had occurred on June 3 in Richmond and through RPD's investigation it had been determined that an altercation had occurred among a group of young men in a vehicle that had resulted in a shooting, the death of one of the occupants, and the car being driven to Oakland and then torched. She reported that the parties involved had been interviewed and a suspect was in custody.

Chief French also reported on the other statistics from the month of June when there had been eight sexual assaults, 24 robberies, 96 aggravated assaults, 24 burglaries, 137 thefts, 113 stolen vehicles and seven arsons. All of those crimes had resulted in a 14 percent increase over the past month with 132 arrests, 10 of which resulted in a use of force. There had also been an officer involved shooting (OIS) on June 28, she had a press conference in that case and that information had been sent to the CPRC.

In terms of staffing and hiring, Chief French reported that the RPD was down 26 sworn police officer positions and 19 professional staff positions, with 11 officers currently on injury leave. Mandatory overtime sign-ups continued. While 17 officers had been hired this year, many remained in training in either the academy or field training and the positive impacts of the hiring had not yet been recognized. The Matrix Report of the RPD that had been commissioned by the City Council was currently being reviewed to consider the data and staffing needs of the RPD and the Richmond Fire Department (RFD). She noted the report had indicated that a significant number of police officers were needed, close to 200, which was where RPD had been several years ago. The report had been scheduled to go to the City Council last night but it had been pulled and had not been considered at that time.

Chief French stated that also at last night's City Council meeting, Bob Scales from Police Strategies had provided an overview of use of force portals with data from the last five years. Coming up this month, she stated that RPD Connect would be started. In addition, the Mobile Command van would be taken out to the community to provide services to the community starting on July 22 in the Iron Triangle, to offer services like the ability to make a report, recruiting, crime prevention, recruitment of Explorers, and a Chat with the Chief along with an opportunity to talk to a beat officer. In September, the eight-week Community Safety Academy would be brought back to identify the inner workings of the RPD. She encouraged those interested to apply.

#### **VIII. REPORT BY RICHMOND POLICE OFFICERS' ASSOCIATION (Ben Therriault or Designee)**

Sergeant Ben Therriault, President of the Richmond Police Officers' Association (RPOA), stated they were continuing to recruit, especially for local hires and the RPOA had worked with RPAL [Richmond Police Activities League] to reinstitute the Explorer Cadet Program. With respect to the OIS reported by the Chief, he described what had occurred in that case when community calls had resulted in the discovery of an arsenal of weapons, which was a serious concern and an important component of the community policing process.

Sergeant Therriault referred to the Matrix Report that was in line with the CCRP and the Reimagining Public Safety Community Task Force, which would be important for public safety, and those reports individually and combined would provide a pathway to address police issues. He added it was important that the staffing increase be pursued given that the RPD did not have the staffing it needed.

Commissioner Lorber asked if the RPOA was pursuing other resources such as robotics to ensure officer safety in some of the extreme cases, and Sergeant Therriault stated that new technological advances, such as drones, were supported. He explained that every tactical situation was different and all scenarios were situational, and going forward more robots would be used and more technology would be used in the future.

Commissioner Garcia asked about the average hours of overtime, and Sergeant Therriault stated that the average police officer was potentially looking at an extra 20 hours a week associated with mandatory overtime. He stated anything over 40 hours a week was overtime and he personally put in more than an extra 20 hours a week.

**IX. REPORT BY RICHMOND POLICE MANAGER'S ASSOCIATION (Eric Smith or Designee)**

There was no report from the Richmond Police Management Association (RPMA).

**X. REPORT BY INVESTIGATIVE AND APPEALS OFFICER (Jerry Threet)**

Jerry Threet, Investigative and Appeals Officer, reported there were three pending investigations: one on hold due to an active criminal investigation of a murder; the Ivan Gutzalenko case from 2021 that he was investigating; and the recent officer involved shooting. He reiterated that as mentioned by the Chief he had access to the use of force data and as time allowed he would start to look at the use of force analyses.

**XI. OLD BUSINESS, DISCUSSION ITEMS: None**

**XII. NEW BUSINESS**

**A. Discuss and Vote on Recommendations to the City Council/City Council Liaison (O. Garcia)**

Commissioner Garcia suggested waiting until the September 2023 meeting to consider a vote on the item since the actual details had not been included in the agenda packet.

Legal Counsel Lee stated that if the item was on the agenda it would be within the CPRC's purview to determine whether or not it could be considered or be continued since it was not a public hearing item. It would also be within the CPRC's determination as to whether to take additional public comments at this time or wait until September.

Commissioner Joseph questioned whether it would be an old business item or a new item. It was clarified that Commissioner Garcia, the sponsor of the item, had withdrawn it from the current agenda because the actual details were not available to allow a discussion. He asked why that information had not been identified at the start of the meeting for the benefit of the public.

**ACTION: It was M/S/C (Lawson/Johnson) to allow public comment on the agenda item at this time; approved by a Roll Call vote: 8-0 (Ayes: Garcia, Jackson, Johnson, Joseph, Lawson, Lorber, Tunis and Chair Hegstrom; Noes: None; Abstain: None; Absent: Lacy).**

MARISOL CANTU, Richmond, questioned the intention of the agenda report in that the CRPC's scope of review was to specifically consider use of force and sexual harassment by RPD and this item appeared to be out of the CPRC's scope. She suggested with the reports by the Police Chief, RPOA and RPMA, there appeared to be a political tool that could lead to the mistrust of the CPRC. She spoke to vague language in the ordinance and suggested if there was a complaint those agencies could speak to that as opposed to promoting police strategies. She supported more intention to serve the community.

JAMIN PURSELL, Richmond, agreed that the item was outside the scope of what the CPRC should be doing and commented that a \$10K referral bonus was higher than what was being offered in San Francisco. He suggested the CPRC should be looking at the 20 percent raise that had been approved for the RPD just this year, and suggested more money was being thrown after more money. He noted that countless studies had shown that incentivization for recruitment did not provide a good outcome for quality officers and people were being incentivized by money and not by serving the community, which was what it was meant to do by providing public safety and a better quality of life. He added it had also been shown that the real issue was not about the amount of money police were paid but how they were perceived by the public in distrust and not being held accountable. The mission of the CPRC was to ensure accountability and pursue trust between the community, the police and the CPRC. He stated the CPRC was to hold the RPD accountable and change the public perception to be positive rather than suggestions of just throwing money at the problem.

**JACOBI VALENCIA**, Richmond, who had grown up undocumented and who had undocumented family members, expressed concern for the surveillance cameras through CCTV and potential access by immigration, which did not make folks feel safe. She stated members of the community wanted to feel safer, noted that officers in Richmond were no longer responding to crime and yet the RPD was receiving more money and getting bonuses. She emphasized that the CPRC was appointed to represent the community.

PETRONILA FERNANDEZ, Richmond, also spoke to Item 12a and stated the RPD had reported that recruitment was going really well and she therefore did not see the need for incentives to aid recruitment for new police officers. She did not support the proposal to incentivize the RPD and she supported investing funds in mental health and other resources in the CCRP to help the community.

**B. August Retreat (C. Hegstrom)**

Chair Hegstrom verified that the August Retreat would occur on Saturday, August 12, 2023 and Legal Counsel Lee would be at the retreat, which would start at 10:00 A.M. and go to Noon. Ms. Lee stated the meeting would be agendaized and was subject to the Brown Act.

**C. Discuss Richmond Municipal Code Section 3.54.070(a) (C. Hegstrom)**

Chair Hegstrom verified with Investigative and Appeals Officer Threet that the use of force dashboard was being made available to him, and Mr. Threet clarified that the underlying reports that made up the dashboard had been given to him while the compiled data and the database had not been provided to him. He stated the database was now on the public website that he could access.

An unidentified speaker added that the raw data should also be made available to the public in that the use of force data was to show transparency and make it more accessible, and while dashboards were helpful they used their own type of technology. She stated it should be translated as well into different languages with a regular analysis so that recommendations could be based on the dashboard and the raw data as well and if it was ever to go to the City Council a full-time investigator should look at use of force.

Chair Hegstrom added that she had also asked the Police Chief to provide a use of force report each month, which had been provided this month.

**D. Easier Way to File Complaints (C. Hegstrom)**

Chair Hegstrom thanked Lilia Corral and Shané Johnson for posting the complaint form on the website which could now be filled out and filed on-line. She requested that printed complaint forms be accessible at the Richmond Library and staff advised that had already been done, with information on the website to identify the location of forms.

Commissioner Lorber verified that some of the forms were available in Spanish and she asked that other translations be included as well.

Staff advised that folks who needed a translation in any other language could advise staff who would do everything possible to translate the document into the needed language.

It was clarified by an unidentified public speaker that there was a lack of other languages for the complaint form, there was a lack of Americans with Disabilities Act (ADA) options such as braille, and there was an inability to file the complaint on-line. Instead, the form had to be downloaded and emailed. She also noted that there were those in the undocumented community who wanted to remain anonymous and she suggested a barrier remained to be able to file complaints on-line, and more work needed to be done to make the complaint process easier.

CPRC staff clarified the situation with respect to the capabilities of using the complaint form on-line.

**E. Discuss, Vote, and Adopt Resolution of CPRC Regarding Tracking Document and Rectifying Neglected Investigations (D. Lawson)**

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

Commissioner Lawson referred to the case with respect to Ivan Gutzalenko who had died in police custody in 2021, which case had not been considered by the CPRC. He wanted to avoid similar situations in the future. As such, he had drafted a resolution to create a comprehensive incident tracking document to rectify neglected investigations.

Commissioner Lawson also proposed an audit of past records and explained the intent was not to blame the investigator or staff but simply to create a tracking process to ensure accountability by the CPRC. He suggested it was important to collaborate with the City Council and other stakeholders in terms of accountability and transparency and noted that if there was a tracking document on the website the public would be made aware of the investigations. He also recommended reporting the outcomes and recommended improvements and changes to the City Council and to the City at large.

Commissioner Lawson made a motion to adopt the resolution to that effect.

Vice Chair Tunis recommended that the Legal Department review the proposal. He verified with Ms. Lee that she had reviewed the document and had submitted a reformatted document in the City's resolution template for consideration.

Ms. Lee added that the substantive portion of the operative provisions in Sections 1 through 6 had not changed. She requested that staff review the 90-day limit in terms of the review and audit to ensure that time period would allow staff sufficient time to compile a review and provide an outcome of all of the cases from the past five years to make sure everything was up to date, and to the extent there were uninvestigated cases that would be highlighted to the CPRC and be provided to the investigator for review.

Commissioner Lawson pointed out that the original version of the document had stipulated review within 90 days, although text had been added *or as soon as is practicable thereafter* to address that concern.

Mr. Threet advised that he would submit his tracking spreadsheet that started in January 2020, although he noted that the Ivan Gutzalenko case had not been included in that tracking. He had not been working in Richmond for the two years prior to that time.

Commissioner Garcia suggested what had failed in this case was a lack of redundancy but not a lack of process. There was no mechanism to double check that everything had been captured. He suggested the issue would persist if there was no double checking. He recommended that instead of recreating a new process that a check be added that the Chair or delegate work on a monthly or quarterly basis with the investigator to ensure that all investigations had been included on the investigator's list.

Ms. Lee concurred, stated a spreadsheet had been created years ago by staff to document the cases that came in as part of the intake process when an investigation had initially been started. She understood that tracking system had been neglected with a change in staffing from one division to another. As part of the process, a monthly update on the spreadsheet itself and on any other system should be transmitted to the Chair of the CPRC and the investigator to ensure the process was moving forward and nothing was falling through the cracks.

Shané Johnson described the process to date, the staff effort to include all the investigations and the follow through with those investigations between staff and the Chair of the CPRC.

Commissioner Lawson emphasized the need for all CPRC Commissioners to have access to the document, and Ms. Johnson stated that information could be placed where all CPRC members would have access.

Chair Hegstrom verified that staff would maintain the database but Commissioners would be able to have access to it at all times to make sure that everything was being done correctly and that the appropriate letters were being distributed, with any requested changes to be made through staff.

Ms. Lee verified that the investigator provided a monthly report on cases and that public information was not provided until a report had been made.

On the further discussion of the tracking process, [much of which was inaudible on the recording], Commissioner Garcia suggested that the issue should be flushed out during the retreat given that certain parts were already being done, other parts could be done better and others might not be possible.

Commissioner Garcia recommended a more in-depth discussion, although Commissioner Lawson encouraged the CPRC to take some action now on those sections of the draft ordinance where there was agreement.

Legal Counsel Lee clarified that staff did not need the resolution to get adopted in order to move forward to look through the current cases, updating the current spreadsheet and including the timeline that was already in the Richmond Municipal Code. To the extent that the CPRC wanted staff to move forward, she stated that staff was already doing so. She added that while portions of the resolution could be adopted now the resolution would have to be returned at any rate since it could not be adopted piecemeal.

Commissioner Lawson verified that staff was already working on the intent of the first two items, and Ms. Lee confirmed that was the case and staff would be looking at all the other provisions. Commissioner Lawson retracted his motion and acknowledged the consensus that the proposed resolution would be discussed at the retreat.

### **XIII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS**

#### **A. Staff Update – NACOLE Conference, Tracking Document, CPRC Emails (L. Corral)**

Ms. Corral advised that two Commissioners and Jerry Threet could be sent to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference this year. She explained that of the three Commissioners who had expressed an interest in attending the conference, two were new members of the CPRC.

The CPRC designated new members Commissioners Johnson and Lawson to attend the NACOLE Conference with Mr. Threet.

For the benefit of the new members of the CPRC, staff advised of the CPRC emails that had been created specifically for CPRC business to avoid access to personal emails due to the Public Records Act.

Commissioner Joseph identified some of the upcoming activities at the RYSE Center.

Commissioner Garcia emphasized the importance of CPRC member participation in public events to promote the CPRC and its mission.

Chair Hegstrom commented on the difficulty of scheduling ridealongs and noted that CPRC members were to participate in ridealongs at least once a year.

Staff advised that they would follow up on the issue with respect to ridealongs.

### **XIV. ADJOURNMENT**

The meeting was adjourned at 8:51 P.M.

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Carol Hegstrom, Chair