

**COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, January 3, 2024
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 Richmond Room at 450 Civic Center Plaza, 1st Floor, at Richmond, California.

Present: Carol Hegstrom (Chair), Carole Johnson, Steven Lacy*, Daniel Lawson and Rachel Lorber
*Arrived after Roll Call

Absent: Oscar Garcia and Andre Jackson

Staff: Lilia Corral - Present

Council Liaison: Claudia Jimenez – Not Present

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

II. STATEMENT OF CONFLICT OF INTEREST: None

III. AGENDA REVIEW

There were no changes to the meeting agenda.

IV. APPROVAL OF MINUTES (December 6, 2023)

<p>ACTION: It was M/S/C (Lawson/Lorber) to approve the minutes of the December 6, 2023 meeting, as submitted; approved by a voice vote: 4-0 (Ayes: Johnson, Lawson, Lorber and Chair Hegstrom; Noes: None; Abstain: None; Absent: Garcia, Jackson and Lacy).</p>

V. PUBLIC FORUM

Staff Liaison Lilia Corral advised of an email from CORDELL HINDLER: *Hello Chair Hegstrom, Commissioners and staff, Happy 2024. I am submitting the following comments into the record. 1. For the February agenda the Commission should consider planning your retreat to go over the expectations for the Community Police Review Commission. 2. Also to consider having some young adults fill the remaining vacancies on the Community Police Review Commission. Sincerely, Cordell.*

VI. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Council Liaison Claudia Jimenez was not present at this time.

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

Assistant Police Chief Tim Simmons presented the report for Police Chief Bisa French. He wished everyone a Happy New Year and provided an overview of the current staffing for the Richmond Police Department (RPD). He noted that December was a slow period for hiring recruits given the holidays and the numbers were the same from the prior report in December. There were 118 currently filled sworn positions with 28 sworn vacancies made up of five sergeants and 23 officers. He reported that two recruits would graduate from the Contra Costa County Police Academy on January 5, 2024. There were another three recruits in the junior class of the Police Academy who were three months behind that graduation. In addition, there was a third officer from the City of Lompoc Police Department who would join the RPD, and three people would be sworn in on January 8, 2024. Members of the CPRC were invited to that swearing in at the RPD on that date at 10:00 A.M.

Assistant Chief Simmons stated 68 professional staff members were authorized and 49 positions were filled with 19 vacancies. He noted that there was movement to secure other professional staff. Of the 118 filled sworn positions, there were three sworn officers out on light duty, four officers on injury leave, and two officers out on long-term sick leave who would ultimately be retired. Those nine officers would have to be deducted from the total 118 filled positions.

Assistant Chief Simmons stated the RPD looked to a bright future in 2024 with recruiting and hiring and hoped to make ground with some of the benefits the City Council had approved for the RPD. He added that the last use-of-force data was from November when there were four reported use-of-force incidents; three of which were body force and one was a canine contact incident. Out of those four, two involved extremely intoxicated individuals.

With respect to violent crime, Assistant Chief Simmons stated the year had ended with the lowest homicide rate on record with eight official homicides, one officer-involved shooting that resulted in death, and two vehicular manslaughters. As to why the numbers were so low, he stated despite understaffing, with the batch of new officers hired in the last couple of years and the training invested in them, there had been a tremendous amount of connectivity with the community, proactive response from officers working in tandem with the Office of Neighborhood Safety (ONS), and the whole system working together with stakeholders in the community helping the RPD target individuals engaged in violent crime. He stated officers had stepped up and were not being paid specialty pay or other extras and still wanted to serve the community in that capacity; everything coming together at the right time to work as it should work.

Assistant Chief Simmons referred to the ShotSpotter Report and identified 160 shots fired/calls for service. The year 2023 ended with the same numbers as in 2022.

Commissioner Lawson referred to the first table in the ShotSpotter Report and asked about the shots fired versus activations, and Assistant Chief Simmons explained that shots fired calls were calls from citizens that included the activations from shots fired, which were automatic, and which did not include citizen calls.

Assistant Chief Simmons also explained that for a number of reasons, not all shots fired would be registered by the shots fired system. The difference related to calls received automatically by the shots fired system versus those called in by citizens, which information was important to the RPD to be able to total the calls related to shots being fired and to identify those from the ShotSpotter system and those from the citizenry. It also allowed an understanding of how well the ShotSpotter system was working and whether an additional area should be covered by that system.

Assistant Chief Simmons added that if there was something found as a result of a call for service, a report would corroborate a crime having occurred. As to whether a backfire could be identified instead of a shot, he explained that the ShotSpotter system distinguished the difference between a backfire, firework or similar sound and should only report shots fired to the 911 Call Center. There could, however, be a citizen call that could not distinguish between shots fired and backfires.

When asked by Commissioner Johnson as to the City's unsolved homicides, Assistant Chief Simmons stated work was being done on unsolved homicides although the older the homicide the less work being focused on those homicides given the lack of staffing. He added that through Congressman Garamendi's office there may be some funding available to work on long-term unsolved homicide cases.

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

Sergeant Ben Therriault, President of the Richmond Police Officers' Association (RPOA), reported that the RPOA had participated in numerous charity events in December, such as the 23rd Street Merchants Toy Giveaway, the Richmond Police and Fire Toy Program serving over 500 families with toys and food, and the sign-up process that had occurred in November 2023. There was also the Shop with a Cop through the Richmond Police Activities League (PAL) with help from Target and Walmart.

Sergeant Therriault explained that he had not attended the CPRC meeting in December because he had been in Washington, DC lobbying on behalf of the RPOA, to push for additional grant funding for housing for officers who worked in the community they served in through a modified government program, to increase the ability for more recruiting and retention of officers through Department of Justice grants, and to address pension issues related to Social Security upon retirement. He reiterated the priority of recruitment for RPD.

IX. REPORT BY RICHMOND POLICE MANAGEMENT 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)

A. Status Update

Jerry Threet, Investigative and Appeals Officer, stated there were currently seven investigations pending including a recent complaint filed in December.

Two of those investigations would be considered during the Executive Session on the meeting agenda, one of which related to jurisdiction and the other the Gutzalenko death-in-custody complaint.

Mr. Threet advised that the third complaint related to 2022 and remained on hold due to an active murder investigation; the fourth complaint alleged excessive force and discrimination; the fifth alleged excessive force through a dog bite; the sixth alleged discrimination; and the seventh related to an officer-involved shooting from 2023. Of the remaining investigations he had asked for access to all the relevant information and had just received the last of the records for all of those pending complaints.

Given that period when he lacked access to records needed to complete investigations, Mr. Threet explained he had used his time to review the pending complaint on RPD's policy on missing persons and the RPD's data on use of force. He had reviewed the policy on missing persons in response to the complaint that the RPD's policy was inconsistent with state law requirements but had not found that to be the case at this point. He had scheduled a call to the complainant as to which aspects of the policy were considered to be inconsistent. A report was expected at the next meeting.

Mr. Threet stated he had also reviewed the RPD data on use of force and the recent report by Police Strategies, LLC about that data. He encouraged the Commission to look at those available records. He added that so far, the information offered by the dashboard was somewhat limited but still useful. He would continue his review and report back more fully next month if possible. He suggested the main limitation of the dashboard did not allow the user to analyze use of force according to demographic data.

Mr. Threet clarified in response to Commissioner Lawson that the complaint about the Missing Persons Policy had come in about six weeks ago and had alleged that the RPD policy on missing persons was deficient, was not best practice, did not comply with state law and that the RPD did not comply with its existing policy. He stated the CPRC did not have jurisdiction over a complaint related to the Missing Persons Policy but did have jurisdiction to make recommendations for a change in policy. He was looking to see if the policy was deficient and if it could be improved.

With respect to use of force, Mr. Threet stated he had been directed to look at the RPD's data on use of force and to do an analysis on that data. The RPD was already having Police Strategies LLC look at that policy and had put up a dashboard. The CPRC had agreed that he should look at that information and do an analysis, which he had started last month.

XI. OLD BUSINESS, DISCUSSION ITEMS: None

XII. NEW BUSINESS: None

XIII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Chair Hegstrom asked those Commissioners who had attended the National Association for Civilian Oversight of Law Enforcement (NACOLE) conference to make a report, expected for the next meeting.

The meeting adjourned into Executive Session at 7:34 P.M.

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

- a. Receive Complaint Report from CIAO in Complaint 2021-7 (Gutzalenko). Discuss and vote on finding and recommendations.
- b. Receive Complaint Report from CIAO on Complaint 2023-6 (Simpson). Discuss and vote on finding and recommendations.

RETURN TO OPEN SESSION

Pam Lee, Legal Counsel representing the City Attorney's Office, reported that the CPRC had met in closed session with respect to the two items listed on the agenda, and had taken the following actions.

With respect to Complaint 2023-6 (Simpson), the CPRC voted unanimously to accept the report and voted unanimously to accept the complaint based on excusable neglect, and to move forward with further investigation of the complaint.

With respect to Complaint 2021-7 (Gutzalenko), the CPRC voted unanimously to accept the report. With respect to the charge of a failure to use de-escalation tactics in violation of the De-escalation Policy, the CPRC voted 4-1 to sustain that charge. With respect to the other two officers in failure to use de-escalation in violation of the De-escalation Policy, the CPRC voted unanimously to exonerate those two officers. With respect to the excessive use of force, the CPRC voted 4-1 that all three officers with respect to excessive use of force the findings were not sustained. With respect to the reliance on certain sedatives in crisis responses, the CPRC voted 4-1 to make a recommendation that the RPD conduct a comprehensive review of incidents that involved the use of sedatives and the role of RPD officers in the decision to administer such drugs. The other recommendation was that RPD should consider training its officers on the appropriateness of such injections in crises situations and to set out clear rules to guide officers' actions in such incidents.

XV. ADJOURNMENT

The meeting was adjourned at 9:31 P.M.

Carol Hegstrom, Chair