

COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, April 3, 2024
7:00 P.M.

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:00 P.M. by Chair Carol Hegstrom in the Richmond Room at 450 Civic Center Plaza, 1st Floor, at Richmond, California.

Present: Carol Hegstrom (Chair), Rachel Lorber (Vice Chair), Oscar Garcia, Carole Johnson, Steven Lacy, Daniel Lawson and Carmen Martinez

Absent: Andre Jackson

Staff: Shané Johnson – Present

Council Liaison: Claudia Jimenez – Present

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

II. INTRODUCTION OF NEW COMMISSIONER

a. Carmen Martinez Appointed March 19, 2024

Carmen Martinez, a 15-year Richmond resident and community organizer introduced herself and looked forward to working with the CPRC.

Kimberly Chin, Senior Assistant City Attorney, reported that she would transition into the CPRC's representative from the City Attorney's Office with Pam Lee over the next two months.

Commissioner Johnson announced that this would be her last meeting given work and school commitments.

III. STATEMENT OF CONFLICT OF INTEREST

Pam Lee from the City Attorney's Office advised that anyone who may have any conflict of interest with respect to any item on the agenda identify that conflict at this time. There was none.

IV. AGENDA REVIEW

There were no changes to the agenda.

V. APPROVAL OF MINUTES (March 6, 2024)

ACTION: It was M/S/C (Garcia/Lacy) to approve the minutes of the March 6, 2024 meeting, as submitted; approved by a voice vote: 7-0 (Ayes: Garcia, Johnson, Lacy, Lawson, Lorber, Martinez and Chair Hegstrom; Noes: None; Abstain: None; Absent: Jackson).

VI. PUBLIC FORUM

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

VII. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Council Liaison Claudia Jimenez referred to the City Council's recent discussions, which had included smoke shops where a moratorium was being considered. She reported the item had been continued to the Council's April 16, 2024 meeting. She also distributed flyers about the upcoming City Budget meetings in the community.

Commissioner Garcia noted that smoke shops had been a priority of the Iron Triangle and the 23rd Street Merchants, and he had learned since the last meeting that the Richmond Police Department (RPD) was supposed to be approving permits for smoke shops, although the regulatory unit had been disbanded due to RPD cutbacks and he asked about the plan to bring the RPD back into compliance with its regulations.

Council Liaison Jimenez explained that Code Enforcement was now responsible for smoke shops and there was a need to change the Richmond Municipal Code (RMC) to that effect.

Commissioner Garcia noted his understanding that Code Enforcement had also lost most of its staff and he asked when adequate staffing for that department could be expected. He also noted that there were at least seven smoke shops along Macdonald Avenue, loitering was a concern and those businesses had not been licensed correctly.

Council Liaison Jimenez stated that there were 78 smoke shops in the City. With respect to staffing, she explained that contract staff would be considered for the Code Enforcement department in the short term. She commented that there was a need for more healthy options in the community and noted that some of the smoke shops could be closed given that they were not properly permitted.

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

Police Chief Bisa French reported that the RPD currently had 121 filled police positions with 25 police vacancies, and 10 professional staff vacancies, five officers on medical leave and two on light duty. In addition, there were three hires waiting to go to the police academy that would not start until June, and those hires would be trained in-house during the interim. Eight others were currently in the police academy.

Chief French stated for February there had been 24 uses of force and four canine contacts. In terms of crime, there had been one homicide in March in the 300 block of 36th Street, the third homicide of the year, and suspects had been identified in each of those cases. In addition, there had been an attempted sexual assault of a woman in her 70s, the assailant was known and had been arrested.

Chief French also reported on recent RPD calls of note including a home invasion in the 2000 block of Roosevelt Avenue where an armed suspect had confronted the victim who had arrived home and the suspect had ransacked the house and had taken several items including the victim's purse; the capture of an AT&T wire theft suspect on Castro Ranch Road who had been found with \$20,000 worth of stolen wire in the trunk of his car; a human trafficking operation on 23rd Street where three citations had been issued with the intent to prostitute, with one firearm recovered and two victims rescued; and an operation on the south side had resulted in the impound of 70 vehicles at the request of several residents who had complained about abandoned vehicles. She added that there continued to be robberies of people around ATMs, and in one case a male at the Bank of America in the Hilltop Area waiting to deposit money had been accosted by two suspects who had stolen the money and carjacked the victim, which suspect was still outstanding. Further, a male had been arrested for sexually assaulting his stepdaughter.

Chief French advised that last month there had also been promotional exams for sergeants, lieutenants and captains' positions. There had also been a meeting last week to talk about the Community Crisis Response Program (CCRP) and the next steps to get the CCRP teams up and running by August 2024.

With respect to community engagement, Chief French advised she had made a presentation to the Reimagining Public Safety Community Task Force last month; last weekend the RPD was at Booker T. Anderson Park for an easter egg hunt; and there had been two of the monthly Walks with the Chief at 23rd Street and in the Point Richmond Area to engage with the business owners and the community. For International Women's Month, she had participated in several panels, one which was the 30 X 30 campaign to get more women involved in law enforcement across the nation with the goal of increasing the current 12 percent of women to 30 percent by 2030, not only in law enforcement but representative of different areas as well. She had also been a co-host of an event called Equity for Black Women and Girls, spoken at an event about a Task Force for Violence Against Women, and been a panelist at a Women's Leadership Conference in San Francisco.

In response to Commissioner Johnson as to a recent accident, Chief French explained that traffic safety issues, primarily speeding issues, were the biggest complaint she received across the City and the RPD was currently working on a fatal collision. She reported there had been five fatality collisions so far this year. All collisions had been on surface streets; on Pierce Street, two on the Richmond Parkway, a double fatality on Carlson Boulevard, and one currently in process.

Commissioner Garcia asked whether the homicide at the smoke shop had been solved, and Chief French reported there were people of interest but no arrests had been made.

Chief French confirmed, when asked by the Chair, that the RPD still put out weekly crime report updates on social media and on the RPD website under the transparency page. She also provided a monthly report to the City Council on crime.

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

There was no report from Sergeant Ben Therriault, President of the Richmond Police Officers' Association (RPOA).

X. REPORT BY RICHMOND POLICE MANAGEMENT ASSOCIATION (Eric Smith or Designee)

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

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

a. Status Update

Jerry Threet, Investigative and Appeals Officer, reported that eight investigations remained to be completed and included the Simpson complaint where there were allegations of the loss of property during the complainant's incarceration and he would have to interview the officer involved. He identified the steps taken for each of the investigations that involved an officer-involved shooting and excessive force and discrimination complaints.

b. Approve/Vote on Public Case Summary – 2023-7 (Medrano)

Mr. Threet advised that the CPRC had decided this complaint in close session at its previous meeting and had found there was no jurisdiction in this Public Summary.

Commissioner Lawson noted his understanding that decisions made by the CPRC and those commissions under the Brown Act should report the detail of the CPRC's vote by number of votes on both sides and by the names of those voting.

On the discussion, Mr. Threet commented that the City's prior investigator, Bruce Soublet from the City Attorney's Office, had indicated that the votes would be reported out by the individual Commissioners and their votes under the Brown Act, and the CPRC had been doing that when Mr. Soublet had retired.

Pam Lee stated that practice should be continued and it would be a policy decision if there was a need to include the names in the public summaries. She noted the need to be consistent historically.

Commissioner Lawson asked if the past minutes and public summaries should be corrected and Ms. Lee stated that the votes could be reviewed and ensure they would be recorded to show who had voted in favor of and in opposition to those cases.

ACTION: M/S/C (Garcia/Lacy) to approve Public Case Summary 2023-7 (Medrano); approved by a voice vote: 5-0 (Ayes: Garcia, Johnson, Lacy, Lawson, and Chair Hegstrom; Noes: None; Abstain: Lorber and Martinez; None; Absent: Jackson).

XII. OLD BUSINESS, DISCUSSION ITEMS: None

XIII. NEW BUSINESS

a. Discuss/Vote on Modifications to the CPRC Application Form

Chair Hegstrom referred to the CPRC Application form and an outdated section related to the requirements that Commissioners have eight hours of RPD orientation and a minimum of 20 hours of participation and ridealongs.

Chair Hegstrom sought a discussion of the CPRC on the appropriateness of retaining those requirements and/or whether they should be shown as recommendations and not requirements.

Commissioner Lawson verified that the requirements were not part of the ordinance but he agreed that they be shown as recommendations and not requirements. He questioned whether there really was an RPD orientation.

Given the importance of those requirements, Commissioner Johnson suggested that the number of hours should be reduced but that the requirements be retained

Chair Hegstrom advised there had been RPD orientations but not eight hours long.

Commissioner Garcia commented that the ridealongs had been encouraged from the standpoint of knowing what RPD was doing and the only other option was to show up at a drunk driving checkpoint. He suggested the requirements had been included as an expectation of monitoring the RPD, and with no other reference he was concerned that expectation was not being set. He supported the retention of the requirements and suggested it was not currently required because it was not being enforced.

ACTION: M/S/C (Hegstrom/Garcia) to approve a modification to the CPRC Application Form to encourage at least one ridealong a year and get an orientation at the RPD: 7-0 (Ayes: Garcia, Johnson, Lacy, Lawson, Lorber, Martinez and Chair Hegstrom; Noes: None; Abstain: None; Absent: Jackson).

Commissioner Martinez asked whether the CPRC Application Form should also include the meeting attendance requirements.

Staff Liaison Shané Johnson suggested that would not need to be included in the application form since the information submitted to new Commissioners by the City Clerk's Office was clear that missing more than three meetings in a rolling 12-month period would be an automatic resignation.

Chair Hegstrom added that none of the applications for other City boards and commissions included the attendance requirement.

Pam Lee suggested that the attendance requirement could be part of the orientation.

As a public comment, Chief French highly encouraged members of the CPRC to do ridealongs and RPD orientations given that the CPRC was tasked to look at cases and be aware of what the RPD was up against and how it operated. She commented that the CPRC was also tasked with building community relations between RPD and the community, and she urged the CPRC to put that on the agenda and consider ways where it could work with the RPD and the community.

Commissioner Lacy emphasized that Commissioners had to do some ridealongs and RPD orientation to be able to make changes between law enforcement, the CPRC and the community, and that when he had been a new member of the CPRC, he had done outreach to the community with healing circles at Nicholl Park.

Chair Hegstrom agreed that more outreach should be done and should be placed on the next meeting agenda

b. Discuss Jerry Threet's Continuing Status as CIAO

Jerry Threet stated he had contacted Chair Hegstrom last week to report that he had been awarded a contract with the City of San Diego for investigative services and his priorities would shift as a result. He also wanted the CPRC to have an opportunity to hire someone who would put Richmond's investigations as their first priority. He made it clear he would love to continue with the work he was doing for the City of Richmond but he could not do so as his first priority during the period of time that he would be working with the San Diego contract.

Chair Hegstrom reported she had verified with the Berkeley Office of Police Accountability, the CPRC's counterpart, that administrative reviews were conducted prior to sending cases to their investigator. As such, she suggested that with any new complaint the CPRC could evaluate it on its face prior to its consideration by the City Attorney's Office and prior to submittal to the investigator, which could eliminate the time Mr. Threet was required to spend on cases that should not be investigated.

When asked, Mr. Threet explained that would save some time, potentially a fifth to a tenth of the time required for a full investigation depending on the complexity of the case.

Kimberly Chin quoted from the code that the investigative officer shall investigate timely complaints as soon as possible but did not provide for the CPRC to investigate.

Pam Lee stated there was a difference between intake and administrative tasks that needed to be addressed prior to the actual investigation.

Commissioner Lawson clarified that an administrative review to save the CIAO time would require time from City staff and even if a new CIAO was not hired perhaps someone to supplement Mr. Threet's work, such as an intake person with Mr. Threet's expertise, could help with the burden.

The CPRC was advised of the difficulty in finding someone with the skills and the time to do the investigative work consistent with the City's designated positions with full and part-time hours, particularly since there was an estimated 18-month period where no investigations had occurred. Given the difficulty securing Mr. Threet there was a need to take that into consideration.

When asked, Mr. Threet suggested the work would vary but on average he could dedicate five hours a week to the City of Richmond's work that currently averaged 10-12 hours a week.

Commissioner Garcia expressed his hope that Mr. Threet could continue to dedicate as many hours as possible but he was concerned with the potential loss of Mr. Threet and the quality of investigations he had provided.

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

c. Community Events – Cinco de Mayo, Juneteenth

Commissioner Garcia advised that the CPRC would be participating in Cinco de Mayo and he would sign up for Juneteenth, and work with Staff Liaison Johnson on both.

Chair Hegstrom stated that usually a table would be set up with supplies and a schedule would be set up with members of the CPRC to man the table.

Commissioner Garcia explained that the peak hours were noon to 4:00 P.M. and he would work with Ms. Johnson to set up the table beforehand but would need help putting everything away afterward.

The CPRC recommended having candy for handouts and noted that tote bags were popular. After discussion, the following tentative schedule for Commissioners to man the table were identified as Commissioner Garcia (11:00 A.M.-1:00 P.M.); Vice Chair Lorber (12:00 Noon-1:00 P.M.); Commissioner Lawson (1:00-2:00 P.M.); Commissioner Lacy (2:00-3:00 P.M.); Chair Hegstrom (2:30-3:30 P.M.); and Commissioner Martinez any time after 12:00 Noon. All Commissioners were encouraged to attend.

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

XIV. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Staff Liaison Johnson stated she would update the attendance log and she urged everyone to pay attention to their attendance to avoid an automatic resignation. Staff would advise if a Commissioner was close to the automatic resignation.

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

The CPRC moved into the Executive Session at 8:23 P.M.

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

a. Response from Chief French re: Complaint 2021-7 (Gutzalenko).

RETURN TO OPEN SESSION

Chair Hegstrom returned to Open Session after the Executive Session at 8:40 P.M.

Pam Lee, Legal Counsel representing the City Attorney's Office, reported that the CPRC had met in closed session with respect to 2021-7 (Gutzalenko). The CPRC provided further direction but no reportable action was taken.

XVI. ADJOURNMENT

The meeting was adjourned at 8:40 P.M.

Carol Hegstrom, Chair