

COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, May 1, 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, Andre Jackson, Daniel Lawson, and Carmen Martinez

Absent: Steven Lacy

Staff: Shané Johnson – Present

Council Liaison: Claudia Jimenez – Not Present

City Attorney's

Office Representative Pam Lee – Present/Zoom
Kimberly Chin - Present

II. STATEMENT OF CONFLICT OF INTEREST

Pam Lee from Aleshire & Wynder, LLP, on behalf of 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. She also confirmed that this was her last meeting with the CPRC representing the City Attorney's Office.

III. AGENDA REVIEW

There were no changes to the agenda.

IV. APPROVAL OF MINUTES (April 3, 2024)

<p>ACTION: It was M/S/C (Lawson/Garcia) to approve the minutes of the April 3, 2024 meeting, as submitted; approved by a voice vote: 6-0 (Ayes: Garcia, Jackson, Lawson, Lorber, Martinez, and Chair Hegstrom; Noes: None; Abstain: None; Absent: Lacy).</p>

V. PUBLIC FORUM

Shané Johnson, Staff to the CPRC, read comments from CORDELL HINDLER that had been submitted for the record, as follows: "Good evening Chair Hegstrom, Commissioners and staff, for a future meeting the Commission should consider hosting the retreat for CPRC expectations; also, the Commission is invited to the Rotary Club on May 3, at 12:30 P.M. at the Richmond Country Club, \$25 for lunch; also, Kenneth Farr will provide a presentation on Salesian College prep."

VI. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

Council Liaison Claudia Jimenez was not present.

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

Assistant Chief of Police Tim Simmons identified the current staffing of the Richmond Police Department (RPD) and reported there were no officers on light duty, six officers were on long-term injury leave and of those six he expected four would retire due to injuries. There were no officers out on long-term sick leave. He explained that situation was the best it had been for quite some time. Of the 146 authorized sworn positions, the RPD had 120 filled positions with 27 sworn vacancies, and of those vacancies five were sergeants, 21 officers and one lieutenant. He would attend a graduation of the Contra Costa County Police Academy on May 3 where four new recruits for the RPD would graduate. There was another half dozen recruits getting ready to start the Police Academy but given the year plus to get through the academy and the field training, it would be some months before those new officers would be on the job.

Assistant Chief Simmons added that there were 68 professional staff positions with 59 filled positions and 9 vacancies, the best it had been in a long time. There was only one vacancy in the Communications Center, the temporary holding facility was full, one vacancy in the Records position, and Parking Enforcement was full, which was key to the City Council's intent to reinvigorate street sweeping citywide, all good news.

As to the March Use of Force Report, Assistant Chief Simmons advised there had been a total of 15 reported use of force incidences, out of which one involved the use of a canine, one the deployment of a taser, two involved the painting of a taser that resulted in a give-up as opposed to an activation, four involved someone who was high or under the influence of alcohol, none involved anyone with a mental condition and for the remainder there were no other less than lethal force tools applied.

Assistant Chief Simmons referred to the ShotsSpotter Report and focused on November 2023 to January 2024, and February to April 2024, where there had been a reduction in shots fired calls, a reduction in the activations. He explained however that there was some concern in the actual shootings in that while there were fewer shots fired calls and fewer activations, there had been significantly more shootings, people injured through shootings, than this time last year. He stated the RPD proactively worked with the Office of Neighborhood Safety (ONS), and he personally engaged with the Director of ONS when there was a serious shooting to the point he could, and worked with the RPD Intel Unit and beat officers to find a way to identify the small number of people engaging in gun violence right now who were responsible for most of the shootings year over year.

Assistant Chief Simmons also reported on violent crime month over month March to April, with one homicide in March and none in April, 80 aggravated assaults in March and 81 in April, 28 robberies in March and 22 in April, and seven sexual assaults in March and 11 in April. The total violent crime index was 2 percent down month over month. With respect to property crimes, burglaries (residential or business), there were 22 in March and 22 in April; thefts which included auto burglaries, there were 138 in March and 104 in April; for arsons, five in March and four in April; abandoned vehicles impounded, there were 368 in March and 365 in April; and for collisions, there were 130 in March and 183 in April.

For DUI-related collisions - there were five in March and two in April; DUI reports (arrests) - there were 18 in March and 14 in April; side show calls for service - there were four in March and nine in April; and for firearms recovered - there were 15 in March and 11 in April (mostly from traffic stops).

Assistant Chief Simmons responded to questions related to how registered owners, if any, would be able to retrieve abandoned cars; areas where more vehicle burglaries occurred which had reportedly been clustered at Pacific East Mall, and the Costco, Walmart, and Target parking lots, and residential burglaries generally clustered while commercial burglaries, with the exception of the larger businesses, seemed to be more random. The RPD worked with the businesses to address those situations. As to the difference between a burglary and a theft, he explained that had to do with intent. A burglary occurred when it could be proven that the intent had been established to steal from a business, while a theft would be to turn into a robber.

Commissioner Garcia advised that the 23rd Street Merchants Association had been appreciative of the traffic enforcement on 23rd Street and had noticed a difference in the short term.

Assistant Chief Simmons explained that a Parking Enforcement Officer was now on board and had made a difference, and the RPD would be meeting with the 23rd Street merchants this week. While there was insufficient staff to reinstitute the full-time Traffic Unit, that was the next unit to be established when able. The motorcycles had already been purchased for those officers given that in his opinion, traffic was the missing link in the community given the number of accidents on the roadways in the City.

CORDELL HINDLER, a member of the Park Plaza Neighborhood Council, referred to a number of situations of concern where he had called the RPD with respect to cars doing donuts on 48th Street, issues with loitering in front of the 7-Eleven, and graffiti issues in the Palace Furniture corridor where a greater police presence was needed.

Chair Hegstrom agreed with the concerns related to loitering and loud music on 25th Street past 7-Eleven towards Nevin Avenue, especially during the summer.

VIII. 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).

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, reported that there were seven investigations pending that had not been completed to the point of a finding.

Mr. Threet explained that one recent complaint had been dismissed and had been referred to the RPD for investigation because it concerned allegations not within the subject matter jurisdiction of the CPRC. Should the complainant be dissatisfied with the findings issued by the RPD, he confirmed the complainant still had the option to appeal those findings to the CPRC at that point.

Mr. Threet highlighted the status of the seven open investigations and reported that Police Chief French had provided an additional response to the CPRC's recommendations regarding the Gutzalenko investigation, and the CPRC recommendation that RPD conduct a conference review of incidents involving the use of sedatives on suspects, and the role of any RPD officers, if any, in the administration of such drugs. The CPRC had also recommended additional training for its officers on the use of such injections in crisis situations and how the officers should interact with the responding emergency medical professionals. He reported that Chief French had agreed that RPD would provide additional training for officers on that subject.

XI. OLD BUSINESS, DISCUSSION ITEMS

a. Community Events – Cinco de Mayo, Juneteenth

Chair Hegstrom verified that the CPRC booth for Cinco de Mayo was usually set up at Garvin Avenue and 23rd Street, and the schedule for CPRC member tabling had been included in the minutes of the last meeting. Commissioner Jackson commented that he could table at about 2:00 P.M. The tabling for Juneteenth would be discussed at the next CPRC meeting with the understanding that few Commissioners would be available to populate that event.

XII. NEW BUSINESS

a. Congratulations and Farewell to Eddie Aubrey, Manager of the Office of Professional Accountability

Chair Hegstrom explained that Eddie Aubrey, the Manager of the Office of Professional Accountability, who provided automatic notification to the CPRC about police shootings, among other things, would be leaving the City's employ.

Eddie Aubrey thanked the CPRC for all its hard work, stated that police commissions were very important, and advised that he would be working for the City of San Jose to run their office of Independent Police Auditor. He stated it had been a pleasure and an honor to work with the CPRC and Mr. Threet given that everyone was working for the same mission to ensure police accountability and helping to enhance police services in the community to make everyone safer.

Mr. Aubrey referred to upcoming conferences including a National Association for Civilian Oversight of Law enforcement (NACOLE) one-hour webinar on May 14 about investigating police surveillance, and the Annual NACOLE Conference the second week in October in Tucson, Arizona. He reported that Sergeant England would be the contact in the Office of Professional Accountability pending a replacement for his position. He urged the CPRC to keep up its good work.

Commissioner Garcia thanked Mr. Aubrey for making information available to the CPRC.

CORDELL HINDLER commented that the City would not be the same without Mr. Aubrey, who would be missed.

Chair Hegstrom thanked Mr. Aubrey for all that he had done for the CPRC and for the City of Richmond.

XIII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Commissioner Garcia stated the City Council had recently passed a moratorium on smoke shops and he noted that currently there had been no enforcement of smoke shops and other businesses, which was a serious concern that needed to be raised with the senior leadership given that no enforcement in any way was being done in the City, including traffic enforcement. He acknowledged that the City as a whole had fewer staff.

Chair Hegstrom referred to the ordinance changes the CPRC had approved for recommendation to the City Council that would require a meet and confer with the RPD.

Kimberly Chin from the City Attorney's office reported on the efforts to find a date for the meet and confer after which there would be a response. She noted the possibility the RPD would not be happy with the changes.

Pam Lee from Aleshire & Wynder, LLP added that the RPD might want to clarify the definition of any changes that were not consistent with state law. After the meet and confer, the City Council would vote on the changes.

XIV. ADJOURNMENT

The meeting was adjourned at 7:52 P.M.

Carol Hegstrom, Chair