

COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, September 4, 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), Marisol Cantú, Oscar Garcia, Andre Jackson, Daniel Lawson*, Rachel Lorber (Vice Chair), and Carmen Martinez
*Arrived after Roll Call

Absent: Steven Lacy

Staff: Shané Johnson - Not Present

Council Liaison: Claudia Jimenez - Present

City Attorney's Office Representative Kimberly Chin, Senior Assistant City Attorney - Present

II. STATEMENT OF CONFLICT OF INTEREST

Kimberly Chin, Senior Assistant City Attorney, asked Commissioners to review the agenda to advise whether there were any conflicts with respect to any item on the agenda. None were reported.

III. AGENDA REVIEW

There were no changes to the agenda.

IV. APPROVAL OF MINUTES (August 7, 2024)

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

V. PUBLIC FORUM

CORDELL HINDLER, Richmond, invited everyone to the Contra Costa Mayor's Conference scheduled for October 3, 2024, at 6:30 P.M. hosted by the City of Richmond, with a fee of \$70, and with a location yet to be determined. He also commented on his disappointment that there had not been any interest in the CPRC from youth after the Juneteenth celebration.

MARK WASSBERG asked if there was any legal resource available to the public to take legal action against corrupt police officers in the Richmond Police Department (RPD).

RAYMOND WENDEL commented on the current system and structure that did not fully hold police accountable and actually seemed to be designed to hide police misconduct from the public. He referred to the narrow scope of complaints the CPRC had the authority to enforce related to unreasonable force, discrimination, sexual assault, or sexual harassment by an officer. He asked why the CPRC is unable to investigate officers involved in unlawful search and seizure, interference with First Amendment rights, or harassment of the unhoused, as other jurisdictions, such as the cities of Berkeley, Oakland, Riverside, and San Diego, are able to do.

Mr. Wendel also expressed concern with the fact that the Police Chief and City Manager can override a CPRC determination of misconduct and choose not to impose any discipline, without any public notification. As a result, he sought more transparency and referenced examples of how other jurisdictions, such as Berkeley, offered greater transparency. He also pointed out a lack of transparency on the CPRC's Public Case Summary webpage, where the names of police officers are redacted while the names of complainants are published. This, he argued, poses a risk of retaliation and discourages the public from filing complaints. He urged the CPRC to redact the names of complainants in the future.

Chair Hegstrom explained that if someone files a complaint with the RPD and is unsatisfied with the results on any matter, the complainant can appeal the decision to the CPRC. However, they must first go through the RPD process.

Commissioner Lawson noted it was inappropriate for the CPRC to respond to public comments.

CHUCK WEISSELBERG asked the Police Chief and the CPRC how the California Racial Justice Act had been examined and evaluated by both the CPRC and the RPD in terms of its effectiveness with officers and officer training, and how it was considered by the CPRC in relation to appeals and other CPRC-related matters.

EMILY ROTH, Richmond, noted that a friend of hers had died while in police custody in another community and there had been no recourse in that case. She was grateful that Richmond had the CPRC as an oversight mechanism. She suggested that the CPRC's authority should be reevaluated, proposing that, rather than remaining an advisory body, the CPRC's scope should be broadened. This would include extending the complaint filing period, increasing promotion of the CPRC, and making more information available to ensure accountability and be able to strip the unchecked abuse of power.

DANE JANEEN, Richmond, called on the CPRC to create more practices to thoroughly investigate all complaints against the RPD and to hold the RPD more accountable and ensure more transparency about any abuse or risk of misconduct by any RPD officer. She was concerned that misconduct and abuse had gone unchecked, stated there was a lack of transparency and information regarding complaint investigations, and it was currently difficult for members of the community to find information about complaints, investigations, or disciplinary actions taken against RPD officers. While other California cities published annual reports to identify that information, Richmond did not and should be required to provide it.

Ms. Janeen stood in solidarity with 'Crazy Gus' and others like him who had been harmed by RPD officers with little to no consequences. She wanted the CPRC to be empowered to reflect statewide Best Practices of police oversight bodies to empower the community to speak up against abuse or misconduct in the community.

KAREN reported she had been a victim of RPD misconduct and brutality and was concerned about the number of RPD officers who might be harming the community. She had not known about the CPRC or how to submit a complaint at the time of a domestic violence incident and had been unable to file a complaint within the 120-day filing deadline. She survived a domestic violence relationship where the police were called so often they were familiar with her and her abuser, and after a violent fight she had called the RPD for help and told them she was 39 weeks pregnant. She described the situation after the call to RPD where an RPD officer had left her at the back entrance to the County Hospital in Martinez with no money, no phone, and no ability to get into the hospital at 3:00 A.M. due to COVID protocols. She had to borrow a phone from a stranger to call her abuser to pick her up when the abuse continued. She stated that RPD officer's actions put her and her unborn child at risk. She stated the CPRC needed to do more to let the community know it existed to help the community, and give people like her an opportunity to hold police accountable no matter the time involved.

ELI MOORE, by Zoom, referred to the just-offered testimony that showed the impact in the community of not having an effective system that held police accountable. He stated that the Richmond CPRC, compared with others, was behind in reporting that made decisions transparent, and lacks the authority needed to ensure those decisions have a meaningful impact on community outreach and access. He added the CPRC did not have an online forum, which should be corrected. He suggested bigger things around policy changes were also within the CPRC's scope and he supported and advocated for solutions.

ANDREW, a life-long Richmond resident, advocated for the CPRC to expand and take more measures to hold RPD officers accountable. He had grown up within a structure that had marginalized people of color and for decades it had been because of the way original police officers had criminalized and exploited the most vulnerable populations. On May 5, 2024, he saw the same pattern against Crazy Gus, who had sought to exercise his Constitutional right to report a police officer when he was harassed, struck, and detained by a police officer who had a long history of killing or seriously injuring 12 other people since 2014. The fact that the officer was still serving today was an injustice to the community, and a big reason that had continued was because there was a lack of transparency for the community to know who was investigated, what the misconduct was, and what would be done to hold that police officer accountable.

Currently, only the name of the community member filing the complaint was publicly displayed but the RPD officer's name was not, which created a massive barrier for community members who wanted to speak up against those types of injustices; the fear of retaliation by those who continued to believe that criminalization was okay. He urged the Commission to find new ways to increase transparency to the fullest extent of the law so that the Richmond community knew exactly what RPD officers were doing and to ensure accountability on the RPD.

ADRIAN A. wanted to do more. Specifically, after hearing about Crazy Gus, he stated that police brutality had become the norm largely because the system itself had nothing in place to hold the RPD accountable.

Adrian added that system was ineffective because police officers remained anonymous, and even when the CPRC recommended an officer's removal, neither the City nor RPD were required to comply with the CPRC's decision.

KENDRA WHITFIELD, Richmond, thanked the CPRC for its attention to police accountability and for every effort to provide recourse to members of the community who had suffered from police misconduct. The RPD was a very well-funded organization armed with military grade weapons and aided by surveillance throughout the City. As such, the RPD wielded a significant amount of power over the general public and the general public deserved access to a powerful oversight body with the ability to investigate any complaint brought before it and act on any confirmed cases of police misconduct. The CPRC did not have that power and the guidelines for complaints that could be investigated were very limited.

Ms. Whitfield referred to the Crazy Gus video showing that he had been targeted and assaulted by the RPD, expressing concern that the case was not immediately reviewed by the CPRC. She noted that even when complaints were investigated by the CPRC and police misconduct was confirmed, those results had gone unheeded by the Police Chief with little or no obligation to administer corrective action. She expressed hope that the CPRC recognized the importance of its role and that it was needed for a check and balance of the power wielded by the RPD and urged the CPRC to do everything within its power to address those limitations, so it could effectively deliver justice to the community.

MARISOL CANTÚ, a member of the CPRC speaking as a member of the public, thanked the members of the community for their comments and explained that responding to the comments was not possible at this time under Brown Act regulations.

VI. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

City Council Liaison Claudia Jimenez, by Zoom, was glad to hear interest in strengthening the CPRC to provide more oversight, and more police accountability and transparency for the community. She was willing to bring any recommendations the CPRC took seriously to the City Council.

City Council Liaison Jimenez stated the City Council had been in recess but had been working around on an initiative to make polluters pay and she was part of the ad hoc committee to make Chevron pay over a half billion dollars to the City of Richmond over ten years. She stated there would be a community conversation as to how to spend and invest those funds and to move on the tendency the City had on fossil fuels.

As to the Community Crisis Response Program (CCRP), City Council Liaison Jimenez reported that the City was launching the program, had hired Michael Romero as the new CCRP Program Manager and an Administrative Analyst, and some calls had been answered but there was a hiring process for the community intervention specialists that was currently on hold due to the City's obligation to engage in a meet and confer process with the Richmond Police Officer's Association (RPOA). She reported that

current calls and requests for response could be made to **510-620-6791**, vehicles had already been procured and there was a process to identify the name of the program. A complete launch of the CCRP was expected soon.

In response to Commissioner Cantú as to how long the hold would be and about the public engagement process that was to be pursued, Council Liaison Jimenez stated that would be discussed by the City Council in closed session at its next meeting on September 10, 2024. She noted that an advisory board would need to be created to ensure accountability and transparency for the CCRP.

Commissioner Garcia referred to the City's extension of the moratorium on smoke shops, although he reported that a smoke shop had recently opened on 23rd Street near the split with 22nd Street, and was selling items it should not be selling, including marijuana. He asked the status of the enforcement of those smoke shops since the shop in question was situated across from Grant Elementary School.

City Council Liaison Jimenez referred to a recent meeting and noted the City was going to the smoke shops for enforcement purposes. The City was hiring additional people and the City Council had approved the ability to contract out some of those services, although the City still had to go through the meet and confer process to contract outside. She agreed that a smoke shop adjacent to an elementary school was not allowed.

Commissioner Garcia reiterated that the community was anxious that the enforcement of smoke shops be implemented soon.

PUBLIC COMMENTS

CORDELL HINDLER, Richmond, asked for an update on the status of replacing the Confidential Investigative and Appeals Officer (CIAO).

MARK WASSBERG referred to four to five smoke shops in the City with two on 23rd Street and two on Macdonald Avenue, which he suggested were a public nuisance. He stated there had been a double homicide at one smoke shop that was still open, there were criminals hanging out outside, and the City had done nothing to close that shop. He suggested that a public nuisance law could close the smoke shops.

ADRIAN A., asked about the Brown Act and why that would keep the CPRC from getting anything done. He was pro-union and noted an exception that should be in place with government workers who were supposed to be public civil servants. He asked why civil servants would be independent from consequences and how that could be changed.

KAREN, Richmond, referred to the comments from the City Council Liaison about the initiative to get polluters to pay and asked if there were any resources where she could learn how to be more involved with that initiative. With respect to the CRPC, she worked in the mental health field and was interested in mental health and rehabilitation. She suggested the CCRP was vital for a community to thrive, grow, and heal and she supported a priority to expand the CCRP. She questioned whether marijuana was actually being sold in smoke shops as reported.

City Council Liaison Jimenez thanked everyone for their comments and again noted her commitment to make sure that the CPRC was strengthened with more access, and she

thanked the members of the public for being engaged. She asked Commissioners to take the comments and recommendations seriously to move them through to the City Council.

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

Chief of Police Bisa French stated the RPD continued to be short-staffed with mandatory overtime continuing. There were 123 sworn positions filled, with 23 vacancies. Sixteen officers had been hired this year with nine separations, six resignations, two retired, and one dismissed from probation. There were seven officers on medical or injury leave, two on light duty, and four on administrative leave. She had sworn in three new officers since the last meeting with one in training and the other two ready to start training. There were 11 civilian vacancies and one new Communications Manager hired.

Chief French stated the RPD had met with Michael Romero, the new CCRP project manager and had been giving him some cases for response. The Dispatch Center had some training with the Contra Costa County A3 Program and were sending cases to A3 for mental health, which had also been working out. There were 18 use-of-force incidents during the month of August from an average 9,000 calls for service each month, one canine deployment, four taser deployments, and one wrap (which was a device to avoid vehicle windows from being kicked out). There was also one gas munitions used in the Iron Triangle area where a man had come out with a gun which had resulted in a long (8-hour plus) stand-off where gas had been used in the house to help with that situation, consistent with the AB41 military weapons policy where all uses were identified on the website.

Chief French stated in an effort to be more transparent, the RPD was placing more information on the website on the crime analysis and transparency page, all calls for service without names or addresses and identifying the 100 block where responses occurred.

In terms of crime, Chief French identified one homicide last month in the 1300 block of Lincoln Avenue with one person in custody. Of the nine homicides this year, six had been solved and three remained open. She stated the RPD continued to work with the 23rd Street Merchants to address ongoing issues with respect to crime, traffic, parking and other issues and were standing by to ensure the safety of the vendors while the Contra Costa Health Department addressed the vendors on 23rd Street that the 23rd Street Merchants had complained about, making contact and giving warnings. Those efforts had expanded beyond 23rd Street to San Pablo and the Macdonald Corridor. Speed trailers had also been placed to address the numerous traffic complaints to get people to slow down in different neighborhoods of the City.

In terms of community engagement, over the last two months the RPD had attended a carnival at Pogo Park, the Third of July Fireworks, two RPD officers had been recognized at the Mothers Against Drunk Driving (MADD) awards, with attendance as well at National Night Out, Soulful Softball Sunday, and an abatement at Target.

In response to the CPRC about details related to the nine homicides, Chief French provided details on each incident as to the site, whether a gun was involved, charges and whether the perpetrator was known to the deceased. As to whether foot/bike patrols could be pursued as had been done in the past, she explained there were not enough

officers to conduct any foot/bike patrols, and in fact, there were no ancillary units at this time given the limited number of officers.

In response to Commissioner Jackson, Chief French advised the RPD was authorized for 146 sworn officers, although she would not consider that as full staff.

Chief French reiterated that there were currently 123 sworn officers and a vacancy of 26. She considered 175 officers as full staff but noted two recent studies that had evaluated the RPD and its workload and had recommended over 200 officers.

Chair Hegstrom asked about copper thefts and what could be done in that case, and Chief French reported that copper wire theft had gone up from 22 reported thefts between September 2022 and September 2023, to 222 reports between September 2023 to today. Ten people had been arrested who were engaged in copper wire theft but all of them just related to the monetary component while it was a huge safety concern given that a lot of streetlights, traffic signals, and other lights were out and the Richmond Parkway was dark. She explained that last month a wire cutter had blown himself up in a manhole and it had taken over eight hours to get him out of the manhole with lots of resources such as fire, PG&E, and police, and the wire cutter lost his life as a result. She reported that AT&T had offered a \$5,000 reward for people who called in to identify wire cutter suspects, which had been rolled out at a press conference yesterday. She noted that AT&T was suing one company that was buying AT&T wire and there were undercover operations involved. The RPD did not have the resources to search and check those businesses.

Commissioner Cantú referred to the CCRP and the RPD's lack of staff and asked how there could be more crisis intervention specialists to help alleviate some of those calls so that officers could address the high-profile high crime incidents.

Chief French explained that the RPD could not respond to all the things it used to respond to and the RPD was still assisting with some calls from A3 asking for help, which was taking some of the RPD's resources to ensure safety.

CORDELL HINDLER, Richmond, stated he had called the RPD a number of times about public nuisances at 7-Eleven and the RPD had immediately responded. He commented that there had been continuing problems at that site that he and the neighborhood council had tried to address. He also referred to the park near the senior center and commented that seniors could not find a parking spot to be able to participate in activities and he urged some effort to control the parking in that area. With respect to Palace Furniture, he stated that people were speeding along that corner. He also referred to vehicles doing donuts in the area of 45th Street and Wall Avenue near where he lived and those vehicles were gone by the time the RPD responded. He urged the RPD to address those situations.

MARK WASSBERG noted that the weapons used by the RPD were legal according to federal and state law.

ADRIAN A., asked the Police Chief if there were statistics available to identify how many crimes could be prevented with a 200-officer force as opposed to a 175-officer force, and the timeframe when 200 officers might be available.

Kimberly Chin, Senior Assistant City Attorney, reminded the public that staff and the CPRC could not respond to questions during public comment.

ADRIAN A. noted therefore, that the infrastructure needed to prevent crime did not come from a place that the RPD was capable of handling. He suggested the infrastructure was crumbling and it was the police that caused that deterioration.

KAREN referred to the vendors and how they were being approved by the RPD in response to complaints by the businesses along 23rd Street and stated there was not enough resources given to the vendors that were not legitimate when there were community programs to help those vendors legitimize their businesses. She was also concerned with the lack of police officers, and as the daughter of a police officer she noted the physical, mental, and emotional effects on police officers and their families. She hoped that the lack of resources and support would not negatively impact police officers and keep them from responding in a better level-headed manner. She also referred to the CPRC and asked if the CPRC would only respond to mental-health calls. She suggested the CPRC could also handle the vendor issues.

Police Chief French clarified that the RPD was not contacting the vendors. The Health Department was contacting the vendors and the RPD was standing by. The City was also going out to provide information to the vendors as to how they could legalize their businesses.

City Council Liaison Jimenez referred to the Street Vendors Program where the City had allocated \$200,000 and would allocate more to subsidize a Street Vendors Program given the need in the community. The 23rd Street Merchants, including Commissioner Garcia, had complained about the street vendors given the competition with adjoining businesses and advocated for a Street Vendor Sidewalk Ordinance so that some money could be set aside for the vendors. A program would create food courts where the City would subsidize all the permits needed by street vendors for a year to be able to do their businesses and avoid blocking sidewalks creating safety issues. There was some research about where they could be such as the parking lot owned by the City on Macdonald next to the BART station and the parking lot next to the Richmond Arts Center, and the City was working with those organizing the small farmers to organize the food court and reaching out to vendors to invite them to be part of that process.

OSCAR GARCIA, a member of the CPRC speaking as a member of the public, stated he had never complained about a street vendor although some of the merchants may have complained.

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), noted the RPOA had many of the concerns expressed by the Police Chief. He identified upcoming negotiations between the City and the RPOA to work on contracts and be able to recruit more officers. While there had been some struggles with ongoing recruitment, he stated there had been positive efforts to stop people from leaving, and he supported the goal to secure lateral officers, those already trained, to the RPD.

Commissioner Lawson asked how the RPOA decided to weigh in on political issues, and Sergeant Therriault described the internal process where the RPOA would reach out to candidates or vice versa, make a recommendation and go from there.

Sergeant Therriault was asked about the RPOA's position on a number of issues and he clarified the positions that the RPOA had taken versus those where no action had been taken.

CORDELL HINDLER, Richmond, a member of the Park Plaza Neighborhood Council, confirmed with Sergeant Therriault that the RPOA would again conduct the Christmas Toy Drive this year.

MARK WASSBERG referred to a contract between the RPOA union and the City and asked if negotiations did not go well whether the RPOA would go on strike and/or have the 'Blue Flu' and stop doing their job, and Sergeant Therriault stated that would not be the case. He explained that a policeman's job in Richmond was to protect the residents of Richmond, which the RPD did and did well. He did not support the Blue Flu.

KAREN noted with respect to filing a complaint that it was hard to do, took a lot of bravery and education, and she supported a sensitivity towards people's concerns and an approach not to overgeneralize everyone.

Sergeant Therriault clarified that making a complaint about police was fundamental and he believed in fair processes.

JOHN MONKS, President of the Atkinson Village Neighborhood Council, asked about community policing, and Sergeant Therriault stated that many officers were supportive of community policing where the police would go out into the community,

Sergeant Therriault added that he was a huge believer in community policing and the RPD had been the epitome of community policing for some time and had been recognized by President Obama. He added that Attorney General Lynch had come to the RPD to specifically talk about how great the RPD was as a model for community policing. He commented that community policing was intensive but necessary and he emphasized the need to work together.

ELI MOORE, by Zoom, referred to the Memorandums of Understanding (MOUs) signed by City workers last year that had covered all the different contracts and where the RPD had gotten the highest raise of all the workers, and he asked how long it had been since a raise had been that large.

Sergeant Therriault clarified that no MOUs were signed last year although a couple of years ago a police MOU had been signed for a 20 percent increase over a few years. There had been no raises for almost seven years.

Commissioner Lawson asked about any concerns for hiring CPRC program staff and Sergeant Therriault stated that he believed in protecting the process and if the City stepped out of that process, it would be a concern. He stated the RPOA wanted the program to be done and wanted it to be done correctly. The City did not do that correctly under the Government Code, which kicked off several different legal issues with labor

law in the State of California and there had to be a meeting to make sure that all those things were resolved.

City Council Liaison Jimenez spoke to the issue of responding to comments from the public and wanted to make sure that the same standard was held for everyone since not everyone at this meeting had been allowed to respond, including herself.

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 CONFIDENTIAL INVESTIGATIVE AND APPEALS OFFICER (Jerry Threet)

a. Status Update

Jerry Threet, Confidential Investigative and Appeals Officer (CIAO), reported there were nine investigations pending with the CPRC that had not been completed to a finding and one of those investigations would be considered in Executive Session at this meeting for the Macdonald officer-involved shooting from June 2023.

Mr. Threet described the second complaint as a pending complaint from 2023 alleging unlawful force and discrimination along with seven other complaints. He referred to the case with an active murder investigation that was ongoing and identified the status of that complaint. There was another excessive use of force from 2023, a 2023 discrimination complaint and the rest were from 2024, all alleging discrimination and unlawful force. A new complaint had been received last week, in Spanish, and a translation would be provided to those Commissioners who did not speak Spanish. That translator would also help with the interviews.

Mr. Threet responded to questions from Commissioner Cantú and clarified that two of the complaints were from 2023, one was on hold from 2022 due to the murder investigation, and the rest were from 2024. He also clarified for Commissioner Cantú that there had been one other complaint in Spanish a couple of years ago and the same translator had been used in that case. He explained why some investigations had taken longer than others along with the fact that he could not dedicate more time to the City as CIAO, which was why the City was searching for another CIAO. As to the status of that search, his understanding was that a recruitment would be put out in September 2024, and he hoped by the beginning of 2025 there could be a new CIAO in place.

Commissioner Cantú requested that the consulting group provide an update on that search at the October CPRC meeting.

CORDELL HINDLER, Richmond, also wanted to know the status of the recruitment process.

KAREN asked about the accessibility of different translators given her understanding that using a translator over the phone or by Zoom was a major disconnect for victims and plaintiffs alike. She asked if there were any actions being implemented to address those types of issues.

ELI MOORE, by Zoom, understood that some time ago there had been some cases where the statute of limitations had passed and the CPRC had decided not to investigate. He noted that the time for investigations and the capacity to investigate did not fill the need and he asked the amount of time needed to investigate complaints.

Mr. Threet stated he had started work as the CIAO in 2020, and at that time, there had been no investigator for the CPRC for some time and there had been an extensive backlog of cases, many of which had expired due to the statute of limitations. Some of those cases had been complicated officer-involved shooting fatalities, which took a while to investigate. Of those cases, he suggested that eight had expired due to the statute of limitations. He noted that the time to investigate a complaint was different for each case given potential complications, the incident, the number of officers involved, the number of interviews involved, and sometimes a case would take 20 hours and sometimes 100 hours, depending on the circumstances.

As to whether the two cases from 2023 were close to the deadline in response to Commissioner Martinez, Mr. Threet stated he would have to look at each case to see. He explained that the statute of limitations was typically one year from the report and there were exceptions to the statute for such things as a lack of access to records.

Commissioner Martinez wanted to know the status of the pending complaints by the next CPRC meeting.

Mr. Threet clarified that the statute of limitations was a State statute that governed complaints and investigations of complaints, often referred to as part of the Police Officers' Bill of Rights. It was a separate statute in the Penal Code that set up the process where if any community member had a complaint it had to be investigated by the department and the department had one year from the time it became aware of the complaint and the facts of the complaint to investigate it, reach a finding, and impose any discipline unless there was an exception.

XI. OLD BUSINESS, DISCUSSION ITEMS

- a. Update on the Status of the Commission's Proposed Revisions to Chapter 3.54

Chair Hegstrom stated that a date of the meet and confer had yet to be scheduled.

- b. Update on the Status of CPRC Flyer Revision/Logo Creation

Chair Hegstrom reported that Commissioner Lacy was going to create a logo, but it had yet to be created and others might want to help create that logo.

Commissioner Lawson asked about the meet and confer dates and the Chair explained that she had heard that the date had to be established with the RPOA and the City team, which had yet to occur.

CORDELL HINDLER, Richmond, commented that there was a local business that created logos that the CPRC could use. He suggested that creating a subcommittee

could be helpful as could the logo business. For the proposed revisions to Chapter 3.54, he hoped a date could be scheduled soon for the meet and confer.

Vice Chair Lorber noted that Ms. Johnson had indicated to the CPRC at the last meeting that there were some funds in the budget for the CPRC for swag that might be able to be used for consulting purposes.

XII. NEW BUSINESS

a. Alternative Training Opportunities (in-lieu of NACOLE Conference)

Chair Hegstrom asked about any alternative training opportunities.

Commissioner Lawson referred to training he had experienced at his place of employment that had been well done and he suggested partnering with other Commissions for a general Brown Act training session. He later identified that facilitator of an effective meeting management session as Lorenzo Questa.

Chair Hegstrom stated the CPRC was trained annually on the Brown Act.

Commissioner Cantú agreed with the need for such a session and potentially using the funds that had been allocated to the National Association for Civilian Oversight of Law Enforcement (NACOLE) for that and other training to address the leadership roles and other issues.

CORDELL HINDLER, Richmond, agreed with the need for Brown Act training and commented that when he was a member of the City's Library Commission, he had participated in Brown Act training related to meeting process, which had been very helpful. He had recently attended a Richmond Arts & Culture Commission (RACC) retreat where a facilitator had been involved and he recommended that facilitator to help in the process and encourage more participation from the public.

b. Discuss and Vote on Recommendation to the City Council/City Council Liaison to Add Definitions of Dispositions of Complaints and Appeals to Richmond Municipal Code ("RMC") Section 3.54.080

Vice Chair Lorber reported that she had sent an agenda item proposal for the meeting agenda that had not been included and she recommended that it be included in the next meeting agenda. She asked that the item be placed on the next agenda with her proposed language attached.

Chair Hegstrom explained how the item had inadvertently been omitted from the agenda.

CORDELL HINDLER, Richmond, agreed with the need to move the item to the next meeting agenda.

ACTION: It was M/S/C (Lawson/Martinez) to schedule an item for the next meeting agenda to Discuss and Vote on Recommendation to the City Council/City Council Liaison to Add Definitions of Disposition of Complaints and Appeals to Richmond Municipal Code ("RMC") Section 3.54.080, along with the attachment of the

language submitted by Vice Chair Lorber; approved by a voice vote: 7-0 (Ayes: Cantú, Garcia, Jackson, Lawson, Lorber, Martinez and Chair Hegstrom; Noes: None; Abstain: None; Absent: Lacy).

XIII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

Vice Chair Lorber commented with respect to the earlier public comment that there were some issues raised that did not need to go to the City Council, such as an on-line forum as opposed to an attached email, different languages online, and the redaction of the complainant's name, although some of the issues raised should be considered for submittal to the City Council.

Commissioner Garcia explained that the issue of on-line versus email was that the City Clerk in the past had always needed things in writing.

Chair Hegstrom recommended looking into that.

The CPRC adjourned into Executive Session at approximately 9:05 P.M.

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

- a. Receive Complaint Report from CIAO on Complaint 2023-3 (McDonald). Discuss and Vote on findings and recommendations.

RETURN TO OPEN SESSION

Chair Hegstrom returned to Open Session after the Executive Session at approximately 10:43 P.M.

Senior Assistant City Attorney Chin reported that the CPRC had met in Executive Session with respect to Complaint 2023-3 (McDonald), and had moved to accept the report with the amendment that the phrase 'substantial risk' be removed from Page 4 of the report. The motion passed unanimously. The CPRC also moved to make a recommendation to the Richmond Police Department that officers be required to position their body worn cameras in such a way to avoid obscuring the camera view during such incidents. That also passed unanimously. The CPRC voted to sustain a finding that there was clear and convincing evidence that the use of deadly force by the officer was unreasonable by the following vote: 5-2 (Ayes: Cantú, Jackson, Lawson, Lorber, and Martinez; Noes: Garcia and Hegstrom; Abstain: None; Absent: Lacy).

XV. ADJOURNMENT

The meeting was adjourned at 10:45 P.M.

Carol Hegstrom, Chair