

COMMUNITY POLICE REVIEW COMMISSION
of the City of Richmond, California
(CPRC)
Wednesday, October 2, 2024
7:00 P.M.

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:10 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 Flores, Oscar Garcia, Andre Jackson, Daniel Lawson, Rachel Lorber (Vice Chair) and Carmen Martinez

Absent: Steven Lacy

Staff: Shané Johnson - Present

Council Liaison: Claudia Jimenez - Present

City Attorney's Office Representative Shannon Moore, City Attorney's Office - Present

II. STATEMENT OF CONFLICT OF INTEREST

Shannon Moore, City Attorney's Office, asked Commissioners to advise whether there were any conflicts with respect to any item on the agenda. None were reported.

III. AGENDA REVIEW

Shannon Moore advised that Item a. under New Business: Discuss and Vote on Recommendation to the City Council to Amend Chapter 3.54.020(b)(a)-(3) of the Richmond Municipal Code ("RMC"): Require Commissioner Training Within 90 Days of Appointment, would be modified as a discussion item only and the actual vote on the item would take place at a meeting in November.

IV. APPROVAL OF MINUTES (September 4, 2024)

<p>ACTION: It was M/S/C (Lawson/Lorber) to approve the minutes of the September 4, 2024 meeting, as submitted; approved by a voice vote: 7-0 (Ayes: Cantú, Garcia, Jackson, Lawson, Lorber, Martinez and Chair Hegstrom; Noes: None; Abstain: Flores; Absent: Lacy).</p>

V. PUBLIC FORUM

Chair Hegstrom advised that anyone who wished to address the CPRC on a topic related to the CPRC but not on the agenda must file a speaker's request form with staff. She explained that speakers could also raise a hand on Zoom to be able to speak. There was a three-minute limit subject to the Chairperson's discretion.

Given the number of requests to speak, Chair Hegstrom imposed a two-minute limit for speakers at this meeting.

Staff Liaison Shané Johnson advised that she had received written comments to submit to the CPRC at its September 4, 2024 meeting. Since she had not been present at that meeting, she read those comments into the record at this time.

An email from Birdie on September 4, 2024 to the Police Commission:

Hello Commission, I'm emailing as a concerned homeowner of Richmond, I want to make sure that RDP is held accountable for the officers that act in misconduct and ensure that every officer is held to a standard that ensures that Black and Brown people are safe from historic racial discrimination and prejudice. In order to do that I want to bring it to the Commission's attention that there are things that I'm hearing, witnessing and have even experienced that make me uncomfortable and have brought me to speak up. I want justice for Kwesi Guss, a Richmond resident who was violently struck and detained by RPD Sergeant Cain. How am I, a homeowner, supposed to feel safe when a sergeant violates a resident's first constitutional right? I saw the video; Sergeant Cain needs to be held accountable and justice needs to be served to Kwesi. We shop at the same places, we go to the same parks, and as neighbors I want you folks, the commission, to be empowered to make sure that events like this don't happen. Thank you for listening, I know you'll do the right thing. In community, Rosie R.

An email from Angelica Rendon, September 4, 2024 to Police Commission:

To the Commission, I've been a resident for not a long time yet, just moved earlier this year. I wanted to share my story after a few friends told me what happened to Kwesi. My sister has been a resident for years and I used to visit frequently before moving out here. At the time I was minor and I had a mental breakdown due to an undiagnosed mental health issue. My sister had no idea what was happening and I was completely immobilized due to a physical chronic issue that I have. No one helped us, no doctors, no mental health facility, no police officer, I was neglected because my case was not believable. My sister called 911 to get help and when the officer came he told my sister he didn't know what to do. He offered to speak to me, but I was mentally incapable of holding a conversation. My sister and sister's partner were also scared because what if he deemed me a threat and killed me? It's something that has happened all over this country. He just left. I was sick for a full year, bed bound. This could have played out differently if we had got the help from someone that served the community. I'm looking to you, the Commission, to make sure that if someone comes to you with a tricky case that you can do something about it. Please, don't let my story go down as "just bad luck." I believe that a strong commission can make a difference. Thank you. Angelica R.

An email from Dominici Morris to the Police Commission:

Hi, I'm Dominici, a Richmond resident of District 3. I believe that the Community Police Review Commission is a great way to hold police officers accountable and be more transparent about misconduct and abuse by RDP officers. Not too long ago I became aware that this Commission even existed. I appreciated that there was a commission made up of members of the community that would be able to hold officers accountable instead of non-transparent processes that could or could not be happening internally within the RPD. A concern that I have is the

120 days to submit a complaint. I recently submitted a complaint for another person that faced abuse at the hands of an RPD officer. Luckily I was within the 120-day period. But there are so many that have not filed a complaint with the Commission because they didn't know it existed or how to do so. Other cities like Berkeley do not have a time limitation. We need to expand and utilize the best practices and procedures in order to create a more just Richmond. Thank you.

CORDELL HINDLER, Richmond, welcomed Oscar Flores to the Commission. After listening to the meeting last month, he expressed surprise that there was dialogue between the community and the Commission. He noted the need to show decorum at public meetings and he wanted a good message for everyone. On another matter, he invited everyone to the Richmond Rotary Club weekly meeting on October 25 at 12:30 P.M., \$25 for lunch, at the Richmond Country Club when the Berkeley Mayor would be the featured speaker.

RICK PEREZ, Pinole, Pedie Perez's father, spoke about Kwesi Guss and stated the incident related to Mr. Guss was not acceptable in the community. He noted the need to speak to young people, to ensure police accountability, and did not like the idea that the Richmond Police Officers' Association (RPOA) would dictate what the laws would be. He stated the officer who intimidated Kwesi needed to be held accountable.

ROSIE RENDON, Richmond, a District 6 resident, had growing concerns when it came to the governing system that kept the Richmond Police Department (RPD) in check. She stated the CPRC could be improved to do what it was designed to do, to review misconduct and develop programs and strategies to promote positive community relations. She referred to the scope of what the CPRC could investigate and asked why the Commission was only asked to investigate when serious bodily harm was involved. She added that earlier this year one of Richmond's residents was harmed when he was exercising his First Amendment rights, and it had been exposed this month that Richmond had signed clean record agreements to hide information about an officer's misconduct so that future employers of that officer did not know about that misconduct. She questioned whether that sergeant would just be transferred and continue to harm. She asked what the Commission would do to prevent that from happening and what the Commission would do to protect the community.

ADRIAN ROSILLO, Richmond, a lifelong Richmond resident, called upon the CPRC to hold police officers accountable and be more transparent about misconduct and abuse by RPD officers. He was concerned about how many RPD officers were harming the community because they had gone unchecked by the Commission. He believed that the CPRC should have the authority to review any incident that involved the use of a canine, baton, taser and/or military weapon as defined by Assembly Bill (AB) 481. Regardless of whether or not there was an injury, he stated the RPD had to report the use of a military weapon, and should report to the CPRC as the oversight body.

ANDREW MELENDEZ, Richmond, a lifelong Richmond resident, advocated for the strengthening of the CPRC and its ability to hold the police accountable given that there had been countless incidents of residents being mistreated and wrongly harmed by police officers operating under weak protections for accountability. He referred to the Pedie Perez killing and Kwesi Guss assault as incidents when there had been no accountability for the offending officers.

Mr. Melendez stated the CPRC needed to stand as a beacon of hope for Richmond residents who faced mistreatment against the police, to be done by increasing its transparency measures, longer statutes of limitations to file complaints, expanded incidents of automatic review by the Commission and the names of offending officers to be published when under investigation, and much more, to make sure that no one was above the law.

RAYMOND WENDELL, San Pablo, stated that oversight bodies had to meet certain standards, and according to the National Association for Civilian Oversight and Law Enforcement (NACOLE), the most critical feature of an effective oversight body was transparency. He was concerned with the misconduct of RPD officers under the current system. He had read an article in the San Francisco Chronicle related to clean record agreements where Richmond RPD was cited as one of the agencies that had executed clean record agreements with officers, which meant that many officers may have been able to get jobs as police officers in other communities that did not know about their records. He called on the CPRC to bring greater transparency to police in Richmond starting with the CPRC Investigations. He suggested that the Public Case Summary issued by the CPRC should include all records to the full extent permitted by California Law, a process used by the City of San Francisco, that should include the names of officers and redact the names of complainants and civilian witnesses. In addition, the Public Case Summary contained no information about what happened to officers after the Commission had made a finding of misconduct, which information should be made public and identify whether any discipline had been imposed.

HOPE DIXON, Richmond, an educator at the local community college and the Richmond community representative on the Council of Homelessness for Contra Costa County, addressed what was going on with the homeless population and how it correlated to the abuse under discussion. She stated she had seen in the last year RPD laugh at suicides of homeless youth, there was a disproportionate impact on Black and brown youth and students, and there had been tremendous trauma, and to know that students only had 120 days to make a complaint, even if they were aware of the complaint process, was not appropriate. She asked for more accountability and transparency to be able to transform to a more just community for everyone.

KAREN DURAN, Richmond, called on the CPRC to be more transparent about misconduct and abuse by RPD officers. She was concerned with the CPRC's lack of power, transparency and effectiveness. She referred to the police violence against Kwesi Guss on May 5, 2024, and noted that Pedie Perez had been murdered by RPD, and although the CPRC had not acknowledged his death as a murder by RPD, the City of Richmond had by changing the street to Pedie Perez Avenue. She stated the community deserved better than the CPRC and Kwesi's abuse should have been immediately investigated even if no one had filed a complaint to the CPRC, which should be able to investigate any report of police misconduct filed to RPD. She added that Richmond was so low on police officers the RPD was taking police with documented abusive behaviors and killings in the communities in which they had previously served. She suggested the City of Richmond needed to make the CPRC into a City department that could actually hold police accountable without the reliance of RPD's approval of recommendations. Having attended the last meeting of the CPRC, she was dedicating herself to hold space in the CPRC meetings given that she saw a lack of community engagement.

Ms. Duran stated if the public did not know about the Commission, she questioned how it could do what it was designed to do. She called upon the CPRC to see itself to a standard that could actually make a change for justice and keep police accountable.

AMBER HATFIELD, Richmond, a District 3 resident, thanked the CPRC for the time and attention devoted to police accountability and to provide recourse for those in the community who had suffered from police misconduct. She noted the guidelines and strictures placed upon the CPRC were allowing real harm to go uninvestigated and unaddressed. A video had recently circulated of Richmond community member Kwesi Guss being targeted and assaulted by the RPD while exercising his right to witness a corridor action. The fact that this case did not come under immediate review was disturbing in that other cities in the area did not have such limitations on which cases could be automatically reviewed or on the period of time a person had to file a complaint. She stated the CPRC's guidelines needed to be brought up to those standards. She added that even when complaints did get reviewed, investigation and police misconduct confirmed, those reviews had gone unheeded by a police chief who was under no obligation to administer corrective action such as in the case of Wallace Jensen who murdered two friends in 2014, and was allowed to retire. She hoped Commissioners knew that their work was needed to check and balance the power yielded by the police force and hoped it would do everything in its power to change the limitations so that the CPRC could bring justice to the community when the police department could not.

LISA JOHNSON (by Zoom) recommended that the CPRC be put on hold until several conditions could be met and appropriate guardrails enacted. She suggested the body as a whole had been de-legitimized. She supported the CPRC and its intended mission and supported police accountability. The CPRC ordinance stated the purpose of the Commission was to promote positive relations between the community and the RPD, and the Mayor shall endeavor to appoint individuals representing diverse social, economic and political interest. She added that prior to the appointment of Commissioner Oscar Flores, the previous five Commission appointments, all by Mayor Martinez, had not respected the purpose or diverse makeup of the Commission. One of those appointees, Commissioner Lorber, was a public defender. At the time of her appointment, several people expressed legitimate concerns. Based on the closed session vote last month and the legitimate ethical and legal issues raised in the Confidential Investigative and Appeals Officer (CIAO) Jerry Threet's resignation letter, she had proven that she could not be trusted to follow the ethics and rules of professional conduct for which she was bound by the California State Bar.

Ms. Johnson emphasized that Commissioner Lorber was bound by the same ethics and rules of professional conduct that bound Mr. Threet and under which he had resigned. There was no one reviewing complaints to verify that none of the complainants or witnesses therein were a client, former client of hers or her colleagues. The trust in her to serve on the CPRC in a fair and unbiased manner had been irreparably fractured. Of serious concern, three other public defenders donated to Councilmember Claudia Jimenez's 2020 campaign; two of those were her colleagues and had been there longer and her reporting structure to them was unknown. As for the other four Commissioners appointed by Mayor Martinez, all four were members of Reimagine Richmond and three of those were believed to have taken unethical votes last month. Additionally, there were two serious concerns with two of those Commissioners; one had been paid by Councilmember Jimenez in her 2024 campaign ... (two-minute time limit was up).

ELI MOORE (by Zoom) thought it unfortunate and disingenuous that the investigator laid out allegations against the Commission with no details, no substantiations, no formal complaint, although people were latching on to it as though it was some scandal. He suggested the timing was interesting. When there were finally proposals to make the CPRC effective, transparent, accountable, and able to fulfil its mission was when there were suddenly concerns about ethics that actually had no substance. There were no concerns about a year ago when two Commissioners appointed by the previous mayor actually had to publicly apologize for trying to get the investigator to change his findings because that conflict was in favor of the police and there were no calls at that point for putting the Commission on pause or some sort of ethics scandal. He suggested what was occurring was a body that was actually going to start fulfilling its mission with specific proposals that would actually bring it up to the standard practice in the region. He suggested it was about differentiating between cops who were being professional and ethical and cops who were carrying out misconduct. He referred to Oakland and San Francisco that had those practices in place and asked why that would discourage officers from coming into Richmond ... (two-minute time limit was up)

VI. REPORT OF CITY COUNCIL LIAISON (Claudia Jimenez)

City Council Liaison Claudia Jimenez thanked the speakers for their comments and concerns and for their proposal for changes to the CPRC. She also thanked Carmen Martinez, her former intern, for her service to the CPRC. She highlighted some of the actions taken at last night's City Council meeting such as improvements to Florida Evans Park, a proposal for the Macdonald Avenue/23rd Street Corridor, and allocations of funds to Boorman Park and the Mobile Vendor Program. She also referred to the extension of hours for the farmer's market and highlighted the issues with the side shows at Hilltop, noting that the RPD would work in collaboration with other agencies and address the issue regionally to help prevent side shows.

Commissioner Garcia asked about the Council's concerns for the CIAO's resignation and Council Liaison Jimenez noted that the City Council knew that Mr. Threet was leaving and the City Council was making plans for another person. In her opinion, a full-time investigator was required.

Commissioner Lawson asked if efforts would be made to ensure that the new investigator would show a greater level of confidence than the previous investigator and that investigations would actually be made in a timely manner. He referred to a previous incident related to a death in custody that had not been investigated until years later.

In response, Council Liaison Jimenez stated that the City Council wanted to make sure that the investigator would be local. She stated the City Council was meeting with consultants who would meet with the CPRC to learn what the CPRC wanted for an investigator. She suggested another issue was the time involved in that the investigator had not been full time. She explained that investigations were one part of the CIAO's role and policies and procedures was another part of that role, as were responses to families, prevention of complaints and holding police accountable.

Shannon Moore reminded everyone that the recruiter for a CIAO was present and there would be an update during the meeting.

Chair Hegstrom asked if the proposal was for a full-time investigator, and Council Liaison Jimenez explained that was her hope although she was just one vote. For now, there was no designation of part-time or full-time. The Chair also asked whether the CPRC would receive the funding it needed to provide an investigator with an assistant, or a second investigator, an office for the investigator, and whether this year's budget could be increased to provide that support.

Council Liaison Jimenez expressed a hope that the CPRC's requirements could be addressed incrementally and that the public's recommendations and concerns could be addressed and implemented, if possible.

PUBLIC COMMENTS

BEN THERRIAULT, President of the Richmond Police Officers' Association (RPOA), stated the bottom line was why Jerry Threet had left outside of his massive issues of allegations that he had laid out. He stated there was not enough work for the CIAO because the RPD was not that bad. Noting the comparisons to other communities earlier referenced, the City of Berkeley had a budget of almost \$800 million, close to triple the size of the Richmond budget. Comparing police commissions, he suggested that the cities of Oakland and Berkeley police commissions had huge issues. He understood that Mr. Threet had been picking up other work because there was not enough to do in Richmond. He also explained that Mr. Threet was a respectable civilian police investigator and he described his background in Sonoma and San Francisco.

LISA JOHNSON, Richmond, stated that Jerry Threet was a contracted employee who had quit and she stated that the misinformation coming from the CPRC had to stop. She asked Council Liaison Jimenez to comment on what appeared to be a conflict of interest with respect to two members of the CPRC; having paid one of them on her 2024 reelection campaign, and having received money from Commissioner Lawson on her 2024 reelection campaign while his spouse continued to be part of her reelection campaign and had been listed as the responsible party on her social media pages. She stated those were clear conflicts of interest and she hoped the City Attorney's office would address that situation and put appropriate guardrails in place. She recommended that Claudia Jimenez be replaced as the Council Liaison with someone who would serve in a fair and unbiased manner.

CHHABI (by Zoom), an Iron Triangle resident, suggested that the RPD was trying and instead of blaming them they should be supported in what they were doing. He stated the community should support the RDP. He did not believe in whatever the investigator said, and he was on the recent RPD side, the police commissioner side, and they were trying and there was a need to make Richmond safer and better.

Council Liaison Jimenez stated that everyone was trying and she urged the CPRC to also try hard to ensure police accountability. She recommended that the City Attorney look into the conflict-of-interest charges. She was interested in supporting the CPRC to ensure police accountability and also support the RPD and the community. She emphasized the importance of checks and balances and also supporting the residents to be safe and protected.

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

Chief of Police Bisa French reported there had been no change in RPD staffing since the last meeting in that the RPD was still significantly understaffed. She reported that Officer Terry Thomas and Officer Andy Meneses had both been promoted to Sergeant effective October 13, 2024. In terms of crime, there had been an increase of crime with respect to sexual assaults, theft, aggravated assault, robbery, and arson with decreases in homicides, from one in August to zero last month, as well as decreases in vehicle thefts and burglary. She identified some of the other events that she and the RPD had been involved in last month including a memorial run, an upcoming meeting with the Latino Center to bridge the gap with that portion of the community, speaking at a class at U.C. Berkeley related to the Racial Justice Act, being involved with the Latin American parade, Coffee with a Cop, on a panel with the nationwide 30x30 Initiative, and had met again this month with Michael Romero, the project manager with the Community Crisis Response Program (CCRP) to look at ways to support the unhoused community.

Commissioner Garcia asked about the side show at Hilltop and asked if nearby cities were also affected by that side show, and Chief French stated there were reports that a side show was going on in Hercules, and those people likely came to Richmond after that. There were shots fired in Hercules and the calls Richmond received were of a side show with smoke coming from a dealership and with shots fired. The RPD had responded and had met over 50 people participating in a side show and the RPD had to call for mutual aid from El Cerrito, San Pablo and the Contra Costa County Sheriff's office for assistance. When clear, damage had been found to two of the dealerships in the Hilltop area, and damage to nine vehicles and an RPD police vehicle from beer bottles, and bottles had also been thrown at the officers.

Chief French responded to questions and described her understanding that the delay in implementing the CCRP related to the meet and confer process for the positions where workers had not yet been able to be hired. When asked what type of calls she would like the CCRP to take on, she stated locally some of the lower-level calls such as music calls, arguments between neighbors, types of things that did not include violence, as examples. When told that the San Francisco Chronicle had reported that RPD officers were racially profiling substantially higher than statewide, she stated the RPD policy was to focus car stops based on collision factors, those things that caused accidents. The RPD was also working with the Center for Policing Equity to get recommendations on how the RPD could reduce its disparities.

Commissioner Cantú noted that since the CPRC worked with the Center for Policing Equity, she suggested that Chief French invite representatives from that Center to the CPRC since it reviewed police policy and procedures, and be asked to make a presentation to the CPRC to better understand those policies.

Chair Hegstrom asked about the clean record agreements earlier mentioned and Chief French stated that was absolutely not done at the RPD. Since she had been Chief, if there was an investigation that investigation was thorough and always finished with findings whether that officer left on his or her own or not.

Chair Hegstrom noted that the investigator was to review use of force reports from the RPD and she asked the Chief if the RPD had use of force meetings.

Chief French confirmed that the RPD had monthly use of force meetings and Chair Hegstrom asked whether the new investigator, if a local person, would be allowed to attend those meetings, and Chief French deferred to the City Attorney's Office.

Chief French added that use of force data for last month, usually collected the first week of the month, was not yet available and would be provided to the CPRC next month.

Shannon Moore reminded the CPRC and the public speakers that the questions should be in response to the material presented.

CORDELL HINDLER, a member of the Park Plaza Neighborhood Council, reiterated his comments made last month that he and the Neighborhood Council had been working collaboratively for some time to remove 7Eleven from the community given the crimes associated with that business. He noted the high number of questionable activities of those hanging around 7Eleven and stated the corridor along 23rd Street had a number of questionable activities around them. Since there used to be sting operations in that area, he requested that those operations be implemented again. He sought a greater police presence along that corridor.

CHHABI stated he was a big supporter of the RPD and noted that the officers were also investing their time and effort and police officers' jobs were difficult. He recommended that if someone complained about a small thing and if an officer went to that site that there be a written warning since written warnings would help some in the public take the situation more seriously.

Chief French explained the regular operations that used to be activated on 23rd Street was when there had been more RPD staff and when there had been a greater impact with respect to the issue of human trafficking and sex trafficking along the corridor. Things had since changed. There was no longer the staff to provide those operations but the RPD did try to do them on a monthly basis, on overtime. The other change was that Governor Newsom had signed into law last year that there be no contact with women who were loitering with the intent to prostitute. In order to actually contact them, the RPD had to believe that they were juveniles or had to do surveillance and catch them in the act of doing business. She stated it took a lot of resources, time and effort to run those operations and the RPD still continued to do its best.

Chief French noted the RPD also did not have a Traffic Unit so that the control officers who were responsible for beats could only address speeding between calls for service when traffic enforcement was also being done. She stated there were a lot of calls for service and traffic enforcement was not always able to be done.

In response to CHHABI, Chief French stated there had been a lot of complaints around the Richmond Municipal Code (RMC) sections, and one of the challenges and why a lot of the RMC had not been enforced was because there was not currently a City prosecutor to follow up on those issues. She stated the RPD was in talks about how to get a prosecutor on board to follow up on the RMC sections. She also explained that the RPD did not have a written warning system and while it had been considered more in the parking realm it had not been considered in terms of enforcement.

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

Ben Therriault, President of the Richmond Police Officers' Association (RPOA), (by Zoom) addressed the Commission's decision to sustain excessive force on the Macdonald shooting, which was extremely perplexing and disappointing that the CPRC would come to clear and convincing evidence with someone holding a gun in their hand and thinking there would not be repercussions for doing that. He stated the fact that would be judged as excessive was hard for him to grasp.

Sergeant Therriault also referred to Jerry Threet's email and was hugely disappointed in the CPRC and what was being alleged. As the RPOA President, he emphasized the importance of the CPRC serving the community in that the CPRC played a vital role ensuring that RPD officers were held accountable and that the RPD fostered a trust between the police and the public. For the CPRC to be effective and maintain its integrity, it could not function as some quasi-political kangaroo court, although that was what it looked like, that there was a lack of impartiality, that there was not some sort of coordination between those on the Commission and the activists who showed up, and if people were operating with pre-determined outcomes driven by political agendas rather than fairness and due process, the CPRC would become a vehicle for political maneuvering and risk losing the credibility and respect needed to carry out its responsibilities.

Sergeant Therriault stated he was a fan of police oversight. Like other public servants, he stated police officers deserved to be treated fairly and it did not appear as if the process was fair and that due process worked. He had a lot of concerns, was disappointed after Mr. Threet's letter and stated the RPOA would work with the City to address that situation.

Commissioner Jackson questioned why after several years there were now speakers showing up to speak to the CPRC, and he wondered if the CPRC had anything to do with that.

RICK PEREZ commented that a person was innocent until proven guilty but he noted that some of the statements he heard made him question the validity of the complaints. He stated there were good RPD officers but one bad apple spoiled the whole bunch. He added that any complaint should be considered a valid complaint and should be investigated. He also suggested the RPOA should be doing something about the Kwesi Guss incident.

CHHABI asked why the investigative officer had left when he could have sent all the emails before he left. He also noted that when living in an area like the Iron Triangle, he had personally been threatened multiple times. He asked why the RPD had been defunded and why the parking department only had two officers, and to the Police Chief he thanked Captain Stonebraker who helped in the community along with other RPD officers. Because of that he stated his neighbors could sleep at night.

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

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

X. OLD BUSINESS, DISCUSSION ITEMS

- a. Receive an Oral Report from the Byers Group on the Recruitment for the Confidential Investigative & Appeals Officer

BRETT BYERS, the Byers Group, stated that the firm had started speaking with Commissioners in July and August to get a good understanding of the office of the Confidential Investigative and Appeals Officer (CIAO) to focus on the strengths, weaknesses, priorities, and vision to understand the type and qualities of the person to look for in the role and to help source candidates on behalf of the Richmond Human Resources (HR) Department to be able to move forward. They had also met with Chief French, RPOA, the Office of Professional Accountability and the majority of the City Council, with three members yet to meet. They were now at the point of working to update the job description for the position and to source candidates for the role. That job description needed some update prior to posting.

CHRISTINE BOULWARE indicated that they had also spent time with Jerry Threet, the prior CIAO, so that they had a good sense in the ways in which he conducted business in the formal capacity of a CIAO. All of the work was now waiting to be informed by the City Council.

SHARRONE TAYLOR, Richmond Human Resources Director, recognized the hard work of Ms. Byers and Ms. Boulware to conduct a thorough recruitment. She was confident the Byers Group would be able to find a qualified candidate having placed the Police Commissioner/Investigator in Berkeley. Currently, Mr. Threet's leaving had allowed HR to review the outdated job description to ensure that it comported with the role needed to support the CPRC and incorporate other aspects that would be informed by the Byers Group. The draft of the updated job description would be submitted to the City Council. Feedback would be requested on the job description itself with the CPRC, the unions and all other stakeholders to ensure the job description comported with the need of the CPRC. She stated the typical recruitment usually took three to six months but could take longer. She asked the CPRC to be mindful that the time may change.

In response to questions, Ms. Taylor stated the job description review would not take long, although since input was being requested of stakeholders the job description needed to be established before announcing the position and it was her top priority. Typically, a job description development could take about a month and the City Council would need to approve the salary, which would depend on when the item could be placed on the City Council agenda. She added the CPRC would be kept informed as would the ad hoc committee formed at the beginning of the process.

Ms. Taylor also explained, when asked, that she did not have the purview to extend the timeframe for investigations, although she had received Council direction to find a contractual investigator. She clarified that the hiring decision was solely under the City Council's purview.

It was also verified that the stakeholders who would review the draft job description were the ad hoc committee comprised of Chair Hegstrom, Commissioner Martinez and Commissioner Lawson.

Council Liaison Jimenez noted her understanding that the ad hoc committee could be part of the interview process. In terms of a contractual investigator, she stated that should be brought to the City Council in closed session to ensure that the process did not go longer and complaints did not pile up without investigation.

Commissioner Garcia commented in the past there had been a 2.5-year gap with an investigator and in the process some of the candidates had dropped out, delaying the process. He asked that there be as many candidates as possible to address potential drop-outs and keep the process moving. He noted that one finalist had dropped out because the City Council had taken too long to make a decision and the candidate had pursued another opportunity. He also suggested that the current ordinance indicated a timeframe of 120 days, although the CPRC could extend that timeframe if needed.

Ms. Taylor explained that happened in the recruitment world and time was of the essence once the recruitment had commenced. She added that it was HR's responsibility to maintain communications with the top candidates and they would do what they could to avoid losing anyone along the way.

Staff Liaison Johnson referred to RMC Section 3.54080(b)(3) about the time limit when a complaint could be filed. It was not an investigation time limit. She suggested that everyone should become familiar with that section of the RMC.

Chair Hegstrom stated there was also a limit on how far out one could wait to investigate a case. As such, there would be some cases that could not be investigated by the CPRC because the time limit would have passed given that there was no investigator.

CORDELL HINDLER, Richmond, asked how many groups the Byers Group had worked with to fill the positions. He urged that more people be engaged given that the CIAO was a much-needed position.

Given that it was 9:00 P.M., there had to be a motion to extend the meeting.

ACTION: It was M/S/C (Lawson/Cantú) to extend the meeting to 9:30 P.M.; approved by a voice vote: 7-0 (Ayes: Cantú, Flores, Garcia, Jackson, Lawson, Martinez and Chair Hegstrom; Noes: Lorber; Abstain: None; Absent: Lacy).

LISA JOHNSON asked if the Byers Group could comment on how they planned to find a quality investigator who was fair, unbiased and took their ethics, rules and responsibilities seriously as an investigator given Mr. Threet's resignation and the alleged complaints based on the vote last month, and if the City Attorney's office was not able to address the serious allegations raised in that letter how to get someone to commit and get backups in place. She wanted to support having a different ad hoc committee since two of the Commissioners had been handpicked by Council Liaison Jimenez, who she had issues with based on campaign contributions. She suggested the process needed to be opened up to the entire CPRC to make it fair and unbiased.

CHHABI fully supported what the CPRC was doing. He questioned whether a different type of investigator might be needed after figuring out what the RPD needed and after considering the mental health of officers.

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

Chair Hegstrom stated the revisions to Chapter 3.54 had been passed by the CPRC over a year ago and needed to be considered in meet and confer with the RPOA. She was to have joined that process but had just been informed that there was no need for her to join in a meeting with the RPOA. She stated there was no further explanation of the timeframe involved.

Commissioner Lorber clarified that the revisions to Chapter 3.54 related to expanding the automatic review to a definition of serious bodily injury along with a shorter hospitalization period.

Chair Hegstrom stated the second change related to a change in the CPRC's scope. A portion of the ordinance had not been changed as required, and an administrative update would be needed. She added that it required a meet and confer with RPOA because it would increase the potential number of appeals to the Office of Professional Accountability. As such, the changes were on hold because of a delay in the process of meet and confer with the RPOA.

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

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

Chair Hegstrom explained that staff had found someone who worked for the City to prepare the revisions to the CPRC flyer and logo creation but had not heard back from that person. She hoped to provide an update at the next meeting.

CORDELL HINDLER, Richmond, agreed with the need to have the City employee work on the logo and he suggested the item be placed on the next meeting agenda for review.

CHHABI commented that while he supported the CPRC, he asked that an investigator be hired to find out exactly what the RPD needed to keep the City safe. He was advised by staff that his comments did not relate to the topic of CPRC flyer and logo.

d. Update on the Electronic Submission of Complaint Forms

Staff Liaison Johnson noted that she would have to meet with the City Clerk's office to see if an electronic submission of complaint forms was possible. She would provide another update at the next meeting. When asked, she stated that a QR Code could be considered as part of that electronic form.

CHHABI stated the complaint form needed to be user friendly and as simple as possible.

XI. NEW BUSINESS

a. Discussion Regarding Recommendations to the City Council to Amend Chapter 3.54.020(b)(a)-(3) of the Richmond Municipal Code ("RMC")

Commissioner Cantú stated it was extremely important for all Commissioners new and old to be provided adequate training.

Commissioner Cantú referred to the Santa Ana Ordinance that had been submitted to the CPRC and used that as an example, which required that all Commissioners receive training within 90 days of appointment to help ensure that Commissioners were effective, consistent, unbiased and equitable. She noted the current lack of training and stated without training the CPRC could not be effective. She described what some other jurisdictions provided and explained there would be no vote on the item at this time, although it would open a conversation around the types of training that would be important to include in a mandate, and reform the CPRC to meet the standards of other jurisdictions to reflect statewide best practices and align with RPD's values of integrity, professionalism, service, leadership and respect.

Commissioner Cantú referred to the ordinance and the types of training involved, which included attendance at training sessions outside of the City from third parties such as NACOLE. She sought a discussion of what else could be included and explained that the discussion would be brought back in November. She explained that had also been recommended after a meeting with City Attorney Dave Aleshire.

Commissioner Garcia noted that there was usually a whole day of training in August each year. He supported the training but did not support an ordinance change given the cumbersome process. He recommended the training without the ordinance change, which would then become a question about the budget.

When asked who would do the actual training, Commissioner Cantú stated the training would be independent and would be a requirement for all Commissioners. She explained it was critical that the CPRC get up to par with other jurisdictions given the differences between a policy and a practice.

Commissioner Lawson described NACOLE and identified some of the services provided, particularly with respect to training.

ACTION: It was M/S/C (Cantú/Martinez) to extend the meeting to complete the item under discussion; approved by a voice vote: 8-0 (Ayes: Cantú, Flores, Garcia, Jackson, Lawson, Lorber, Martinez and Chair Hegstrom; Noes: None; Abstain: None; Absent: Lacy).

Shannon Moore commented that if making Chapter 3.54.020(b)(a)-(3) of the RMC apply to all current Commissioners, there would just need to be a modification to the proposed amendment, which could be tweaked and included for all incumbents as well.

Chair Hegstrom liked the idea but commented that the classes required labor and money and needed to be worked out before being put in the ordinance. She suggested it was too broad and more specifics were required.

Commissioner Cantú asked what specific training was required. She acknowledged the Chair's suggestion for training on the Police Officer's Bill of Rights and suggested that passing the amendment would be the first step and then there could be a discussion of specific training and a budgetary allocation. She could work with Shannon Moore to address those issues.

Staff Liaison Johnson agreed that there would be a need to know where the training would come from.

Commissioner Cantú advised that the City of Berkeley required 40 hours of training and that could be in six months or it could be broken up into different topics.

Commissioner Martinez agreed with the need to train for the officer's Bill of Rights. She liked the idea of putting a minimum requirement for hours of training to help the CPRC's mission of holding police accountable.

Chair Hegstrom stated that most of the training appeared to be by the RPD and she questioned whether that resource was available to the CPRC, although Commissioner Cantú commented that in the Santa Ana Ordinance some of the training had to be independently done and did not include the police department. She stated that Santa Ana could be asked directly how the training worked out in that city.

Commissioner Lorber suggested it could be interesting to get a trainer since one of the goals was recommending policies that could compare with RPD policies, and she would also add training on Senate Bill (SB) 1421. She commented that 40 hours seemed like a lot, even in six months. She recommended quarterly or annual retreat topics.

On the discussion, Chair Hegstrom suggested 10 hours of training every six months and suggested the training be narrowed down to the most critical elements; Commissioner Lorber recommended continuing education for all Commissioners with a specified number of topics as opposed to hours, and recommended the Brown Act and use of emails as training points; Commissioner Martinez stated the training should be ongoing and all Commissioners would have to participate with six months of training in priority order, particularly since the CPRC was at full capacity; Commissioner Lawson recommended regional sharing of resources; and Commissioner Flores noted the need to determine what was foundational to function as opposed to the more discretionary training topics.

Chair Hegstrom commented that there used to be a requirement for ridealongs but that was not being enforced and nobody did ridealongs anymore. She asked if there would be consequences for non-compliance or for a lack of training.

Council Liaison Jimenez noted the desire for basic training and a basic understanding of the work being done.

Commissioner Cantú commented that one of the core missions was to look at investigations and if needing to be fair and unbiased the CPRC could start with that training. She suggested working with the City Attorney to review the ordinance and have something viable to move forward, to be discussed at the next meeting.

Commissioner Jackson recommended a topic of what was good about the RPD instead of always hearing the negative. He wanted to be fair and promote moral standards.

CORDELL HINDLER, Richmond, referred to the Brown Act training he had received when he was a member of the Library Commission to learn about meeting procedures.

CHHABI referred to 40 hours of training in six months and suggested that even big tech companies did not do that much training. He recommended an hour's training twice a week along with a discussion of essentially common-sense issues.

CHHABI suggested making it easier and stated there needed to be a constructive mindset to make things better.

LISA JOHNSON, Richmond, noted that sometimes some Commissioners were just looking to go after the police, creating a product for which there was no user. She asked the CPRC what it felt it needed to do to do the job well and be effective Commissioners. She referred to the first statement in the ordinance, trying to create a positive relationship between the community and the police. She commented that the ridealong was critically important to Commissioners and to the police as well and important for the CPRC to do the job effectively, fairly and unbiased. She also suggested that Coffee with a Cop should also be part of the training because it was important for all involved.

XII. REPORTS FROM COMMISSIONERS, STAFF, AND RIDEALONGS

There were no reports.

XIII. ADJOURNMENT

The meeting was adjourned at 10:00 P.M.

Carol Hegstrom, Chair