

APPROVED

**COMMUNITY POLICE REVIEW COMMISSION
(CPRC)**

**Wednesday, July 1, 2020 – 7:00 PM
450 Civic Center Plaza, Richmond, CA 94804
Zoom Meeting**

MINUTES

I. CALL TO ORDER, ROLL CALL, PLEDGE

The meeting was called to order at 7:02 p.m. by **Chair David Brown**

Present: David Brown (Chair), Yenny Garcia (Vice-chair), Diego Garcia, Oscar Garcia, Carol Hegstrom, Randy Joseph, Steven Lacy

Absent: None

Vacancies: 2

Administrative

Staff: Shané Johnson, Staff Liaison – Present

Council Liaison: Jael Myrick, Council Liaison – Present

City Attorney's

Office Representative: Bruce Soublet, Senior Assistant City Attorney – Present

II. OPEN FORUM BEFORE CLOSURE SESSION – No Comments

III. REPORT OF FINAL ACTIONS TAKEN IN EXECUTIVE SESSION

- Tyelah Garrett (#2019-5) The Commission voted unanimously to send the investigation back to the investigator to have questions answered that were presented by the commissioners.
- Cherisse Harrington (#2020-2-appeal) The Commission voted to accept the investigator's report and found that the complaint was not in the jurisdiction of the CPRC as it does not allege a complaint against a Richmond Police officer.

IV. APPROVAL OF MINUTES (May 6, 2020) – Upon motion by R. Joseph and seconded by S. Lacy, the minutes for the meeting of May 6, 2020, were approved by the following vote:

Ayes: Chair Brown, Vice-chair Y. Garcia, and Commissioners D. Garcia, O. Garcia, R. Joseph, and S. Lacy. **Noes:** None. **Absent:** None. **Abstained:** C. Hegstrom

V. AGENDA REVIEW – Removed item XI(B) because it was a duplicate of item X(B).

VI. PUBLIC FORUM

Cordell Hindler – Refer to attached comment(s)

John Henry Evans – He reviewed the agenda and seen the cases by Dejon Brown and Jonathan Sprannigan. He wants to make sure that it's made clear to the public what RPD is already planning and doing in regards to the cases.

VII. COMMENTS BY CHIEF OF POLICE (Interim Chief Bisa French or designate) – Chief French began her report with an update on RPD's budget. RPD has reduced their police force by a little over 10%. The adopted City budget for fiscal year 20/21 includes 33 frozen RPD positions of which 20 of those positions are sworn. In addition, approximately 16 officers are off due to injuries leaving RPD with approximately 130 active officers. The decrease in staff is forcing the department to restructure and may result in less service. The City Council directed staff to look at RPD's community policing model and determine how to move forward with the current level of staffing. The Chief commented on defunding the police and noted that the cuts to RPD's budget were not going towards services, but instead to close the budget gap. Commissioner C. Hegstrom asked about overtime and Chief French provided an explanation of overtime uses. Commissioner R. Joseph asked about community policing and whether RPD was working with the community to make changes. Chief French responded that the community will be involved in the process.

Chief French reported three homicides for the month of June 2020. Prior to then, there had only been one homicide in 2020 in April, and prior to that, the department had not seen a homicide since October 2019. The three homicides in June included a 90-year-old woman killed in her home by her grandson, an unhoused person on Carlson Blvd., and a 55-year-old person killed in a home. A suspect is in custody and charged for the third homicide. Additionally, RPD has struggled with shootings due to an uptick in gang activity, mainly between the Norteños and Sureños. Commissioner R. Joseph asked about annual reports for RPD before being referred to Transparent Richmond by both Chief French and Commissioner O. Garcia.

The department has been receiving lots of calls about fireworks. RPD hosted a webinar last week and is partnering with neighboring cities to combat the problem as best as possible. The webinar had approximately 200 attendees. RPD also redirected their special investigation teams to deal with the fireworks issue. The Chief provided some stats about enforcement of the issue after being asked by Vice-Chair Y. Garcia.

Lastly, Chief French reported that 10 officers were injured in June. None of the officers are off on long-term injury. There are a total of 12 officers off on injury leave and 3 officers on modified duty.

Commissioner O. Garcia thanked the Chief for attending the Black Lives Matter protests and for speaking during the event. Commissioner D. Garcia asked if officers are willing to volunteer their time to attend the community events. Chief French responded that many officers, including her, volunteer their time regularly for community events. Commissioner S. Lacy thanked the Chief for her support and encouraged her to let the Commission know how they can be of support to her.

- VIII. COMMENTS BY COUNCIL LIAISON JAELE MYRICK** – Councilmember Myrick reported that the Council adopted a budget on June 30th. The budget was balanced by a number of accommodations from bargaining units along with cancelled City-sponsored events. The Council directed staff to look into the community policing model and come up with a plan by the end of the current fiscal year. When asked by Vice-Chair Y. Garcia, the Councilmember responded that the process for choosing participants for the community policing model is still being figured out.

Commissioner R. Joseph asked the councilmember for an update on the recommendation to amend the CPRC ordinance. Councilmember Myrick stated that the next step was to meet and confer with the union, but that it may have taken a back seat due to the budget issues. Councilmember Myrick will follow-up and get back to the CPRC with an update.

- IX. REPORTS BY RICHMOND POLICE OFFICERS' ASSOCIATION (Ben Therriault, President)** – Detective Therriault commented on the topics discussed by Chief French and Councilmember Myrick by saying that times have been challenging. He reported that the RPOA donated \$2,500 to the Center for Youth Development through Law. He and the Chief will participate in an upcoming youth forum designed more as a listening session to hear what the youth want. Other RPOA activities included Det. Therriault's participation in labor negotiations and the Black Lives Matter protests.

Detective Therriault reported there have been a lot of changes in reform and said California is usually ahead of the curve. He offered comments on Campaign Zero and defunding the police before commenting on Commissioner D. Garcia's statement regarding removing traffic stops from policing.

X. OLD BUSINESS, DISCUSSION ITEMS

- A. Review pending cases (Bruce Souble/Jerry Threet)** – Mr. Threet is still waiting on evidence from the complainant for a complaint he is investigating. He has two officer-involved shootings that he is actively investigating. Recently, he received evidence from the shooting that occurred in Vallejo by an off-duty RPD officer.
- B. Discuss and plan for August retreat – Listening Session (Chair Brown)** – Commissioners were given the opportunity to provide feedback on an August retreat. The consensus was to have a listening session over Zoom. The Commission decided on August 15, 2020, from 10am – 2pm as the final date. Chair Brown encouraged commissioners to help with planning.

Cordell Hindler – Refer to attached comment(s)

XI. NEW BUSINESS

- A. Consider the "8 Can't Wait" recommendations, RPD's adoption or non-adoption of same and discuss and vote on recommendations** – Mr. Threet is still waiting on evidence from the complainant for a complaint he is investigating. He has two officer-involved shootings that he is actively investigating. Recently, he received evidence from the shooting that occurred in Vallejo by an off-duty RPD officer.

Margot Cunninghamm – Refer to attached comment(s)

Ben Therriault – He feels that “8 Can’t Wait” is not in line with SB-230. He thinks the campaign is great, but is not understood by those putting the campaign together.

B. Item removed - Duplicate

C. Discuss and vote on policy recommendations in response to the following incidents:

1. Arrest depicted at <https://youtu.be/6Y1jW6f3Hzk>
2. Arrest depicted at <https://youtu.be/BAr2XczRN2s>

Chair Brown presented two videos for discussion and expressed his concern that the situations were not de-escalated, but actually escalated by RPD officers. Chief French stated that she could not comment on the situation because it was under investigation. The Chief did agree that there are concerns that need to be addressed whether it be about policy or training. The Commission engaged in conversation about the incidents.

Ben Therriault – Offered his feelings about the actions of the officers in the video and the appropriateness of their actions.

XII. REPORTS OF SUBCOMMITTEES, COMMISSIONERS, CIAO AND STAFF – None

Steven Lacy – Hosting a healing circle in July. Details will be emailed to Shane Johnson for distribution to the CPRC.

Jerry Threet – Attended a NACOLE training last month about investigations. The video is available on the website and is recommended for the commissioners.

XIII. ADJOURNMENT

The meeting was adjourned to the public at 10:38 p.m.

Approved by vote of the Commission on October 7, 2020

Shane Johnson

From: Cordell Hindler <cordellhindler@ymail.com>
Sent: Sunday, June 28, 2020 10:26 PM
To: cprc@ci.richmond.ca.us
Subject: Public comments

hello Shane, i have a couple of comments to go into the record

1. The Mayor did mention about the Community Police Commission, and i will try to get those vacancies before the council meeting in September.
2. for the next Agenda, i would like to See Commissioners Joseph and Lacy in regarding how to engage Youth in police relations

sincerely
Cordell

Shane Johnson

From: Cordell Hindler <cordellhindler@ymail.com>
Sent: Sunday, June 28, 2020 10:33 PM
To: cprc@ci.richmond.ca.us
Subject: New business

hello Shane, i have some ideas in Regarding the Retreat in August,

09:00 – 09:30 Coffee & pastries - informal conversation

09:30 – 09:35 Call to order, roll call, pledge to the flag

09:35 – 09:45 Public Forum

09:45 – 10:05 Commissioner Hegstrom will present the CPRC PowerPoint presentation

10:05 – 10:35 Don Casimere, first investigative officer of the Police Commission will discuss the circumstances that led to the creation of the Police Commission. Questions and answers

10:35 – 11:00 Don Casimere will discuss NACOLE, its development and relevance to law enforcement oversight agencies.

Identify commissioners to attend NACOLE in Detroit.

11:00 – 11:10 CPRC photo & break

11:10 – 12:00 Asst. City Attorney Bruce Soublet (or alternate) will discuss the Brown Act . Questions and answers.

12:00 – 12:30 Lunch

12:30 – 13:15 Chair Brown will discuss CPRC subcommittees and appointment of subcommittee members

13:15 – 14:00 Chair Brown will review the CPRC statute. Questions and answers

14:00 – 14:15 Reports of Commissioners and staff

sincerely

Cordell

Shane Johnson

From: Margot Cunningham <cunningham.margot@gmail.com>
Sent: Tuesday, June 30, 2020 3:13 PM
To: cprc@ci.richmond.ca.us
Subject: Public Comments - Open Forum Agenda Item XI A

Dear Members of the Community Police Review Commission,

Please accept these comments on *Agenda item XI. A. Consider the "8 Can't Wait" recommendations, RPD's adoption or non-adoption of same and discuss and vote on recommendations*

I urge the Commission to adopt all 8 of the 8 Can't Wait recommendations in order to improve police performance and community safety.

While the Richmond Police Department Policy Manual has 2 of the 8 Can't Wait recommendations (Duty to intervene and Require warning before shooting), their Manual is lacking or not clear on the other 6 recommendations. See below.

1. Ban chokeholds and strangleholds:

The Policy Manual prohibits only the carotid control hold. The Policy should prohibit *any* maneuver that cuts off oxygen or blood flow, including chokeholds or carotid restraints.

2. Require de-escalation:

The Police Dept Policy Manual suggests de-escalation where officers believe a person is mentally or ill or has a developmental disability. But de-escalation should be required in all circumstances because a person may not be mentally ill but may have a hearing impairment, may not understand the language of the officer, may be suffering from a physical disability, may have taken drugs, may be distracted by noise or other people, or for some other reason may not be able to comply with the officer's commands.

The Policy should also suggest de-escalation techniques, such as respectful communication, maintaining distance, slowing things down, and otherwise eliminating the need to use force.

3. Require exhausting all alternatives before shooting:

The Policy Manual doesn't require officers to exhaust all other means before resorting to shooting. The Policy should require reasonable alternatives first, such as talking a person down, keeping a safe distance, using minimum force tactics.

4. Ban shooting at moving vehicles:

The language in the Policy only discourages shooting at or from moving vehicles. The language should be stronger. It should not allow shooting at vehicles except under extreme circumstances.

5. Has use of force continuum:

The Policy Manual doesn't have a use of force continuum, which restricts the most severe types of force to the most extreme situations and creates clear restrictions on the use of each police weapon and tactic.

The explanation offered by the RPD, citing 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE, is not a use of force continuum. It is instead a list of factors affecting use of force. Types of weapons and tactics are not mentioned.

A continuum is a continuous sequence from one extreme to the other and a use of force continuum should outline what types of tactics and weapons should be used for various situations, from mild to extreme.

6. Require comprehensive reporting:

The Policy Manual should require officers to report when they point a firearm at or threaten to use other types of force against a civilian.

Thank you,

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Margot Cunningham
1727 Santa Clara St
Richmond, CA 94804