



# AGENDA REPORT

City Council

<b>DATE:</b>	December 19, 2023
<b>TO:</b>	Mayor Martinez and Members of the City Council
<b>FROM:</b>	Councilmember Jimenez
<b>Subject:</b>	Amendment to Chapter 3.54 of the Richmond Municipal Code to match the state definition of “serious bodily injury” under Penal Code Section 243(f)(4).
<b>FINANCIAL IMPACT:</b>	There is no financial impact related to this item
<b>PREVIOUS COUNCIL ACTION:</b>	<p>April 19, 2016 – City Council introduced an ordinance (first reading) amending Richmond Municipal Code Chapter 3.54 entitled "Citizens Police Review Commission Ordinance" to require the Investigative Officer to investigate in the event of death or serious bodily injury resulting from direct police action.</p> <p>May 3, 2016 – City Council adopted an ordinance amending Richmond Municipal Code Chapter 3.54 entitled “Citizens Police Review Commission Ordinance” to require the Investigative Officer to investigate in the event of death or serious bodily injury resulting from direct police action.</p>
<b>STATEMENT OF THE ISSUE:</b>	The Community Police Review Commission (CPRC) voted on October 4, 2023, to amend the City of Richmond ordinance in two areas and is requesting that the City Council approve the amendment.

<b>RECOMMENDED ACTION:</b>	DIRECT the City Attorney to amend Ordinance 3.54 Community Police Review Commission of the Richmond Municipal Code to match the State’s definition of “serious bodily injury” under Penal Code Section 243(f)(4) – Councilmember Jimenez (510-620-6565).
----------------------------	--

**DISCUSSION:**

On October 4, 2023, the Community Police Review Commission (CPRC) voted to amend Richmond Municipal Code Chapter 3.54 in two places and are hoping that the City Council will approve the proposed changes.

In order to bring Chapter 3.54 “Community Police Review Commission” of the Richmond Municipal Code into alignment with the State’s amendments to the definition of serious bodily injury, the Community Police Review Commission voted on October 4th to amend the City of Richmond ordinance to match the State’s definition of serious bodily injury. The Commission also wants to add an amendment to appeals of decisions brought forth by the Richmond Police Department of complaints against officers. The Community Police Review Commission is requesting that the City Council approve the proposed amendments.

The first amendment will broaden the definition of serious bodily injury and bring it into alignment with the State’s definition of this term in section 3.54.070 of the Richmond Municipal Code.

**Exhibit A – Definition of “Serious Bodily Injury”**

This change was approved to match the State law definition of “serious bodily injury” under Penal Code Section 243(f)(4). The current definition of “serious bodily injury”, which is an injury that requires a minimum 72-hour hospitalization, is too narrow and would not encompass commonly accepted instances of serious bodily injury (e.g., broken bones).

[Richmond Municipal Code's Definition of Serious Bodily Injury](#)

*Section 243(f)(4) “Serious bodily injury” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.*

The second amendment is found in section 3.54.080 and will give the Commission access to hear complaints that were not only filed with the Commission but also with the Richmond Police Department.

## **Exhibit B –Appeals of Decisions by the Richmond Police Department of Complaints against Police Officers**

This change was approved to allow the Commission to review certain types of appeals of cases decided by the Richmond Police Department of complaints against police officers. Currently, the Commission can hear appeals decisions made by the Richmond Police Department of complaints against Richmond Police Officers, except those decisions that involve allegations of the use of unreasonable force or racially abusive behavior. Since the Commission already has jurisdiction to hear complaints of unreasonable force, discrimination, sexual harassment and/or sexual assault originally filed with the Commission, it makes logical sense to hear appeals about such cases if they were filed with the Richmond Police Department. The only exception is that the Commission should not be able to hear appeals of allegations that were already filed with or investigated by the Commission.

As the City Council Liaison to the Commission, Councilmember Jimenez is requesting that the City Attorney's Office draft amendments that are consistent with the Commission's direction as outlined above.

### **DOCUMENTS ATTACHED:**

Attachment 1 – Minutes from October 4, 2023, CPRC Meeting