



2001 Annual Report



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2001 ANNUAL REPORT of the CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

Introduction

This is the first annual report of the City of Riverside Community Police Review Commission. The Commission was created by city ordinance in April 2000. The original nine commissioners were selected by the City Council in the summer of 2000 and the Executive Director was hired on November 1, 2000. Setting up and organizing the Commission office and training the commissioners consumed much of the first five months and the Commission reviewed its first case in April 2001.

This report seeks to provide more than just the numbers of complaints reviewed. This initial report establishes a benchmark from which future comparisons can be made regarding the Commission's work. What the report will not do is draw conclusions from the data provided. That task is better left to police managers, city policy makers, and the citizens of Riverside.

Mission

The Community Police Review Commission was created in order to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department. This is done by independently reviewing citizen complaint investigations, recommending changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission or Executive Director, conduct an independent investigation of citizen complaints.

Executive Directors Message

by Don Williams

This report marks the end of a historic and prosperous first year. Because the Commission became operational on November 1, 2000, the reporting period covers fourteen months as opposed to the traditional twelve. A year ago, this commission consisted of nine individuals. Today we have a cohesive organization that is making a very positive mark on the city. This happened in large part because the Mayor and City Council did its homework and chose an oversight system that emphasizes working together versus confrontation. They also did an excellent job selecting the individuals to serve as commissioners. It is largely through the hard work and dedication of the commissioners that so much has been accomplished in such a short time.

Since its creation, the Commission has developed its own niche in the personnel complaint system of the Riverside Police Department. First, the Commission offers an alternative reporting agency for citizens who are uncomfortable with reporting allegations of misconduct directly to the Police Department. Second, the Commission tracks each complaint to assure each complainant that all grievances will be addressed and thoroughly investigated. Third, the Executive Director's independent review of completed investigations adds a quality control factor that has not been present in the past. And last, the Commission gives citizens input into the operations of the Police Department.

The Commission has also contributed to the good management of the Department. It has been credited with raising the level of the quality of the internal investigations. Its policy recommendations, even when they are not accepted, test the policy by causing police administrators to look at the policy and evaluate it in the current climate.

The City of Riverside should be proud of the men and women who make up the Community Police Review Commission. They have worked hard, made good decisions and have represented the citizens of this community with honor. The city is indeed a better place to live and work because of their efforts.

Don Williams
Executive Director

Chairman's Message

by Bill Howe

The first year of the Community Police Review Commission is complete and now is the time to see where we have been and take stock of our accomplishments. This has been a year of hard work at a rapid pace for all commissioners. The year started with training sessions once a week and has ended with two meetings per month being the norm. I'm not sure any of us realized the kind of work and time involved when we first became involved with the Commission.

During the year we mourned the loss of Commissioner Jim Redsecker and welcomed the arrival of his replacement, Bill Floyd. We have provided a forum for anyone who wishes to make a statement regarding the Police Department. But most of all, we provided a citizen's perspective with respect to internal investigations and Department policy.

An organization born out of controversy will always have its critics and the Community Police Review Commission is no exception. We have had to make decisions that have angered and frustrated supporters and detractors alike. However, all should know that we arrived at our decisions honestly and without prejudice.

My term as chairman is coming to an end. I thank the other commissioners for their hard work and support. I also thank the Executive Director and Administrative Clerk without whose help we would find it impossible to operate. I look forward, not only to my remaining years on the Commission, but to watching the Commission prosper and become an integral part of the law enforcement support system in the City of Riverside.

Bill Howe, Chairman
Community Police Review Commission

THE COMMISSIONERS

The following is a short biographical sketch of each of the current commissioners. They were picked by the City Council in the summer of 2000. Their first terms are staggered so that each succeeding year three commissioners are up for reappointment. While the initial terms are two, three, and four years long, each subsequent term is for four years. Commissioners can serve two consecutive terms.

Jack Brewer is a 32-year resident of Riverside and retired after 32 years with the California Alcoholic Beverage Commission (ABC). He is a past President of the Riverside County Law Enforcement Administrators Association, past-President of the California State Investigators Association and has served as an officer with a number of other law enforcement associations and is a life member of the California Peace Officers Association. He was elected as the Community Police Review Commission's first vice-chairman. Prior to ABC, he served on several police departments and has been involved in law enforcement since 1955. **Term expires in March 2004.**

Rev. Shermella Egson is the pastor of the Allen Chapel A.M.E. Church in Riverside and has been a Riverside resident for eight years. She is also a retired detective from the Los Angeles Police Department. She is a member of Blacks in Criminal Justice, Alternatives to Domestic Violence, Inland Congregations United for Change and other professional organizations. **Term expires in March 2002.**

Bill Floyd is a 19-year resident of Riverside and is a partner in the law firm of Best, Best and Krieger. He previously served on the City of Riverside Personnel Board and was chair of Best, Best and Krieger's Labor and Employment Law Department. Currently, he is an Inland Empire Board Member of the Legislative Task Force for the Employers Group and a member of the Ethics Committee of the Visiting Nurse Association of the Inland Counties. **Term expires in March 2003.**

Bob Garcia is a 42-year resident of Riverside. He was a member of the Human Relations Commission and its Law Enforcement Policy Advisory Committee, Casa Blanca Community Action Group and the Casa Blanca Youth Accountability Board, Park Advisory Committee, and Fiesta Committee at Villegas Park. **Term expires in March 2003.**

Mike Gardner is a 30-year resident of Riverside. He is retired from Southern California Edison with 23 years of service and has kept busy since his retirement by volunteering his time for a number of worthy causes and associations. Included in those volunteer activities are the Riverside City Fire Department's Disaster Preparedness Committee, Riverside Area Fire Buffs Association, and Riverside Live Steamers. In 2000, Mike was named Municipal Volunteer of the Year. **Term expires in March 2002.**

Nick Goldware is a 47-year resident of Riverside. He is the Executive Vice-President of Talbot Insurance and Financial Services. He is a former member of the City of Riverside Parks and Recreation Commission, President of the Monday Morning Group, Past Vice-Chairman of the Community Health Corp., Past President of the Riverside Community Ventures Corporation, and Trustee of the University of California, Riverside. **Term expires in March 2002.**

Dr. Bill Hendrick is a 12-year resident of Riverside. He is the Director of Pupil Services for the Riverside Unified School District. He is a member of the Blue Ribbon Task Force on School Violence, Past President of the California Association of Pupil Personnel Administrators, and was on the Riverside County Sheriff's Gang Violence Suppression Committee, Riverside County Board of Supervisors Drug Suppression Advisory Committee, Past President of the Riverside County Drug Free Schools Consortium, and Riverside County Medical Association's Student Health Committee. **Term expires in March 2003.**

Bill Howe is a 40-year resident of Riverside. He retired as the Chief of Police for the University of California, Riverside. Prior to that, he was a Lieutenant with the Corona Police Department and a Deputy, then Sergeant, with the Riverside Sheriff's Department. In all, he has 25 years of law enforcement experience. Additionally, he is a retired Lieutenant Colonel in the United States Air Force Reserve. He is a Past President of the Corona Host Lions Club, Past Vice-Chairman, Inland Counties Chapter March of Dimes, Past President Riverside JayCees' Toastmasters Club 130, and Past President of the Riverside County Law Enforcement Administrators Association. Bill was elected as the Community Police Review Commission's first chairman. **Term expires in March 2004.**

Gloria Huerta is a 24-year resident of Riverside. She is the E.M.S. Training Coordinator for the Riverside County Fire Department and also works as a nurse practitioner in Riverside. She is a member of the California Fire Chiefs' Association, California State Firefighters' Association, Sigma Theta Tau, American Association of Critical Care Nurses, and California Coalition of Nurse Practitioners. **Term expires in March 2004.**

Jim Ward is a 42-year resident of Riverside. Working for the State of California Department of Corrections for over 20 years, he was a Correctional Counselor when he retired in 1985. He has attended Loma Linda University and Riverside Community College, successfully completing over 30 classes related to Correctional Science. **Alternate Commissioner**

The charts on the following pages show the commissioners attendance for the various meetings.

Regular Monthly Meetings

CPRC Members			2000		2001											
			Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Howe	Chair	1	X	X	X	X	X	X	X	X	X	X	X	E	X	X
Brewer	Vice Chair	2	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Gardner		3	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Goldware		4	E	X	X	X	X	X	X	X	X	X	E	E	E	X
Garcia		5	X	E	X	X	X	E	X	X	X	X	X	E	X	X
Hendrick		6	X	X	X	X	X	E	X	E	X	E	X	X	E	X
Huerta		7	X	E	X	E	X	X	X	X	X	X	X	X	X	X
Egson		8	X	X	X	X	E	X	X	X	X	X	E	X	X	A
Floyd*		9	X	X	X	X	X	X	X	X	N/A	N/A	X	E	X	X
Alternates																
Alternate 1	Ward	A1											X	X	X	X
Alternate 2		A2														
X = Present A = Unexcused E = Excused	*Bill Floyd was sworn in on August 31 st . He replaced Jim Redsecker, who passed away on July 5 th .															

Training Meetings

CPRC Members			2001							
			1/4	1/11	1/16	1/24	1/30	2/6	3/1	
Brewer	Vice Chair	1	X	X	X	X	X	X	X	X
Egson		2	X	X	X	X	E	X	E	
Garcia		3	E	X	X	E	X	X	X	
Gardner		4	X	X	X	X	X	X	X	
Goldware		5	X	X	X	X	X	X	X	
Hendrick		6	X	E	X	E	X	E	X	
Howe	Chair	7	X	X	X	X	X	X	X	E
Huerta		8	X	X	X	E	E	E	E	
Redsecker		9	X	X	X	X	X	X	X	
Alternates										
Alternate 1		A1								
Alternate 2		A2								
X = Present A = Unexcused E = Excused	Commissioners made up absences by viewing the video recordings of those meetings.									

Special Meetings

CPRC Members			2001		
			5/17	6/11	6/14
Brewer	Vice Chair	1	X	X	X
Egson		2	E	X	E
Garcia		3	E	X	X
Gardner		4	X	X	X
Goldware		5	E	X	X
Hendrick		6	X	X	X
Howe	Chair	7	X	X	X
Huerta		8	X	E	X
Redsecker		9	X	E	X
Alternates					
Alternate 1		A1			
Alternate 2		A2			

X = Present

A = Unexcused

E = Excused

May 17th & June 11th were strictly for case review.

June 14th was called to discuss the officer-involved shooting of June 10th.

Case Review Meetings

CPRC Members			2001				
			7/12	8/13	9/13	10/17	11/13
Brewer	Vice Chair	1	X	X	X	X	X
Egson		2	X	E	E	X	E
Garcia		3	E	X	X	E	X
Gardner		4	X	X	X	X	X
Goldware		5	X	X	X	E	X
Hendrick		6	E	X	X	X	X
Howe	Chair	7	X	X	X	X	X
Huerta		8	X	E	X	E	E
Floyd*		9	N/A	N/A	E	X	X
Alternates							
Alternate 1	Ward**	A1					
Alternate 2		A2					

X = Present

A = Unexcused

E = Excused

*Bill Floyd was sworn in on August 31st. He replaced Jim Redsecker, who passed away on July 5th.

** Alternates do not currently attend closed sessions.

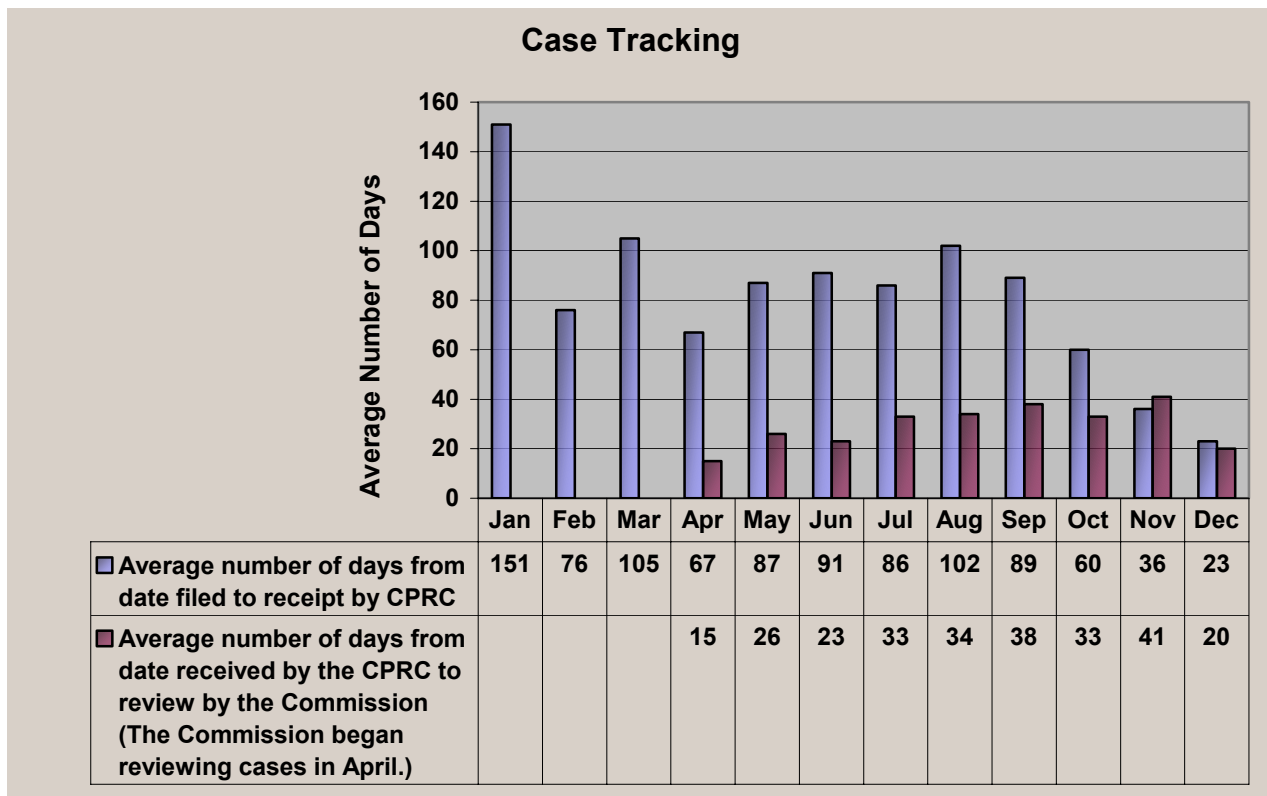
HOW THE COMPLAINT SYSTEM WORKS

The complaint process is activated when someone files a complaint against a member of the Riverside Police Department. While the Internal Affairs Unit or their designee investigates all complaints, the Community Police Review Commission (C.P.R.C.) will review only those complaints filed against sworn personnel and within six months of the incident that gave rise to the complaint.

Typically, all a person has to do to file a complaint is to contact the Riverside Police Department by phone or contact a member of the Department in person. If a complainant is uncomfortable going directly to the Department or a Department member, they may contact the C.P.R.C. Either way, the complaint is logged in at both the Internal Affairs Unit and the C.P.R.C. and the tracking process begins.

The Internal Affairs Unit categorizes the complaint as Class I (usually the most serious complaints) or Class II. They are then assigned to an investigator. The sergeants in the Internal Affairs Unit handle all Class I complaints and a few Class II. The vast majority of complaints investigated by the Department are Class II and are investigated by supervisors in the Field Operations or Investigations Bureaus.

After the investigation is complete, it is reviewed by the investigator's lieutenant, captain and deputy chief. It is then reviewed by the captain of the Personnel Services Bureau and the lieutenant over the Internal Affairs Unit. If the Department issues a "Sustained" finding, the case is then sent to the Police Chief for discipline determination. After the Department completes its administrative procedures, the case is then sent to the C.P.R.C. for review.

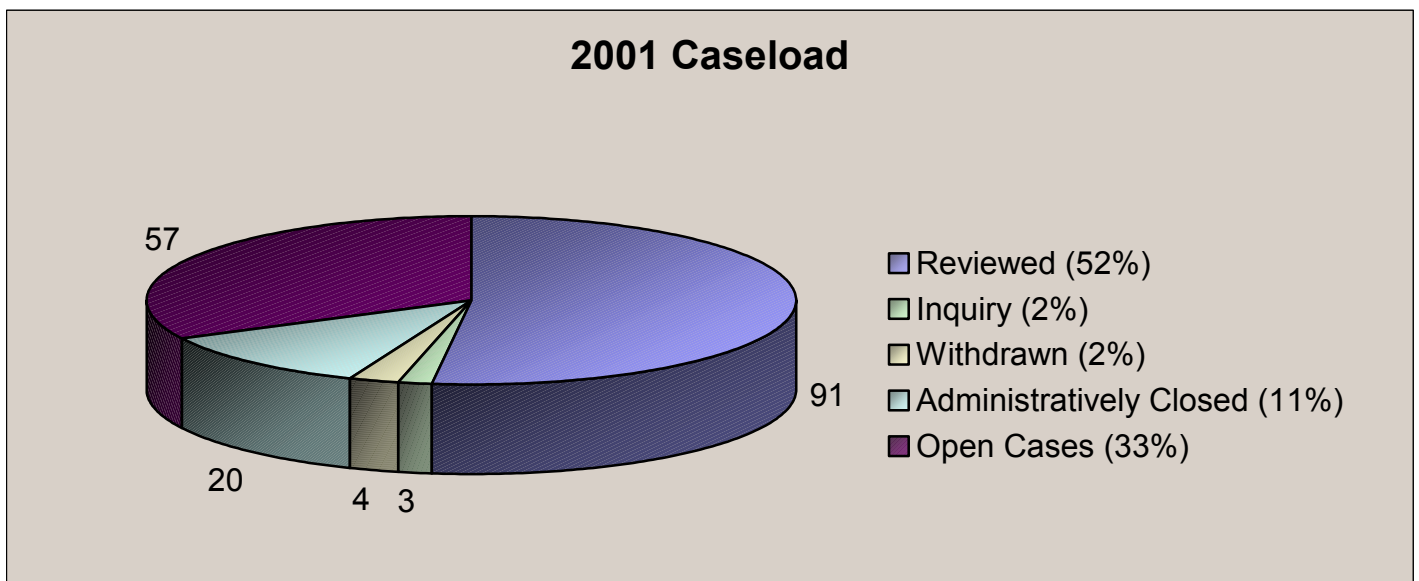


THE COMMUNITY POLICE REVIEW PROCESS

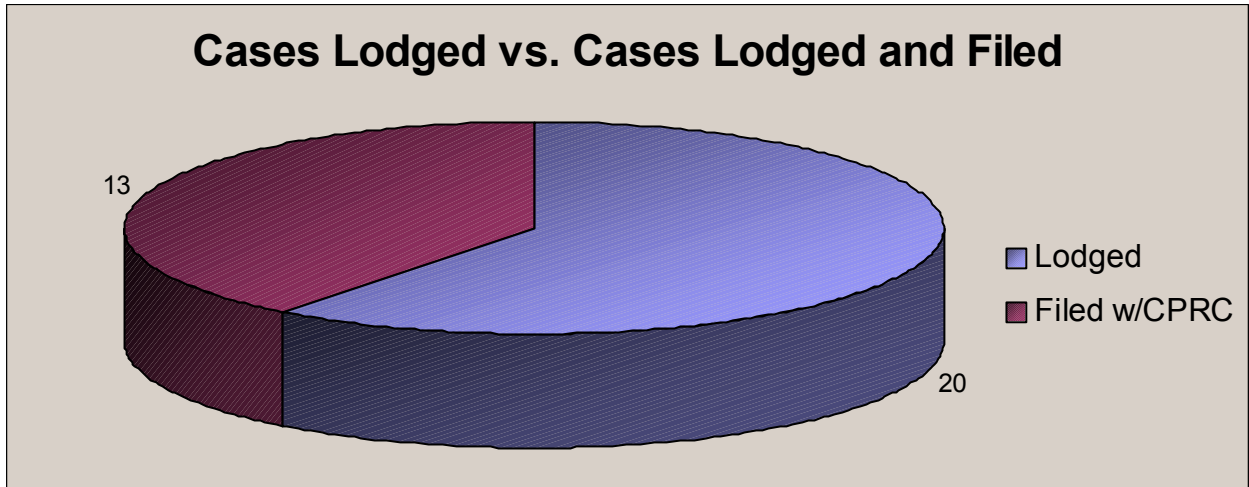
When the C.P.R.C. receives the case it is logged in and reviewed for thoroughness by the Executive Director, who uses the R.P.D. Conduct & Performance Manual, Section 10, Administrative Investigation, as a guideline. After this review, the reports are placed on one of two monthly meeting agendas (Regular Monthly Meeting or Case Review Meeting) and a brief synopsis of the report is sent to the commissioners. The commissioners come into the office and review the cases prior to the meetings and then, in the closed session portion of the meetings, deliberate and make a "Finding" on each allegation in each case. Along with the finding they issue a "Rationale" that describes their reasoning for the finding. In addition to describing the reasoning for their finding, the commissioners use the "Rationale" to inform the Police Chief and his subordinates when they have a particular policy issue they want to address.

After a Finding and Rationale are rendered on each case, the case is sent to the City Manager who reviews the Commission's findings as well as the Police Department's and issues his own decision. That decision, which may or may not concur with either of the recommendations, then becomes the City's position and all parties to the complaint are notified of the results. If the City position contains a "Sustained" finding, the Police Chief, exclusively, determines what discipline, if any, to impose.

The Community Police Review Commission received 175 cases from January to December 2001. Of those cases received, 91 were reviewed, 57 are still in the investigative stage, and 27 were disposed of by other means. The following charts and graphs depict the activity relative to the cases.

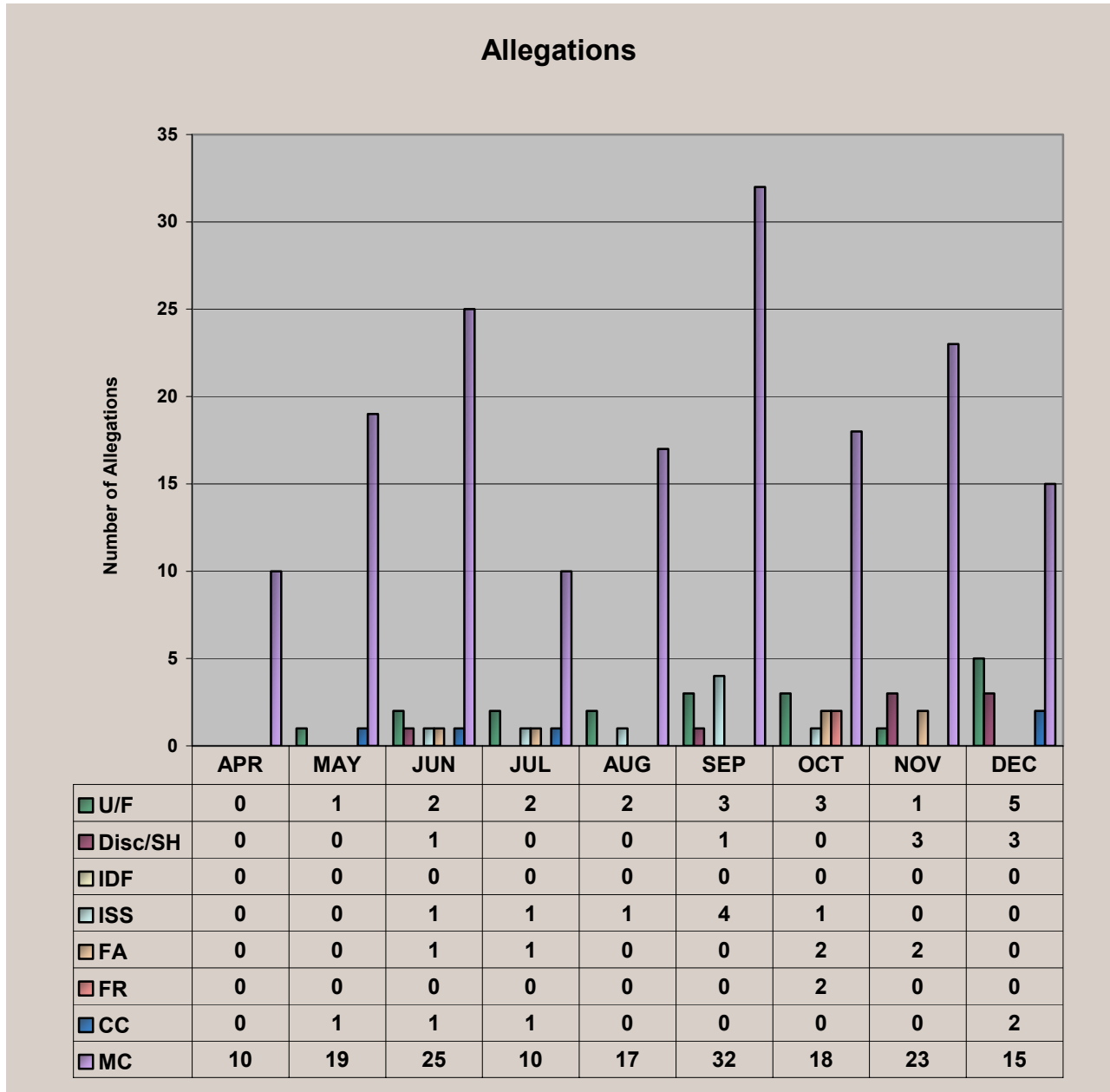


There were 33 cases lodged with the Commission in 2001. Of those 33 cases, 13 were actually filed as complaints. In the other 20 cases the complainants did not give us enough information over the phone to forward to Internal Affairs for an investigation nor did they return the completed forms.

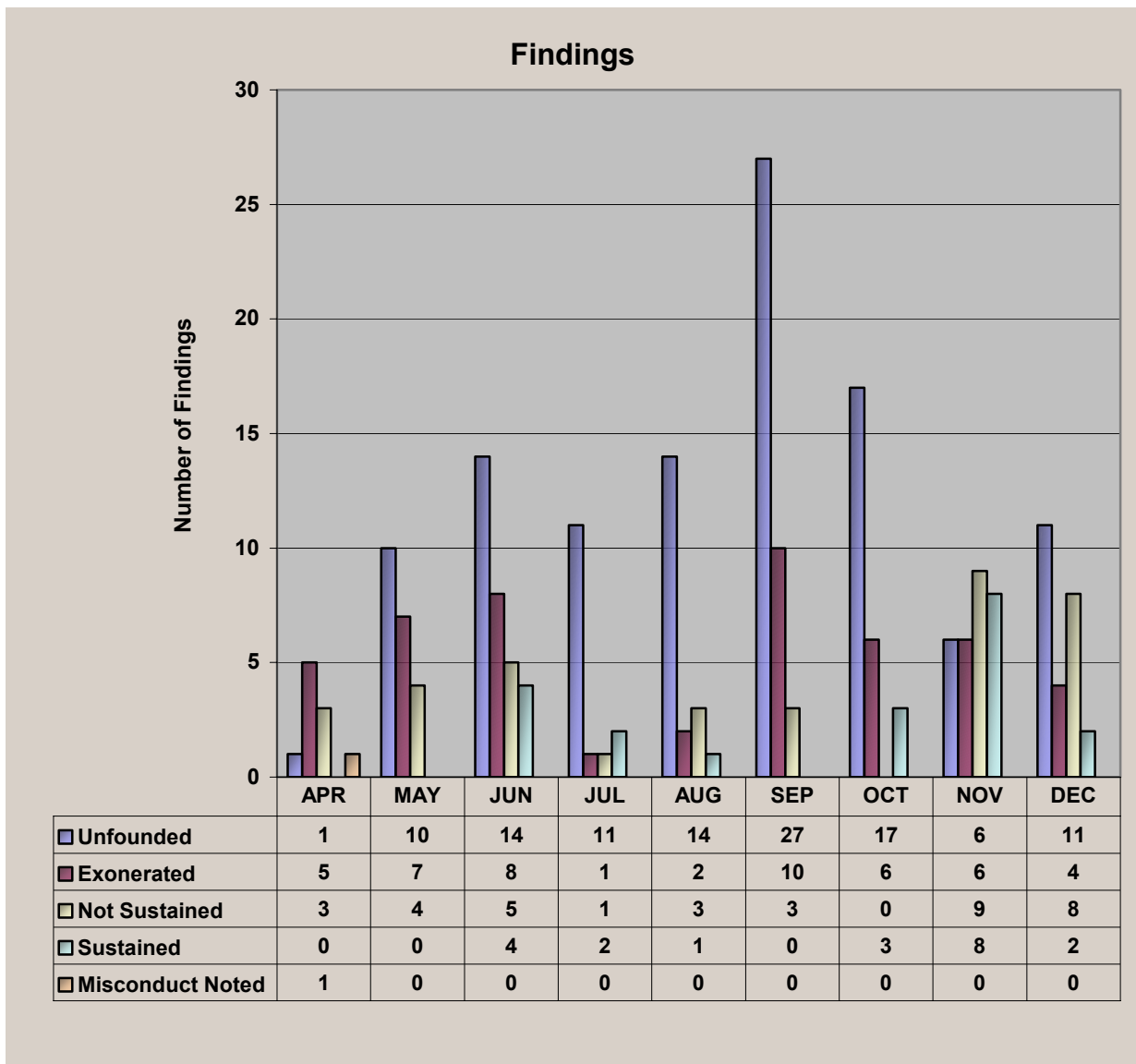


ALLEGATIONS AND FINDINGS

The following charts describe the types of allegations and their findings.



U/F = Use of Force, **Disc/SH** = Discrimination/Sexual Harassment,
IDF = Improper Discharge of Firearms, **ISS** = Illegal Search or Seizure, **FA** = False Arrest,
FR = False Reporting, **CC** = Criminal Conduct, **MC** = Misconduct



The findings are listed in RPD Policy & Procedure 4.12, Personnel Complaint Policy, Section B4.

Unfounded

The alleged act did not occur.

Exonerated

The alleged act occurred but was justified, legal and proper.

Not Sustained

The investigation produced insufficient information to prove or disprove the allegation.

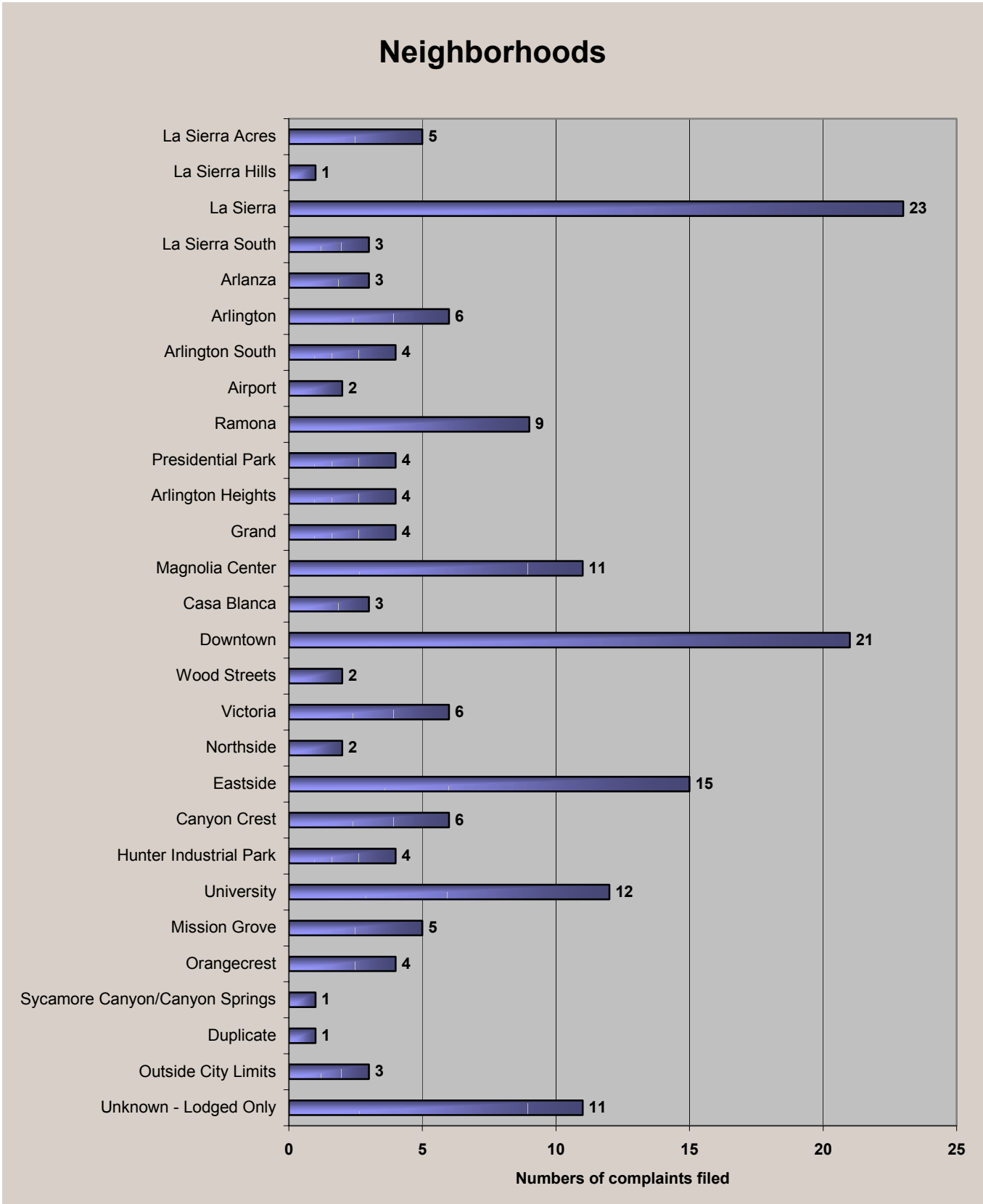
Sustained

The Department member committed all or part of the alleged acts of misconduct or poor service.

Misconduct Noted

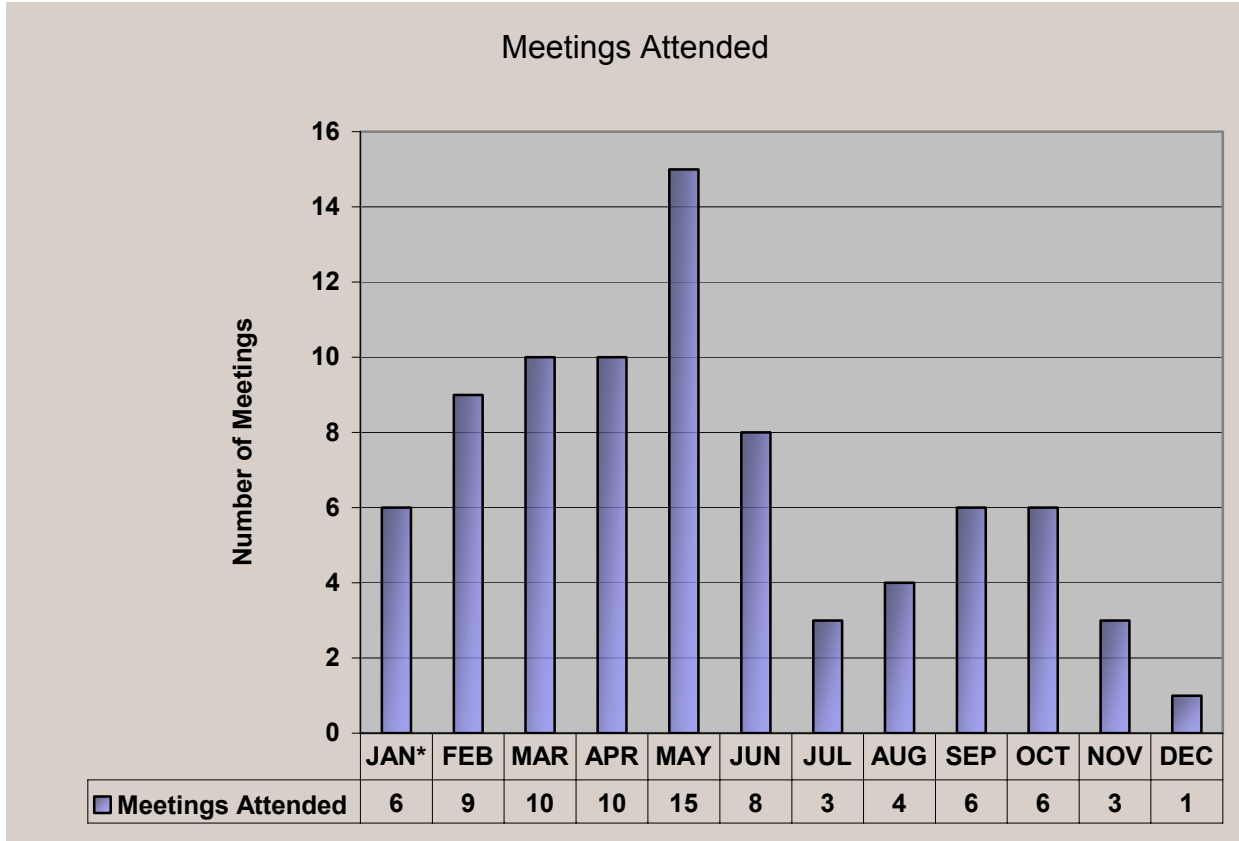
The Department member violated a section of the Department Policies, Rules or Regulations not originally noted in the complaint.

The following chart lists the neighborhoods where the alleged incidents of misconduct occurred.



COMMUNITY OUTREACH

The Community Police Review Commission conducts public outreach using a number of forums. The Executive Director and commissioners attended a total of 81 meetings in 2001. The following chart shows a monthly breakdown of those meetings.



*January's total includes meetings attended in November and December 2000.

In addition to attending meetings, the Commission has a website (www.riverside-ca.org/cprc). Letters and pamphlets are also distributed in order to meet its outreach commitment.

REVIEW OF OFFICER-INVOLVED DEATHS

There were two deaths involving officers in 2001. First was the death of Officer Doug Jacobs in January and the second was the death of Vanpaseuth Phaisouphanh in June. The Commission voted not to take any action in the Jacobs' case. With regard to the Phaisouphanh shooting, the Commission will wait until the police investigation is complete before deciding on a course of action.

POLICY RECOMMENDATIONS

The following ten recommendations were made to the Police Department. The reason for the recommendations and action taken are also given.

1. **Background:** A complaint was filed against an officer whose actions were being directed by an on-scene supervisor. That supervisor was later assigned to investigate the case.

Recommendation(s):

- The Community Police Review Commission recommends that the Riverside Police Department review the criteria for assigning IA investigations outside of the Internal Affairs Unit so that the IA Unit investigates a greater number of complaints.
- The Community Police Review Commission recommends that the Riverside Police Department develop a written policy regarding the selecting of field supervisors to investigate complaints. It is further recommended that the policy include language that states that supervisors directly involved in the actions under question not be assigned as the investigator.

Police Department Response:

The entire Personnel Complaint Policy is being rewritten and is being reviewed by the State Attorney General.

2. **Background:** Riverside Police Department Policy 4.14 was first published in 1995 by then Chief Ken Fortier. Chief Carroll rescinded the policy during his tenure and it was not republished. The officers are following a common, but unwritten practice of towing cars that are unsafe to drive without contacting the owners of the cars.

Recommendation:

- The Community Police Review Commission recommends that the Riverside Police Department complete the revision of Policy 4.14 and include in that revision explicit instructions on what officers should do when a recovered stolen vehicle is judged to be unsafe to drive. It also recommends that the victim of an auto theft be given a reasonable time, as defined by RPD, to make his/her own towing/storage arrangements.

Police Department Response:

The policy has been rewritten. It is in the final stages of review and includes the recommendations of the Commission. The owners of recovered stolen vehicles will be given 30 minutes to make their own recovery arrangements.

3. **Background:** As a result of a complaint investigation the commission recommends that RPD Policy & Procedure 4.15, Report Writing, be modified with regard to cases of alleged child abuse or neglect. We feel that even when there is no sign of child abuse or neglect, a report should be written to reflect the actions and observations of the officer in determining that no crime was committed. The Commission believes that such a policy modification will 1) start a paper trail that will document potential neighborhood problems other than the alleged child abuse or neglect and, 2) will help shield the officer and the Department from charges that they “did nothing” if, at a later date, a child abuse or neglect crime does occur.

Recommendation:

- The Community Police Review Commission recommends that the Riverside Police Department modify Policy and Procedures Section 4.15 to reflect that a report will be written in all cases where child abuse and/or neglect are alleged. In cases where there is no evidence that a crime has occurred, the officer should document the actions he took and observations he made in making that determination.

Police Department Response:

Riverside Police Department Policy and Procedure 4.15 (A) 10 has been modified to add, “When child abuse or neglect is alleged.”

4. **Background:** As a result of an investigation into a citizen’s complaint, it was found that the policy requiring that reports be made on all domestic violence calls was left open to interpretation when there was no apparent crime.

Recommendation:

- The Commission recommends that P & P 4.23.E.f be revised to ensure that all calls relating to domestic violence are reported. If there is no apparent crime, the officer(s) should report their observations and the action(s) taken based on those observations.

Police Department Response:

Existing policy (4.23f) states “Officers shall investigate and write an incident report in response to all domestic violence-related calls for assistance, including any court order violation or threat, even if the suspect is not at the scene.” The Police Department does not feel that a modification of this policy is necessary in order to hold officers accountable for a failure to prepare a report when responding to a call of domestic violence.

5. **Background:** As a result of an investigation into a citizen's complaint, it was found that RPD Policy and Procedure 6.3 is in conflict with regard to the criteria for writing reports on non-injury accidents. The Commission also feels that the Police Department should update the policy to reflect the change in technology and the concerns of citizens as expressed in the numbers of complaints received regarding officers not making non-injury accident reports.

Recommendation:

- P&P 6.3 E and 6.3 C are in conflict with regard to when or if non-injury traffic accidents should be investigated. The Department should eliminate this confusion so that officers have clear, written direction on how to proceed.

Police Department Response:

The Department rewrote the policy to reflect the Commission's concerns and it is currently in the review stage.

Recommendation:

- P&P 6.3 regarding non-injury accidents should be modified so that officers are required to run a drivers license check and, as much as practical, check for a valid insurance policy on the parties involved as part of the protocol.

Police Department Response:

The change is being considered along with the previous recommendation as part of the rewrite of Policy and Procedure 6.3.

Recommendation:

- The Police Department should develop cards or pamphlets that officers can give to citizens involved in non-reportable accidents that explain the RPD policy with regard to non-reportable accidents.

Police Department Response:

The policy that addresses the reporting of traffic accidents (Section 6.3) is very lengthy and would be quite difficult for a citizen to understand. It would be impractical to attempt to create a simple pamphlet that would explain the policy to the satisfaction of a citizen who had just been involved in an accident.

6. **Background:** As a result of an investigation into a citizen's complaint, it was found that there is no RPD policy that guides officers' responses to other than Code 3 calls. The Commission feels that there are calls that require officers to respond faster than routine traffic speeds yet do not require a code 3 response.

Recommendation:

- The Commission recommends that the Department modify Policy and Procedure 4.17 to include proper, acceptable responses to other than Code 3 calls. The modified policy should define what type of calls are considered Code 1 and Code 2 calls and what is an appropriate response to each.

Police Department Response:

This policy was rejected on advice from the City Attorney's Office.

7. **Background:** As a result of an investigation into a citizen's complaint, it was found that RPD does not have a written policy requiring officers to give receipts when they take property from a person. There has been, however an unwritten policy that requires it.

Recommendation:

- The Commission recommends that the RPD develop a policy that requires officers to give receipts when they take property from anyone. The policy should be broad enough to cover all property seizure circumstances.

Police Department Response:

The Department is drafting a new policy to cover this area. This policy will also deal with a new law that became effective in 2002 and will require the issuance of a receipt whenever a firearm is seized.

8. **Background:** As a result of an investigation into a citizen's complaint, it was found that there is no tolerance for minor errors in the RPD Policy & Procedures, even when those errors do not alter the facts of the case and are easily correctable. As a result, when an officer makes one of these "harmless" errors and it is the subject of a complaint, that complaint allegation must be "Sustained." The Commission believes that this practice is too restrictive.

This should not be construed to mean that the Commission believes that "harmless" errors should be overlooked, but that those individual instances should not be handled as disciplinary issues. If the problem is a persistent one, the Commission believes the officer's competence is at issue and should be handled under RPD Policy & Procedure 2.1 or a similar policy dealing with the officer's ability to perform his or her duty.

Recommendation:

- The Community Police Review Commission recommends that RPD Policy & Procedure 9.1 be modified so that "harmless" errors, while not acceptable, are not treated in the discipline system unless they are persistent. Then the errors, as a group, will be used to show an officer's lack of competency.

Police Department Response:

The Department already has the ability to deal with issues that are so minor in nature that discipline is unnecessary. Each investigation is reviewed on a case-by-case basis and decisions are made in consideration of the circumstances involved.

Appendix

City of Riverside Ordinance No. 6516	Section A
CPRC By-Laws and Policies & Procedures	Section B
RPD Policy & Procedure 4.12	Section C

Section A

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ORDINANCE NO. 6516

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING A COMMUNITY POLICE REVIEW COMMISSION BY AMENDING TITLE 2, AND ADDING CHAPTER 2.76 TO THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside, California, does ordain as follows:

Section 1: Title 2 of the Riverside Municipal Code is hereby amended to read as

follows:

“Chapter 2.76

- Section 2.76.010 Title.
- Section 2.76.020 Purpose.
- Section 2.76.030 Creation of Community Police Review Commission.
- Section 2.76.040 Membership and Terms of Community Police Review Commission.
- Section 2.76.050 Powers, Duties and Functions.
- Section 2.76.060 Confidentiality.
- Section 2.76.070 Severability.

Section 2.76.010 Title.

This Chapter shall be known as the City of Riverside “Community Police Review Commission Ordinance.” (Ord. 6516, 2000).

Section 2.76.020 Purpose.

The general purpose of this Ordinance is to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside, and to bring to the attention of the City its findings and recommendations in regard to law enforcement policies and practices. Further, it is the purpose of this Ordinance to ensure good relations between those who enforce the laws and the diverse populace whom they serve so that the public will take pride in local law enforcement and those who enforce the laws will take pride in their service to the public.

Section 2.76.030 Creation of Community Police Review Commission.

Pursuant to the provisions of Article VIII. APPOINTIVE BOARDS AND COMMISSIONS, of the Charter of the City of Riverside, as the same now exists or is hereafter amended, there is hereby created a Community Police Review Commission. The Executive Director of the Commission or his/her representative shall be responsible to attend all meetings of

1 the Commission and be responsible for maintaining all records and minutes.

2 **Section 2.76.040 Membership and Terms of Community Police Review**

3 **Commission.**

4 The Community Police Review Commission shall consist of nine (9) members appointed
5 by the Mayor and City Council. Members shall be removed from the Commission by five (5)
6 affirmative votes of the Mayor and City Council for incompetence, malfeasance, misfeasance,
7 nonfeasance or neglect of duty.

8 The term of each member of the Commission shall be for four years; provided, however,
9 the initial appointments of the first nine members after the effective date of this Chapter, shall be
10 determined by a drawing at the Commission's first meeting to decide which members shall serve
11 two, three and four year terms; three shall serve two year terms, three shall serve three year terms
12 and three shall serve four year terms. The members first appointed to serve two year terms shall
13 serve until March 1, 2002; the members first appointed to serve three year terms shall serve until
14 March 1, 2003, and the members first appointed to serve four year terms shall serve until March 1,
15 2004. No person shall serve more than two full terms. Serving more than one (1) year of an
16 unexpired term shall be counted as service of one full term.

17 **Section 2.76.050 Powers, Duties and Functions**

18 The powers, duties and functions of the Community Police Review Commission are as
19 follows:

- 20 A. To advise the Mayor and City Council on all police/community relations issues.
21 B. To conduct public outreach to educate the community on the purpose of the
22 Commission.
23 C. To receive, and in its discretion, review and investigate, through the Executive
24 Director, complaints filed within six (6) months of the date of the alleged police
25 employee misconduct, in writing with the Commission or any other City office,
26 which allege persons employed by the Riverside Police Department in a sworn
27 capacity with, but not limited to (a) use of excessive force, (b) discrimination or

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sexual harassment in respect to members of the public, (c) the improper discharge of firearms, (d) illegal search or seizure, (e) false arrest, (f) false reporting, (g) criminal conduct, (h) misconduct. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific community member by reason of:

1. Alleged violation of any general, standing or special orders or guidelines of the Riverside Police Department, or
2. An alleged violation of any state or federal law that occur in the course and scope of employment, or
3. Any act otherwise evidencing improper or unbecoming conduct by a sworn police officer employed by the Riverside Police Department.

- D. To review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.
- E. To conduct a hearing on filed complaints or Commission initiated investigations when such hearing, in the discretion of the Commission, will facilitate the fact finding process.
- F. To the extent permissible by law, exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony. Subpoenas shall only be issued by the Commission upon the affirmative vote of six (6) Commission members.
- G. To make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.
- H. To review and advise the Police Department in matters pertaining to police policies and practices.

1 I. To prepare and submit an annual report to the Mayor and City Council on
2 Commission activities.

3 **Section 2.76.060 Confidentiality**

4 All personnel records, investigative reports, documents generated within the City of
5 Riverside Police Department, information relating to closed session deliberations of the
6 Commission, and any other privileged matters, shall be kept confidential to the extent permitted by
7 law.


8 The hearing process shall be open to the public to the extent legally permissible and
9 insofar as it does not conflict with state or federal law.

10 **Section 2.76.070 Severability**

11 If any provision of this Ordinance or its application is held invalid by a court of
12 competent jurisdiction, such invalidity shall not affect other provisions, sections, or application of
13 the Ordinance which can be given effect without the invalid provisions or applications, and to this
14 end any phrase, section, sentence, or word is declared severable.

15 Section 2: The City Clerk shall certify to the adoption of this ordinance and cause
16 publication once in a newspaper of general circulation in accordance with Section 414 of the
17 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the
18 date of its adoption.

19 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk
20 this 11th day of April, 2000.

21
22 
23 Mayor of the City of Riverside

24 Attest:

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27 City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 4th day of March, 2000, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 11th day of April, 2000, by the following vote, to wit:

Ayes: Councilmembers Beaty, Moore, Defenbaugh, Kane, Adkison,
Thompson and Pearson.

Noes: None.

Absent: None.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 11th day of April, 2000.

Erin A. Holm, Assistant
City Clerk of the City of Riverside

[ORD/00049001.SY]

Section B

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**BY-LAWS
Amended September 24, 2001**

**ARTICLE I
DEFINITION**

- Section 1. As used in these by-laws, unless a different meaning clearly appears from the context:
- A. "Commission" shall mean the City of Riverside Community Police Review Commission (CPRC).
 - B. "Commissioners" shall mean the members of the Commission.
 - C. "Executive Director" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.
 - D. "Independent Investigator" shall mean the person(s) retained by the Executive Director to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.
 - E. "City" shall mean the City of Riverside.

**ARTICLE II
MEMBERS**

- Section 1. The Commission shall be comprised of nine (9) members appointed by the Mayor and the City Council, in accordance with City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.
- Section 2. Appointments to fill unexpired terms on the Commission shall be filled in the same manner as original appointments.
- Section 3. Each member must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.
- Section 4. Members who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

ARTICLE III
TERMS OF OFFICE

- Section 1. The term of office shall be four (4) years. No member shall serve more than two (2) full consecutive terms. Serving less than one (1) year of an unexpired term shall not be counted as service of one term.
- Section 2. In the event that a replacement member has not been appointed when the term of office of an incumbent member expires, the incumbent member may continue to serve until a replacement is appointed.
- Section 3. Members may be removed from the Commission by an affirmative vote of five (5) members of the City Council, with the Mayor entitled to a vote, for the following causes:
- A. Absence from three consecutive regular meetings, unless by permission of the Commission expressed in the official minutes.
 - B. Incompetence, malfeasance, misfeasance, nonfeasance, neglect of duty, or conviction of a crime involving moral turpitude.
 - C. Refusal to resign from the Commission when no longer a qualified elector of the City.
 - D. Failure to comply with the confidentiality requirements described in Section 2.76.060.

ARTICLE IV
COMPENSATION

- Section 1. Members shall serve without compensation for their services on the Commission but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

ARTICLE V
OFFICERS

- Section 1. The Commission shall have at least two officers, Chair and Vice-Chair, and such other officers, as it deems necessary.
- Section 2. The Chair shall preside over all meetings of the Commission and shall have the same rights as other members, except the Chair shall not make or second a motion. The Chair shall have the right to vote on all matters.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission, and shall perform such other duties and delegated responsibilities as may be imposed upon the Chair by the Commission. The Chair shall also speak to the media on behalf of the Commission on official actions of the Commission.

- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.
- Section 4. The election of officers shall be conducted annually at the first meeting in March.
- Section 5. All officers shall be elected by the members for a term of one year. A member may serve no more than two successive years in the same office.
- Section 6. Election of officers shall be conducted in a manner prescribed by the Commission.
- Section 7. In the event of the resignation or removal of the Chair during the year, the Vice-Chair shall become the Chair and a new election shall be held for Vice-Chair. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.
- Section 8. If the Chair and Vice-Chair are both absent at any meeting of the Commission, the Commission shall elect a Chair Pro Tem who shall perform all duties of the Chair.

ARTICLE VI

AUTHORITY, POWERS, DUTIES

- Section 1. In accordance with Chapter 2.76 of the Riverside Municipal Code, the Commission shall have the power to:
- A. Advise the Mayor and City Council on all police/community- relations issues.
 - B. Conduct public outreach to educate the community on the purpose of the Commission.
 - C. Receive complaints of alleged police misconduct filed within six months of the date of the alleged misconduct against a sworn member of the Riverside Police Department, regarding use of

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or misconduct.

- D. Review and investigate complaints of alleged police misconduct.
- E. Conduct hearings into allegations of police misconduct upon the affirmative vote of five (5) Commission members.
- F. The extent permissible by law, subpoena and require the attendance of witnesses, the production of books, documents, papers, audio, video and any other electronic media pertinent to the investigation, upon the affirmative vote of six (6) Commission members.
- G. To review and advise the Police Department in matters pertaining to police policies and practices, including making formal recommendation for amendment to the Police Department's Policy and Procedures Manual and on Police Department proposed amendments to the Policy and Procedures Manual.
- H. Administer oaths to witnesses and to take testimony, which will be recorded verbatim.
- I. Submit written findings concerning allegations contained in the filed complaint to the City Manager and the Police Chief.
- J. Review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.
- K. Review and advise the Police Department in matters pertaining to police policies and practices.
- L. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.
- M. Advise the City Manager regarding the performance of said staff.
- N. Submit to the Mayor and City Council an annual written report of its activities during the past year.

Section 2. These by-laws do not, and are not intended to, exceed the powers given to the Commission by the City Charter, City ordinances, or resolutions.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

ARTICLE VII MEETINGS

- Section 1. Regular meetings of the Commission shall be held on the fourth Monday of each month at 6:00 p.m. in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission.
- Section 2. Special meetings of the Commission may be convened at the call of the Chair, or of the Vice-Chair in the absence of the Chair. Upon petition of five (5) members of the Commission, the Chair shall be required to call a meeting of the Commission within one week. Members will be given at least 24 hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with Brown Act, §54950 et seq. of the California Government Code.
- Section 3. All meetings of the Commission and its standing committees shall be open to the public and, whenever possible shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting in accordance with the Brown Act, §54950 et seq. of the California Government Code.
- Section 4. Notwithstanding Section 3 above, the Commission may schedule closed session meetings for the sole purpose of considering cases and making related findings. The notice and agenda for such Case Review Meetings shall be distributed in the same manner as the notice and agenda for all other commission meetings. Case Review meetings will not be open to the public, and public comment will not be heard at these meetings.
- Section 5. A majority of all members of the Commission shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.
- Section 6. A quorum being present, the order of business at the meetings of the Commission may include the following:
- A. Roll Call
 - B. Minutes of Previous Meeting
 - C. Executive Director's Report
 - D. Chair's Report
 - E. Committee Reports
 - F. Public Comment

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

- G. Unfinished Business
- H. New Business
- I. Next Meeting
- J. Recess to personnel or closed session if required
- K. Adjournment

The Executive Director and Chair shall have the right to place an item on the agenda of a future meeting.

- Section 7. A Commission meeting may be cancelled by the Chair, due to a lack of a quorum or lack of sufficient agenda voting items.
- Section 8. Minutes of each Commission meeting shall be kept on file in the Commission's offices, and copies sent to the Mayor, City Councilmembers and City Manager.
- Section 9. The Commission may promulgate such rules, regulations, policies, and procedures for its conduct, as it deems necessary. Meetings shall be conducted informally.
- Section 10. All adopted rules, regulations, policies, and procedures shall be promptly filed with the City Clerk, and shall bear the signature of the Chair and the date they were adopted.
- Section 11. The annual meeting shall be the March meeting.
- Section 12. Special Commissioner training meetings shall be conducted at sites to be determined. Appropriate notices shall be posted in accordance with the Brown Act.
- Section 13. It is recommended that Commissioners attend at least one training day every other year, as needed, and one ride-along and sit-along in their first year of appointment, if possible.
- Section 14. New Commissioners shall be required to attend an orientation meeting upon their appointment.

CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

ARTICLE VIII
INVESTIGATIONS AND HEARINGS

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing complaints against police officers adopted by the Commission.
- Section 2. The hearing process shall be open to the public to the extent permitted by law and insofar as it does not conflict with state or federal law, as set forth in Section 2.76.060.
- Section 3. Investigations and hearings shall be conducted to determine facts and to make recommendations to the City Manager and Police Chief.
- Section 4. Hearings shall be scheduled as needed.

ARTICLE IX
CONFIDENTIALITY

- Section 1. All personnel records, investigative reports, documents generated within the Riverside Police Department, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential to the extent permitted by law.

ARTICLE X
COMMITTEES

- Section 1. The Chair may appoint standing committees, which shall consist of an appointed Chairperson and at least two other Commissioners.
- Section 2. The Chair may appoint ad hoc committees as needed. Each shall consist of an appointed Chairperson and at least two other Commissioners. Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed.
- Section 3. The elected Chair shall be an ex-officio member of all committees.

ARTICLE XI
REPORT TO THE CITY

- Section 1. The Commission shall present an annual written report of its activities for the past year to the Mayor and City Council. It may also make appropriate recommendations. The report shall include the following:

CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

- A. The name of the Commission
- B. The Commission's goals, objectives, and functions
- C. Reference, by category, to all reports and recommendations presented to the City Manager
- D. The number of meetings held
- E. The number of hearings conducted
- F. Attendance records of all members
- G. The amount of money expended in support of the Commission, if known
- H. A list of City personnel who regularly assist the Commission

Section 2. The report should be submitted by March 31st of each year.

ARTICLE XII
AMENDMENT OF BY-LAWS

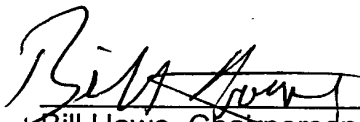
Section 1. These By-Laws may be amended at any regular meeting of the Commission by majority vote of the Commission, provided that notice of such amendment shall have been given at the previous regular meeting.

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001

Amendment: September 24, 2001

Respectfully Submitted,



Bill Howe, Chairperson
Community Police Review Commission

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

POLICIES AND PROCEDURES

Adopted July 30, 2001

I. PURPOSE

To establish guidelines for the receipt and processing of allegations of sworn police employee misconduct in compliance with Chapter 2.76 of the Riverside Municipal Code.

II. SCOPE

These guidelines are applicable in addressing allegations of misconduct by sworn employees of the Riverside Police Department. Complaints must have been filed on or after January 1, 2001, in writing, and within six (6) months of the date of the incident that gave rise to the complaint.

III. AMENDMENT

These Policies and Procedures may be amended by a majority vote of the Commission at a regularly scheduled Commission meeting where the item appears on the published agenda for discussion and/or action.

IV. POLICY STATEMENT

The Community Police Review Commission shall receive, review and investigate allegations of misconduct by sworn Police Department employees regarding use of excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or misconduct. When necessary, the Commission will conduct hearings and subpoena witnesses and records to facilitate the fact-finding process. The Commission shall make recommendations to the City Manager and Police Chief and develop appropriate procedures to implement this policy.

The Community, sworn police employees, and staff are urged to give their support, to the extent permitted by law, to ensure the effective implementation of this Policy and these Procedures.

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

V. DEFINITIONS

The following definitions shall apply to this policy:

- A. Commission:
Community Police Review Commission (CPRC)

- B. Complaint:
Allegation(s) of misconduct against a sworn employee of the Riverside Police Department.

- C. Complainant:
The person filing the complaint.

- D. Discrimination:
An act or omission made on the basis of race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex or sexual orientation.

- E. Sexual Harassment:
Engaging in any act of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

- F. Employee of the Riverside Police Department:
Any employee of the Riverside Police Department who is a sworn peace officer.

- G. Executive Director:
The staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.

- H. Excessive Force:
Unreasonable force used by a sworn employee of the Riverside Police Department against a person or persons.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

I. False Arrest:

Arrest made without probable cause that a crime has been committed and that the person in question has committed that crime.

J. Independent Investigator:

The person(s) retained by the Executive Director to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.

K. Misconduct:

An allegation against a sworn employee of the Riverside Police Department, which if true, may constitute a violation of a law, rule or regulation.

L. Probable Cause:

A condition where facts and circumstances known to the officer warrant a reasonable person to believe that the arrested person has committed a crime.

M. Subject officer:

A sworn employee of the Riverside Police Department against whom a complaint is filed.

N. Witness:

Any person who has information relevant to the complaint.

VI. COMMISSION ORGANIZATION

A. Commission:

The Commission is an ordinance-mandated body of nine citizens, which receives, reviews and investigates allegations of misconduct filed against sworn employees of the Riverside Police Department and other functions as defined in City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

B. Resignation – Replacement:

1. In the event of the resignation or removal of a Commission member(s) during the year, the replacement Commissioner shall serve the remaining term of said Commissioner.
2. In the event of the resignation or removal of the Chair during the year, the Vice-Chair shall become the Chair and a new election shall be held for Vice-Chair.

VII. RECEIVING AND PROCESSING COMPLAINTS

A. Where to File:

Complaints of sworn police employee misconduct may be filed with the CPRC Office, the Riverside Police Department, or any other agency so designated by the CPRC.

B. How to File:

Only complaints of sworn police employee misconduct made in writing will be subject to review by the Commission. The CPRC Executive Director, if appropriate, will complete a complaint control form in order to initiate an investigation.

C. Time Element:

Only complaints filed on or after January 1, 2001 and within six months of the date of the alleged sworn police employee misconduct will be investigated by the Commission.

D. Receiving and Forwarding:

Complaints of misconduct, received by the CPRC, the RPD or any other agency so designated by the CPRC, and which have been investigated, shall be forwarded by the Executive Director to the Commission for review and disposition as soon as practical.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

E. Complaint File:

The Commission shall maintain a confidential central register of all complaints filed with the CPRC.

VIII. INVESTIGATION

A. Investigation:

Investigation by the Commission will be conducted by the Executive Director or the Executive Director's designee. Assistance may be sought from the Internal Affairs Unit as appropriate in the judgment of the Executive Director or the Executive Director's designee.

B. Review:

After the initial investigation and review by the Riverside Police Department the investigative file along with the investigative report will be forwarded to the Executive Director for review. If the Executive Director determines that the investigation is incomplete, the case will be sent back to the Police Chief with a written explanation. If the investigation is determined to be complete the Executive Director will write a summary of the case and place the case on the next available agenda.

C. Commissioner Notification:

Each commissioner will be sent a copy of the synopsis prepared by the Executive Director. This synopsis is **Confidential** and will be provided to the commissioners no later than ten (10) days before the next scheduled meeting. It is the commissioner's obligation to come into the CPRC office and read the case file prior to the meeting when deliberations will take place.

D. Deliberation:

Each case will be placed on the agenda of the earliest possible regularly scheduled monthly meeting. The case deliberations will occur in closed session. The Commission may decide to send the case back to the Police Department for further investigation, may have a contract

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

investigator hired by the CPRC conduct a further investigation, may submit a recommended finding to the City Manager and Police Chief or delay a decision for a future meeting.

E. CPRC Investigations:

1. All investigations conducted by the CPRC will be done through the Executive Director.
2. The Executive Director may interview the Complainant, Subject officer(s), and Witness(es), and should collect all relevant information, including all documentation available relative to the investigation.
3. The investigation shall be conducted in a fair, ethical and objective manner. The Executive Director is an agent of the Commission and personal opinions shall not be contained in the report.
4. The Executive Director, or designee, may take a statement from the Complainant, the accused, witnesses, or any other person.

F. Preservation of Records/Evidence:

All files, documents, and related materials shall be kept and preserved for a period of five (5) years after the complaint was filed with the CPRC, the RPD, or any other agency so designated by the CPRC.

G. Investigation Timetable and Report:

To the greatest extent possible, the investigative report whether done by the Riverside Police Department or the CPRC should be completed within 60 calendar days after the filing of the complaint.

The investigative report should include the initial complaint and police report, if applicable, and the Executive Director's summaries of the complaint, statements of witness(es), and evidence. The Executive

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

Director shall have available all materials relevant to the case for review by the Commission.

H. Commission Review, Findings & Recommendations:

The complaint, with the stated allegations of police misconduct and the investigative data, shall be submitted to the Commission for its review. The Commission, in Closed Session, deliberates and determines an appropriate finding for each allegation. Its findings are forwarded to the City Manager for final disposition. The Commission may direct the staff to reopen the investigation for additional information or evidence. The Executive Director shall be present to respond to questions from members of the Commission.

With five affirmative votes, the Commission may elect to hold a hearing. The full Commission will conduct this hearing. The Commission may request or subpoena the complaining parties, witnesses, and involved sworn Police Department employees to appear before it to answer questions or provide information.

The Commission findings shall be referred to the City Manager for final disposition. The Complainant and Subject officer shall be notified of the final disposition by the City Manager.

IX. HEARINGS

A. Conducting the Hearing:

The hearing shall be open to the extent permissible by law. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints. Citizen or Police Department employee witnesses shall be questioned by the Commission or staff only. There shall be no cross-examination by sworn Police Department employees, citizen witnesses, the Complainant, or their respective counsel.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state and local law and applicable contractual agreements.

B. Subpoenas:

Subpoenas shall be issued by the Commission upon the affirmative vote of six (6) Commissioners and shall be served by the Executive Director or designee.

C. Recommendations / Findings:

The Commission shall make its findings, which may include, but not be limited to, the following:

1. Unfounded:

The alleged act did not occur.

2. Exonerated:

The alleged act occurred but was justified, legal and proper.

3. Not Sustained:

The investigation produced insufficient information to prove or disprove the allegation.

4. Sustained:

The Department member committed all or part of the alleged acts of misconduct or poor service.

5. Misconduct Noted:

The Department member violated a section of the Department Policies, Rules or regulations not originally alleged in the complaint.

CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

6. Inquiry:

If, during the investigation, it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an Inquiry.

NOTE: If, in the course of Commission deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commission may refer such suggestions to the Police Chief and City Manager.

X. DISTRIBUTION OF RECOMMENDATIONS / FINDINGS

The Commission shall send its findings to the City Manager and the Police Chief.

XI. CONFIDENTIALITY

A. Commissioner Limitation:

All matters shall be kept confidential as required by law.

B. Penalty for Violation:

Failure to comply with this regulation shall be grounds for removing a Commissioner from the Commission.

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

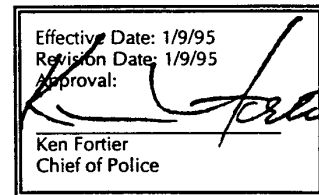
Original Adoption: July 30, 2001

Respectfully Submitted,



Bill Howe, Chairperson
Community Police Review Commission

Section C



4.12 PERSONNEL COMPLAINT POLICY:

A. PURPOSE:

To establish a sound procedure to investigate complaints of poor service or misconduct against members of the Department. The investigation must be thorough and impartial in order to protect the rights of the employee and maintain the Department's high level of integrity and efficiency.

B. DEFINITIONS:

1. **Complaint:** Any allegation of poor service or misconduct made by a citizen or employee against a member of the Department is a complaint. Complaints of misconduct must allege a violation of Federal, State or local law, or Riverside Police Department Policy or Procedure.

Complaints lodged by citizens will be classified as a CITIZEN COMPLAINT. Complaints lodged by employees will be classified as an INTERNAL INVESTIGATION.

2. **CATEGORY 1 Complaints:** All complaints which involve:

- Force Used
- False Arrest
- Discrimination
- Criminal Conduct
- Racial/ethnic slurs

3. **CATEGORY 2 Complaints:** All complaints which involve:

- Poor Service
- Discourtesy
- Improper Procedure
- Conduct Unbecoming (CUBO)
- Other

4. Each allegation in a complaint shall have one of the following FINDINGS:

- **Unfounded:** The alleged act did not occur.
- **Exonerated:** The alleged act occurred but was justified, legal and proper.
- **Not Sustained:** The investigation produced insufficient information to prove or disprove the allegation.

- Sustained: The Department member committed all or part of the alleged acts of misconduct or poor service.
- Misconduct Noted: The Department member violated a section of the Department Policies, Rules or regulations not originally alleged in the complaint.

5. **Inquiry:** If, during the investigation, it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an **Inquiry**.

Inquiry responses may be hand written, however, it must be complete, neat and legible.

The inquiry box on the Complaint Control Form shall only be checked by the supervisor investigating the complaint, with the concurrence of that supervisor's commanding officer.

C. COMPLAINT RECEPTION AND ROUTING:

1. Non-supervisory employees shall immediately refer complainants to an on-duty supervisor. Supervisors shall accept complaints in writing, in person, by telephone, or from anonymous persons. The purpose for this is to encourage citizens or employees to bring forward legitimate grievances regarding poor police service or misconduct by Department members. Citizens and members of the Department shall not be dissuaded in any manner from making a complaint.
2. Supervisors shall immediately record complaints sufficiently serious to warrant investigation on a Complaint Control Form (Appendix A) and obtain a case number.

Case numbers are generated by the Computer Aided Dispatch (CAD) system and may be obtained by contacting Communications. Case numbers are deciphered as follows:

- PC - Indicates Personnel Complaint
- 95 - Year
- 123 - Julian Date
- 001 - Report Number

3. Each calendar day, Communications shall produce a computer printed log of all complaint case numbers and forward it immediately to Internal Affairs. The log shall contain only the case number, complainant's name, address and telephone number, and the name of the supervisor obtaining the case number.
4. The supervisor accepting a complaint in person shall give the blue copy of the Complaint Control form to the complainant. The white copy shall be forwarded to the Office of Internal Affairs. The pink and green copies shall be forwarded to the employee's Lieutenant/Bureau Manager for investigative assignment. If the complaint is not taken in person, the white and blue copies shall be forwarded to Internal Affairs.

Effective 01/01/96 section 148.6 was added to the Penal Code, to read:

148.6. (a) Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the report to be false, is guilty of a misdemeanor.

(b) Any law enforcement agency accepting an allegation of misconduct **against a peace officer** shall require the complainant to read and sign the following information advisory, all in boldface type:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST

AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.

I have read and understood the above statement.

Complainant

A citizen who makes a complaint in person against an officer shall be required to read and sign the advisory statement. If the complainant refuses to sign, the supervisor shall indicate "refused" in the signature block and initial the statement. The supervisor shall still accept the complaint. The complainant will be given his/her blue copy of the complaint. The white copy of the complaint and the advisory statement routing procedure will remain the same.

If a complaint is taken by telephone, the complainant shall be advised that they will receive a copy of the complaint and advisory statement for signature in the mail. The routing procedure will remain the same. The Office of Internal Affairs will mail the statement to the complainant for signature. A stamped self-addressed envelope will be enclosed for the complainant to return the signed advisory statement to Internal Affairs.

Section 148.6 PC does not apply to complaints made against civilian members of the Department.

NOTE: In the case of an internal investigation the supervisor shall forward all copies of the Complaint Control form to Internal Affairs.

5. Upon receipt of the Complaint Control Form, Internal Affairs will notify the complainant, in writing, that the complaint has been received and that an investigation has been

initiated. The blue copy of the Complaint Control Form will also be mailed to the complainant, if it has not already been provided to them by the accepting supervisor.

6. Internal Affairs will be responsible for assignment of the complaint for investigation. Internal Affairs shall retain the white copy of the complaint form for tracking purposes. The green and pink copy of the complaint form will be forwarded to the captain of the command assigned to investigate the complaint. The green copy is a work copy that is to be used by the investigating supervisor. The pink copy is to be given to the Department member against whom the complaint was lodged. This should be done in a reasonable and appropriate time, as determined by the investigating supervisor.
7. Completed complaint investigations shall be forwarded through the chain of command to Internal Affairs.
8. Internal Affairs shall be responsible for notifying the complainant, in writing by registered mail, within thirty (30) days of the disposition of the complaint. Additionally, Internal Affairs will notify, in writing, the Department member against whom the complaint was lodged and the member's commanding officer of the disposition of the complaint.

The letter sent to the complainant will only include the following information:

- Finding(s) of the investigation. A definition of the Finding will be provided.
- Name and telephone number of the supervisor who investigated the complaint.
- If an allegation has a Finding of Sustained, then the letter will state, "appropriate disciplinary action will be taken against the involved Department member." The name of the involved Department member and specific disciplinary action will not be included in the letter.

D. COMPLAINT INVESTIGATION:

1. The supervisor accepting the complaint shall be responsible for accurately and fully completing the Complaint Control Form. The supervisor shall obtain preliminary statements from the complainant and any immediately available witnesses. Additionally, the supervisor shall collect and preserve any physical evidence that is readily available or may be time or weather sensitive.

The supervisor accepting the complaint must clearly, accurately and completely document each allegation made by the complainant on the Complaint Control Form. It is essential that the specifics (date, time, location) of the allegation(s) are obtained and included on the Complaint Control Form. If additional space is required, supervisors should use a memorandum.

2. Internal Affairs will have primary responsibility for investigating all Category 1 complaints. The Internal Affairs lieutenant shall have the discretion of assigning a Category 1 complaint to Division level for investigation.
3. Category 2 complaints shall be investigated within the Division the employee is assigned.
4. Allegations that a Department member violated the law shall be investigated by the Investigations Division or the appropriate outside law enforcement agency. The administrative investigation will be conducted concurrent with or after the completion of

the criminal investigation, at the discretion of the Chief of Police or his designee. Supervisors becoming aware of a criminal investigation involving a Department member who may be a suspect in a crime shall immediately complete a Complaint Control Form and route it to Internal Affairs.

The supervisor first becoming aware of allegations of criminal acts by a Department member may be required to immediately and thoroughly conduct an investigation of those charges, i.e., drunk driving, battery, or disturbing the peace. In these situations, the supervisor shall immediately notify the Internal Affairs lieutenant, or designee.

5. All complaint investigations will be conducted promptly. The Department has established a goal of completing all Category 2 complaint investigations within forty-five (45) calendar days from the date received. If a supervisor is unable to complete the complaint investigation within forty-five (45) calendar days, that supervisor shall request approval from his or her commanding officer for a fifteen (15) calendar day extension. Commanding officers must also approve any requests for additional extensions.

The Department has established a goal of completing all Category 1 complaint investigations within ninety (90) calendar days from the date received. A supervisor must demonstrate good cause to the Chief of Police, or designee, for not completing the investigation within ninety (90) calendar days. A thorough and complete investigation of Category 1 complaints shall always take priority over the ninety (90) calendar day goal.

Commanding officers shall notify the Internal Affairs lieutenant of any extensions that they have approved.

6. All recognized investigative methods for determining the facts surrounding a complaint will be used. Interviews will be conducted with the complainant and all witnesses. Involved Department members shall be interviewed and written reports obtained when necessary. The preferred method of investigation is to interview employees as opposed to having the employee prepare a written memorandum. To avoid having to interview the Department member against whom the complaint is lodged more than once, it is recommended the employee be the last person interviewed.

E. COMPLAINT INVESTIGATION REVIEW AND APPROVAL:

1. Completed complaint investigations will be routed through the chain of command to Internal Affairs. Each level of supervision shall review the completed investigation and provide a written statement of concurrence or disagreement with the conclusions and findings of the investigating supervisor. If there is a disagreement, a full written explanation of the reason(s) for the disagreement shall be provided.
2. Internal Affairs shall obtain final approval of the complaint investigation from the Chief of Police or designee.
3. Verbal or written disclosure of any information concerning the conclusions and findings of a complaint investigation to the involved Department member shall be the exclusive authority of the Chief of Police or designee. Investigating supervisors shall only discuss or disclose their preliminary conclusions or findings with superior officers or members currently assigned to Internal Affairs.
4. Once the completed investigation is approved, the commanding officer, or designee, shall review the investigation with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the

investigation. Department members will not be given a copy of an investigation, unless it is used as a basis for a disciplinary action against that member.

If a Department member disagrees with the disposition or Finding(s) of the investigation, he/she may submit a written rebuttal within thirty (30) days. The Department member's commanding officer and the Internal Affairs lieutenant shall jointly review the written rebuttal and, if appropriate, order that the investigation be re-opened for additional follow-up. In all instances, the Department member's written rebuttal will be filed with the completed investigation.

F. COMPLAINT INVESTIGATION FILES:

Internal Affairs will be responsible for maintaining a comprehensive file of all complaints and inquiries received by the Department for a period of five (5) years.

G. PITCHESS MOTION:

A Pitchess Motion is a motion for discovery of peace officer personnel records where the defense counsel is attempting to establish a custom, habit or practice of excessive force, untruthfulness or false arrest against an arresting officer. Pitchess Motions generally are filed in cases where the defendant is charged with violating Penal Code sections 148, 241, 243, 245, or similar statutes.

1. Internal Affairs will handle all Pitchess Motions.
2. Upon the filing of a Pitchess Motion, Internal Affairs will promptly notify, in writing, the Department member whose records are being sought for discovery. Internal Affairs will also notify the involved officer(s) what information, if any, was ordered released. The Department member(s) whose file was the subject of a Pitchess Motion will be given the opportunity to review the information which was released, prior to testifying.
3. If the affidavit filed by the defense attorney is found by the judge to fulfill certain legal requirements, the judge will review the records requested which include complaint investigations "in camera" (judge's chambers).
4. In those cases where the judge feels that one or more of the complaints are relevant to the case in question, the judge may order the release of the names, addresses and telephone numbers of the complainants and any witnesses identified in those investigations, as well as the disposition of the complaint.