



CITY OF RIVERSIDE

C O M M U N I T Y

POLICE REVIEW

C O M M I S S I O N

2004

Annual Report



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2004 ANNUAL REPORT of the CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

Introduction

This is the fourth annual report of the City of Riverside Community Police Review Commission (CPRC). This report is intended to give the reader an accurate and thorough understanding of the role the Commission plays in enhancing the quality of life for all our residents. This reports also documents an important milestone in the existence of the Commission. In November of 2004 the registered voters of Riverside decided that the existence of the Commission would now be part of the City's charter.

For this year's report, we are continuing the emphasis on the trends and patterns the Commission has observed over the last few years. This format enables the reader to establish a sense of direction in terms of community/police relations and how the existence of the Commission has helped to enhance the community's understanding of the policing process.

We hope you will enjoy reading this report. If there are any questions, please call the Commission staff at (951) 826-5509 or email us at ppayne@riversideca.gov. Also, many answers are available on our website at www.riversideca.gov/cprc.

CHAIRMAN'S MESSAGE
By Mike Gardner

2004 was a watershed year for the Community Police Review Commission. The Charter Review Committee recommended placing a measure to include the Commission in the City charter, and the City Council concurred placing the issue on the ballot as Measure II. Passage of the measure would effectively preclude the City Council from eliminating the Commission, significantly changing its duties and responsibilities, or eliminating its funding. In November 2004, the citizens of Riverside passed Measure II by a 60% majority. The measure passed in every ward and in every precinct. Mayor Loveridge describes the vote as, "an affirmation" of the Commission. I regard it as a mandate from the voting public for the Commission to continue its work as an impartial and unbiased body charged with oversight of certain aspects of the Riverside Police Department.

It is important to note that the Commission makes recommendations as to whether an officer has violated policy in reviewing citizen complaints, but that it is the City Manager who makes the final determination as to whether a violation has occurred. If a policy violation is found to have occurred, any discipline is determined and meted out solely by the Chief of Police. The Commission does not recommend or implement discipline. The Commission does make recommendations for changes in police department policies and procedures, but implementation of the recommendations is at the discretion of the Chief of Police.

The Commission is also charged with creating an outreach program to educate the public at large about the Commission and its role. To facilitate this charge, the Commission created an Outreach Committee in 2004. Through the Outreach Committee, the Commission has begun to significantly increase its interaction with the citizens of Riverside. We expect to increase this effort in 2005.

The last major area of responsibility of the Commission is to advise the Mayor and City Council on any issues relating to relations between the police department and the public. This is accomplished through this report, a Chairman's briefing of the City Council, and supplementary reports if needed.

It has been an honor to serve a second term as Chair of the Commission in 2004. I appreciate my fellow Commissioner's trust and support. With the passage of Measure II, the Commission can move forward on a positive note rather than fending off efforts to defund, restructure, or eliminate it. I have every confidence the Commission is on the way to being recognized as the positive influence for the citizens, leadership, and police department of the City of Riverside it was originally envisioned to be.



Mike Gardner, Chair
Community Police Review Commission

ABOUT THE COMMISSION

The Community Police Review Commission

The Community Police Review Commission is one of 14 commissions and boards that have been set up by the City Council to provide citizen input into the decision-making process of various city departments.

The Community Police Review Commission was created with the passage of Ordinance No. 6516 in April 2000, which amended Title 2 of the Riverside Municipal Code by adding Chapter 2.76.

Mission

The mission of the Community Police Review Commission is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department (RPD). 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, conducting an independent investigation of citizen complaints.

Purpose

By ordinance, the purpose of the Community Police Review Commission is defined as;

“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.”

The Commission also serves the community by providing a forum whereby citizens can express their opinions regarding the Police Department, its operation, and personnel.

Members of the Commission

The Community Police Review Commission is composed of nine residents of the City of Riverside who are selected by the City Council. As with other boards and commissions, these are unpaid positions. The term in office for each commissioner is four years and a commissioner can serve two consecutive four-year terms.

The Commission's Executive Director and Senior Office Specialist are paid city employees. The Executive Director reports to the City Manager.

The commissioners who served in 2004 are:

Jack Brewer is a 35-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 and its second chairman. Prior to ABC, he served on several police departments and has been involved in law enforcement since 1955. **Term expires in March 2008.**

Les Davidson is a 32-year resident of Riverside and a resident of the Inland Empire for over 32 years. After working as a police officer in the City of Redlands, he became a licensed private investigator in 1971 and worked directly with the legal community in private investigations. Recognizing the need for expertise in corporate security, he went on to found USAFACT, Inc. His company employs over 80 people, making it one of the largest background screening and drug testing companies in the country. He also owns Security One Alarm & Video Service. Les is a Certified Fraud Examiner and works as a private industry security consultant with numerous Fortune 500 companies. Les is on the board of Ronald McDonald House and he is also the founder of the California Autofest Car Show, which is held at the California Speedway. He is the Inland Empire's single largest donor to the Make-A-Wish Foundation. **Term expires in March 2006.**

Bob Garcia is a 4th generation, 45-year resident of Riverside. He is a former member of the Human Relations Commission and its Law Enforcement Policy Advisory Committee and has also served on the Casa Blanca Youth Accountability Board. He is a member of the Casa Blanca Community Action Group, the Park Advisory Committee, the Fiesta Committee at Villegas Park, the Villegas Park Dedication Committee, the Casa Blanca Safety & Beautification Committee, and a member of the Neighborhood Leadership Academy. **Term expires in March 2007.**

Mike Gardner is a 34-year resident of Riverside. Mike is a 1971 graduate of UC Riverside. He 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. Mike rejoined the workforce in 2003 and is currently serving as Operations Manager for Archive Management Services, a local document storage and retrieval company. **Term expires in March 2006.**

Brian Percy is a 25-year resident of Riverside and is a graduate of UC Riverside. He is a business and trial attorney with an office in downtown Riverside. He has over 17 years of law enforcement experience as a Police Officer with the Los Angeles Police Department and is currently a member of Operations South Bureau's Special Enforcement Unit. He is active in the Greater Riverside Chambers of Commerce and is currently the President of the Downtown Division. He is also a member of the board of directors of the Riverside Downtown Partnership and is a past President of the Riverside County Bar Association (RCBA) and a member of the steering committee for Project Bridge for the City of Riverside. He is a member of Leo A. Deegan Inn of Court and a founding member of the Southern California Chapter of the Badge and Gavel Society. He also serves as an arbitrator for the RCBA Fee Arbitration program and as a Mediator for the Riverside Superior Court and the Fourth District Court of Appeals Voluntary Appellate Settlement Program. **Term expires in March 2007.**

Gloria Huerta is a 30-year resident of Riverside. She is currently employed as a Nurse Practitioner for Raincross Medical Group in Riverside and also works for California Emergency Physicians as an Emergency Department Nurse Practitioner at Riverside Community Hospital. She is an Adjunct Instructor for Riverside Community College in the Public Safety Program with a focus on Emergency Medical Services (EMS) and in the Physicians' Assistant Program. She worked in EMS management for the County of Riverside for 19 years, including nine years with the County Fire Department and 10 years with the County Public Health Department where she was instrumental in establishing the paramedic and trauma systems for Riverside County. She is a member of the American Academy of Nurse Practitioners, Sigma Theta Tau, and the California Association of Nurse Practitioners. **Term expires in March 2008.**

Jim Ward is a 45-year resident of Riverside. He worked for the State of California Department of Corrections for 22 years. While employed with the Department of Corrections, Jim promoted to several positions including correctional officer, counselor, lieutenant, and captain. His duties and responsibilities were diverse and included personnel training officer, program administration and review of personnel training programs, staff supervision and training, conflict mediation and resolution, and designing, implementing, and assessment of departmental policies and procedures. To maintain a base of knowledge and practice, Jim attended Riverside Community College and Loma Linda University, successfully completing over 130 units in correctional science, social science and behavioral sciences with an emphasis on deviant behavior. Since retiring in 1985, Jim has devoted his time to his family and church, community service, and personal property investment and management. **Term expires in March 2006.**

Sheri Corral is 24-year resident of Riverside. She is married to Frank Corral and together they have 12 children; Frank has four and Sheri adopted seven children and has one biological daughter. Together they have 10 grandchildren. She is a Police Officer at Riverside Community College. She is currently on patrol both in a unit and on bike. She is actively teaching RAD (rape aggression defense tactics) to women and

graduated from the San Bernardino Police Academy in 1996 and has worked at the college her entire police career. Prior to becoming a police officer, Sheri operated a licensed foster/shelter home for the Riverside County Department of Social Services for seven years. She was a graduate of the first class in 1995 of "The Volunteer for Diversity." She was awarded Latina Officer Of the Year in 1999 and Latina Woman of the Year in 2003. Sheri worked for Loma Linda Medical Center for six years in the Anesthesia Department. She was also chairperson for the Riverside Unified Parent Steering Review Committee for three years and the Parent School Site Council chairperson at Mountain View Elementary school for three years. **Term expires in March 2008.**

Bonavita Quinto-MacCallum is a 5-year resident of Riverside and is married to Tracy MacCallum, owner of Body Health Massage Therapy. In May of 2000, Bonavita graduated with a Ph.D. in Educational Administration from New Mexico State University. Dr. Quinto-MacCallum has over 17 years combined teaching experience in public schools, community colleges, and universities in the U.S and Mexico. She held the position of Dean of Student Services for the Riverside Campus at Riverside Community College (RCC) for the last four years. Currently, she is working at the Moreno Valley campus teaching and developing a new program in Speech Language Pathology. Dr. Quinto-MacCallum served as President for the Greater Riverside Hispanic Chamber of Commerce for 2004. She was awarded a doctoral fellowship by the W. K. Kellogg Foundation in 1997 and was accepted into the Hispanic Border Leadership Institute Doctoral Fellowship Program at New Mexico State University in Las Cruces, New Mexico. She is also a graduate of Leadership Riverside 2003. **Term expires in March 2007.**

THE STRUCTURE OF THE COMMISSION

The Community Police Review Commission has two component parts. The first component is the Executive Director and his staff. They are a part of the City Manager's Department and the Executive Director reports directly to the City Manager.

The second component is the Commission, which is made up of nine citizens of the City of Riverside who are appointed to four-year terms as commissioners by the City Council. The terms are staggered so that, except for one year, three commissioner terms expire each year.

The Commission is independent in that it makes its findings and issues policy recommendations independent of any outside influence. Other duties and responsibilities are guided by the Riverside Municipal Code, Chapter 2.76, California Government Code 3300, and applicable Penal Code sections and case law and Peace Officer Standards Training (POST) guidelines and regulations.

Who The Commission Represents

The Commission is a neutral body designed to be a bridge between the community and the Police Department. It was designed give the public and police officers confidence that any accusations of misconduct lodged against an officer will be fairly and thoroughly investigated. The Commission is not an adversarial body nor is it an advocate for civilians or police officers.

When the Commission receives an investigative report, the Executive Director reviews it for completeness and writes an executive summary for the commissioners. The Commission then reviews each allegation in each case and makes a recommended finding. During this review process, the Commission also critiques the quality of the investigation and investigative process. This review and comment by the commissioners gives City and Police Department management the advantage of having a perspective that is not found in most communities.

If the results of the Commission's review are favorable to the Police Department, they have earned it. If the review points out areas where the Department falls short of expectations, that too is fully supported.

In short, the Commission offers an unbiased assessment of the Police Department that is available to the citizens of Riverside, the policy makers, city and police department managers, and line police personnel.

Other Duties and Responsibilities

Outreach:

The Commission's outreach initiative consists of commissioners going into the community, telling the Commission's story, and informing the public of the independent complaint process. In 2004, commissioners and staff attended a total of 191 community and business related meetings.

Along with letters, pamphlets, and a report that is distributed monthly, the Commission's website (www.riversideca.gov/cprc) offers valuable information.

Police / Community Relations:

Advising the Mayor and City Council on Police/Community Relations is one of the Commission's major functions. There are three primary ways that the Commission learns about issues that effect the state of Police/Community Relations in Riverside.

- The Commission offers a public forum where citizens can voice support for or concerns about the Police Department. Time is allotted at the beginning of every public meeting for this purpose.
- Many times during Commission outreach efforts, people will voice their opinion with regard to a particular police-related issue.
- Most commissioners are involved in their neighborhoods or other community and business groups outside of the Commission. It is through this community involvement that much is learned about the relations between the Police Department and the community that they serve.

The Commission's Unique Perspective

Because of the commissioners' special status, they are able to review personnel investigations that are, by law, confidential in nature and unavailable to the general public. Based on their backgrounds, the commissioners are able to give the City the community's view of the way policies and procedures are being implemented in the field as opposed to just looking at them in the abstract.

How The Commission Accomplishes Its Purpose

The City of Riverside Community Police Review Commission was modeled after the City of Long Beach Citizen Police Complaint Commission that has been in existence for more than ten years.

The Community Police Review Commission was designed primarily as a "monitoring" model that also has the ability to conduct independent investigations. Plainly stated, after a complaint is received, either through the Commission offices or the Riverside Police Department, it is investigated through the Police Department (either by a sergeant working in Internal Affairs or by a field sergeant). Depending on the case, the Commission may choose to conduct a parallel investigation to that of the Police Department.

After the complaint has been investigated and the Police Department has made its recommendations with regard to each allegation, the case is sent to the Commission. Each commissioner then reviews the case investigation and, as a group, the Commission makes its recommendations with regard to each allegation.

An important aspect of the process is that the commissioners are unaware of the Police Department recommendations. The idea is for each body to look at the evidence contained in the investigative package independently and come to their own conclusion in the form of recommendations.

Following the Commission's decision, both recommendations are given to the City Manager who makes the final decision on each allegation. If the final decision is to "Sustain" an allegation against an officer, the case goes to the Police Chief for discipline.

The Police Chief has the sole responsibility for discipline.

Other than issuing a "Sustained" recommendation, the Commission has no role in the disciplinary process.

As part of their review process, the commissioners look at the policies and procedures that govern the officers' actions in the cases in question. Sometimes this review leads to a policy recommendation to the Police Department.

The Commission has made 19 policy recommendations since its inception. Nine were adopted, at least in part, by the Police Department and two are still pending.

The final way the Commission performs its purpose is to offer a public forum for community members to comment on police actions and policies. In times of community crisis, this may become the most important of all of the Commission's functions.

THE REVIEW PROCESS

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 Department investigates all complaints, the Community Police Review Commission will only review complaints that are;

- filed against sworn personnel;
- filed within six months of the incident on which the complaint is based.

Typically, all a person has to do to file a complaint is to contact the Riverside Police Department or the Commission by phone, by letter, or in person. Either way, the complaint is logged in by both the Internal Affairs Unit and the Commission and the tracking process begins.

The Internal Affairs Unit categorizes the complaint as Category I (usually the most serious complaints) or Category II (generally discourtesy and improper procedure complaints), then assigns it to an investigator. The sergeants in the Internal Affairs Unit handle most Class I complaints and a few Class II.

The vast majority of complaints investigated by the Department are Category II and are investigated by supervisors in the Field Operations or Investigations Divisions.

After the investigation is complete, the investigator's lieutenant reviews the investigation and writes a memo of finding. The memo of finding frames the allegations and offers a recommended finding plus a rationale for that recommendation.

The division captain and deputy chief then review the report and memorandum of finding. It is then sent to Internal Affairs where the Internal Affairs lieutenant conducts a final review before sending it to the Commission. At no time do the commissioners see the memorandum of finding or otherwise know the Police Department's recommendation.

Following the Commission's review, both the Police Department's recommendation and the Commission's recommendation are sent to the City Manager for final determination. If the Commission makes a policy recommendation, that too is forwarded to the City Manager for forwarding to the Police Chief.

How The Commission Affects The Personnel Investigation Process

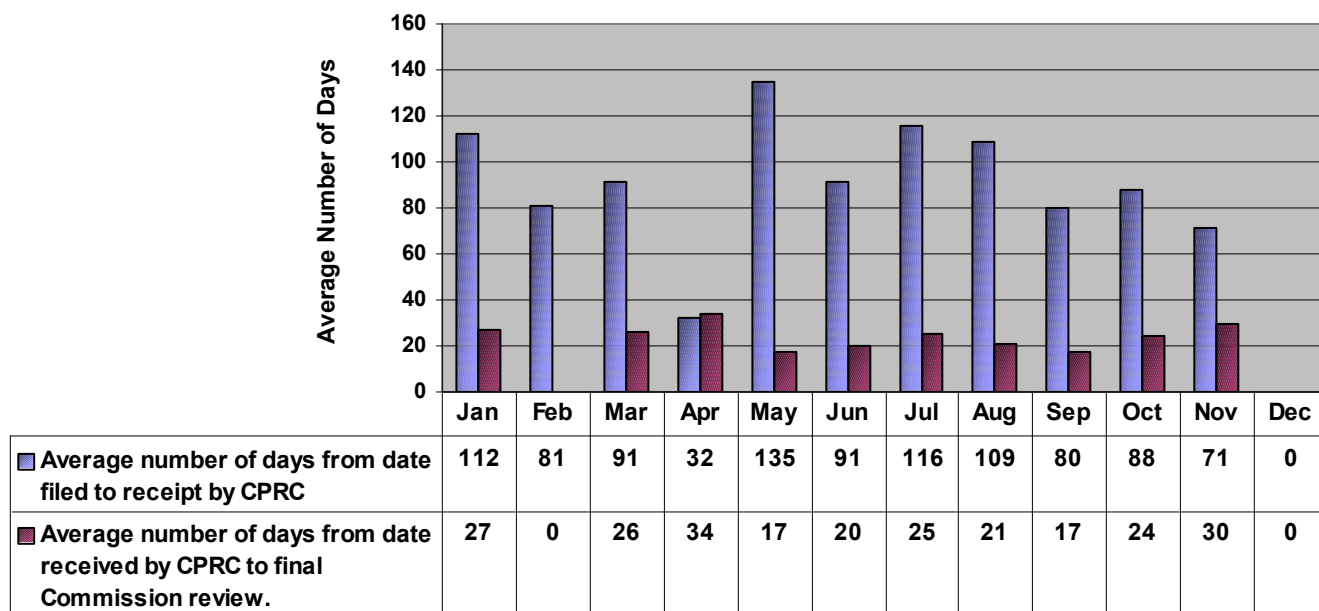
TRACKING:

The Commission uses three relevant dates to track complaints:

- 1) The date a complaint is entered into the CPRC tracking system. The Department's investigative process is monitored during this time period,
- 2) The date the Commission receives the completed investigation from RPD, and
- 3) The date the Commission completes its review of the case. This ensures a timely response to a community member's complaint, which is beneficial to both the community member and officer.

Figure 1 shows the average time cases spent in each process on a per month basis in 2004.

Case Tracking - 2004



COMPLAINT PROCESSING ANALYSIS

One of the myths surrounding the Commission is the belief that its insertion into the complaint investigation process has lengthened the time a case spends in that process.

In November 2000, a Riverside police officer and a concerned citizen independently brought to the Commission's attention concerns about the length of time it took to complete Internal Affairs investigations. When the Commission became operational in January 2001, a case tracking mechanism was instituted for the first time. That mechanism produced a monthly report, starting in March 2001, called the "30/60/90 Day List." This report was forwarded to the Police Chief for his information.

Based on this report, the Chief amended Riverside Police Department Policy and Procedure 4.12 D 5 & 6 by reducing the investigative time for Category I cases to 60 days, plus five days for administrative processing and for Category II cases, 30 days, plus five days for processing.

The first table shows the number of cases processed through RPD in the last three years. It breaks the cases down to those processed in 35 days and 65 days plus five days routing time to the Commission. The second table shows the length of time the cases spend with the Commission before being reviewed.

2001 – 2004 Comparison:
Length of time spent in the RPD Process

	2001	2002	2003*	2004
0 – 40 Days	7	6	9	6
41 – 70 Days	35	34	20	14
71 + Days	71	72	72	41

2001 – 2004 Comparison:
Length of time spent in the CPRC Process

	2001	2002	2003*	2004
0 – 30 Days	56	73	69	46
31 – 45 Days	28	31	15	8
46 + Days	7	7	13	2

* The 2003 figures in both tables were affected by cases that were deferred in November and December 2002 while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated.

CASE ACTIVITY

There were 169 cases processed in 2004. Of those 169 cases, 90 were filed in 2004. There were 31 cases open at year's end.

CASE DISPOSITIONS:

The following charts and graphs depict the Commission's case activities in 2004. A case is considered "lodged" when a person notifies the Commission that they wish to file a complaint. The case is not considered "filed" until the completed complaint form is received in the Commission office.

Figure 2 shows the cases that were disposed of by the Commission in 2004 and the manner in which they were disposed.

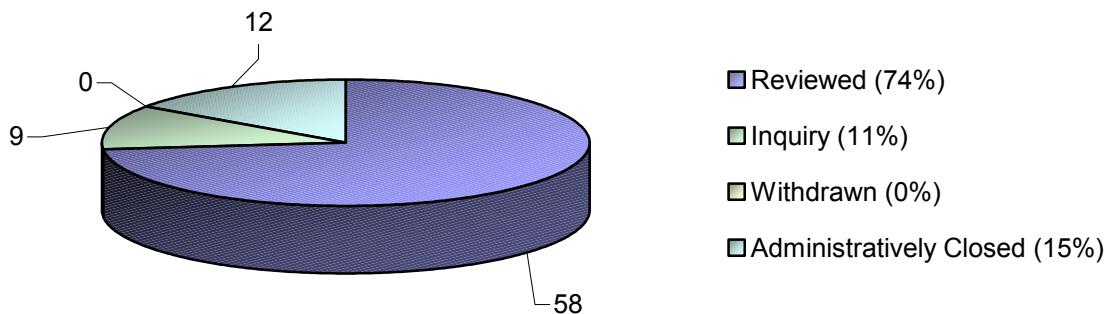
"Inquiries" refers to cases that were ultimately determined to be questions of policy rather than accusations of misconduct against an officer. "Administratively Closed" refers to cases that were lodged, but never filed.

Figure 3 shows case disposition comparisons with previous years.

The activity in the charts and tables includes cases that were lodged or filed in the previous year, but not disposed of until the next year.

2004 Case Dispositions

Figure 2



Case Disposition Comparison: 2001 – 2004

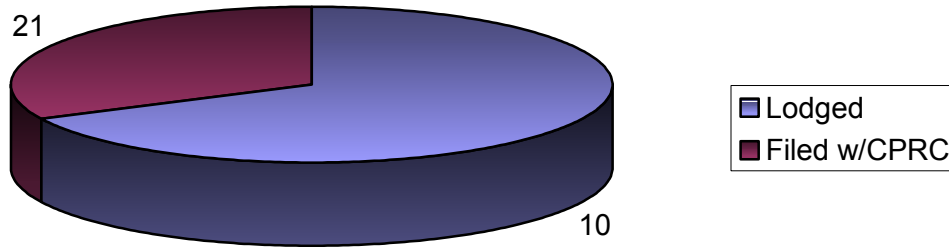
Figure 3

	2001	2002	2003	2004
Reviewed	91	110	95	58
Inquiry	3	2	9	9
Withdrawn	4	1	0	0
Administratively Closed	20	15	17	12
	118	128	121	79

There were 31 cases lodged with the Commission in 2004. Of those 31 cases, 21 were actually filed as complaints. In the other 10 cases, the complainants failed to return the completed forms.

Cases Lodged vs. Cases Lodged and Filed - 2004

Figure 4



Comparison of Cases Lodged vs. Cases Lodged and Filed with CPRC

Figure 5

	2001	2002	2003	2004
Lodged	20	14	13	10
Filed with CPRC	13	11	15	21

The table in Figure 6 compares the cases by neighborhoods from 2001 to 2004.

Caseload Comparisons by Neighborhood
Figure 6

	Neighborhoods	2001	2002	2003	2004	Totals
1	La Sierra Acres	5	1	1	0	7
2	La Sierra Hills	1	0	0	0	1
3	La Sierra	23	6	13	9	51
4	La Sierra South	3	3	1	0	7
5	Arlanza	3	4	4	3	14
6	Arlington	6	9	1	0	16
7	Arlington South	4	0	1	1	6
8	Airport	2	3	4	2	11
9	Ramona	9	6	4	3	22
10	Presidential Park	4	2	2	2	10
11	Arlington Heights	4	1	1	1	7
12	Grand	4	0	1	1	6
13	Magnolia Center	11	7	8	5	31
14	Casa Blanca	3	2	5	4	14
15	Downtown	21	28	12	17	78
16	Wood Streets	2	1	0	1	4
17	Victoria	6	2	4	1	13
18	Hawarden Hills	0	1	0	1	2
19	Alessandro Heights	0	0	0	1	1
20	Northside	2	2	1	1	6
21	Eastside	15	8	7	7	37
22	Canyon Crest	6	5	0	3	14
23	Hunter Industrial Park	4	4	0	3	11
24	University	12	12	6	5	35
25	Mission Grove	5	3	3	3	14
26	Orangecrest	4	3	3	3	13
27	Sycamore Canyon / Canyon Spgs	1	1	2	0	4
28	Outside City	3	3	2	4	12
29	Unknown	11	13	11	8	43
30	Multiple Locations	0	0	0	1	1
		174	130	97	90	491

ALLEGATIONS AND FINDINGS

The following tables show the allegations and findings for 2004. They do not include the results of Officer-Involved Death investigations. Figure 7 shows the total number of findings for each type of allegation. Figure 8 shows the number of allegations per month.

Findings per Allegation

Figure 7

	Unfounded	Exonerated	Not Sustained	Sustained	Misconduct Noted	Inquiry	TOTALS
Use of Force	4	6	0	1	0	0	11
Discrimination / Sexual Harassment	1	0	3	0	0	0	4
Illegal Discharge of Firearm	0	0	0	0	0	0	0
Illegal Search and Seizure	0	2	2	0	0	0	4
False Arrest	0	0	0	0	0	0	0
False Reporting	0	0	0	0	0	0	0
Criminal Conduct	2	0	1	0	0	0	3
Misconduct	39	21	31	12	3	0	106
	46	29	37	13	3	0	128

Allegations per Month

Figure 8

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
Use of Force	0	0	0	1	0	4	2	0	0	3	1	0	11
Discrimination / Sexual Harassment	3	0	0	1	0	0	0	0	0	0	0	0	4
Illegal Discharge of Firearm	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Search and Seizure	0	0	0	0	0	0	1	0	0	0	3	0	4
False Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0
False Reporting	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conduct	1	0	1	0	0	0	0	1	0	0	0	0	3
Misconduct	28	0	9	3	1	8	16	19	7	7	8	0	106
	32	0	10	5	1	13	18	20	7	10	12	0	128

Allegations Comparison: 2001 - 2004
Figure 9

	2001	2002	2003	2004
Use of Force	19	11	13	11
Discrimination / Sexual Harassment	8	9	10	4
Illegal Discharge of Firearm	0	0	0	0
Illegal Search and Seizure	8	3	6	4
False Arrest	6	3	2	0
False Reporting	2	1	2	0
Criminal Conduct	5	1	2	3
Misconduct	169	248	152	106

Findings Comparison: 2001 – 2003
Figure 10

	Unfounded	Exonerated	Not Sustained	Sustained	Misconduct Noted	Inquiry
2001	111	49	36	20	1	0
2002	116	82	53	26	0	2
2003	57	56	50	22	0	2
2004	46	29	37	13	3	0

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.

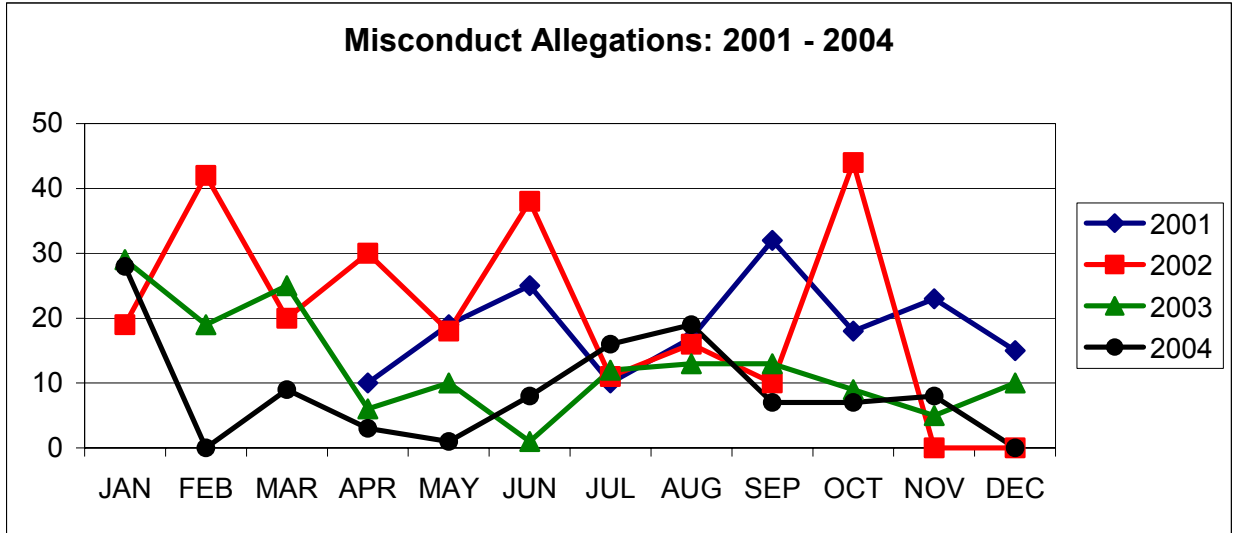
Not Sustained = The investigation produced insufficient information to prove or disprove the allegation.

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.

Inquiry = During the process of the investigation, it was determined that the member of the public was only requesting clarification of a policy or procedure.

The following chart compares misconduct allegations only over the past four years. Other categories of allegations are not graphed because their low numbers and frequency are not conducive to proper analysis.



REVIEW OF OFFICER-INVOLVED DEATHS

Chapter 2.76, Section 2.76.050 Powers, Duties and Functions states: Powers, duties and functions of the Community Police Review Commission are as follows:

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.

Pursuant to this subsection, the Commission is currently investigating three officer-involved deaths, one of which occurred in 2004.

THE COMMISSION'S BUDGET

The Community Police Review Commission's total appropriation for FY 2004-2005 was \$280,934. That is less than one dollar per resident per year.

The chart below contains the Commission's annual appropriations and expenditures since its inception. For questions regarding the Commission's budget, please call our office at (951) 826-5509.

CPRC BUDGET

Figure 12

FISCAL YEAR (July 1 through June 30)	TOTAL APPROPRIATION	TOTAL EXPENDITURES
2000 / 2001	208,466	146,892.88
2001 / 2002	259,053	236,172.83
2002 / 2003	296,581	257,788.58
2003 / 2004	296,458	262,323.12
2004 / 2005	280,934	

TRENDS AND PATTERNS

The Riverside Police Department has literally hundreds of citizen contacts each day. Some are brief. Some are long. Some, such as rendering assistance, are positive for the citizen and some, such as citations and arrests, are less positive. The low number of complaints per contact speaks well of the professionalism and character of the Department and its employees.

In the course of its case review duties, the Commission has detected certain trends or patterns of officer behavior. Some of the patterns are positive and should be encouraged while others should be the focus of further effort on the part of the Department. The Commission believes that if the Department, as a whole, can work on the less positive areas, community relations will be further enhanced.

- While officer-initiated contacts and arrests continue to increase, **citizen complaints against the officers continue to decline**. It would appear that officers are increasingly cognizant of how their actions, words, and demeanor are interpreted by citizens they come into contact with. The Commission commends the Department's increased training and officers efforts to be more polite, explain what they are doing and why, and to apologize when they make a mistake. This area can always use additional improvement, but we have taken significant steps in the right direction.
- Some officers utilize their digital recorders in contacts with citizens even when not required by policy. **The Commission believes the recorder is the officer's strongest defense against false allegations and continues to urge officers to use them for all citizen contacts.**
- Although not statistically quantified, the Commission believes the quality of complaint investigations conducted by field sergeants has decreased in the last year. In an effort to quantify its concerns and to provide constructive suggestions for improvement to the Police Department, the Commission will implement an investigation evaluation system in 2005.

Some specific areas the Commission believes need to be strengthened in investigations include:

- Interviewing all witnesses as require by policy;
- Asking questions that elicit facts and opinions, not desired responses. For example, ask an officer, "Why did you do that?" rather than "You did that for officer safety reasons, right?"
- The Department continues to assign field sergeants as investigators in instances where the sergeant was present when the alleged act occurred. This has included instances where the sergeant directed an officer to do the thing that was complained about and instances where

the actions of the sergeant were also complained about. A non-involved person should be the investigator.

- Policy says that, except in exigent circumstances, a search should be conducted by an officer of the same sex as the subject if such an officer is reasonably available. The Commission has observed a number of incidents where officers failed to document whether or not a same sex officer was available.
- The Department's Internal Affairs Unit conducts administrative investigative review with regard to officer-involved death investigations, whereas departmental policies and procedures call for an independent administrative investigation.
- The Commission has observed an increase in the number of allegations that an officer has failed to take a report when required. The Commission believes that officers should take reports when required by policy, when a party requests that a report be taken, and when facts and circumstances are such that documentation would be prudent, though not strictly required by policy.
- The Commission continues to be concerned about officer safety tactics in officer-involved shootings that expose officers to unnecessary risks.

POLICY RECOMMENDATIONS

The following recommendations were made to the Police Department in 2004. The reason for the recommendations and action taken are also noted.

- 1. Background:** In the January monthly meeting, a member of the public mentioned that when officers receive their copies of citizens' complaints they receive the complainant's name, address, phone number, and other personal data. The speaker questioned whether this was required by law and, if not, whether the policy could be changed.

The Commission looked into the current policy and practice and developed the following recommendation.

Recommendation(s):

1. The Community Police Review Commission recommends that RPD Complaint Forms be modified so that the officer's copy has only the complainant and witness information that is required by State law.

Police Department Response:

After reviewing the Commission's recommendation, the Department could find no compelling reason to modify its current complaint control form as the information is provided in the administrative investigation, which is ultimately reviewed by the subject officer(s). In addition, officers often obtain this information from the initial point of contact with citizens.

- 2. Background:** A number of recent cases reviewed by the Commission involved opposite sex searches by officers. Typically, the officers rely on Subsection C.4.c to justify their search. The Commission believes that, for the protection of the officer and the City, more documentation should be done to justify an opposite sex search of a prisoner who is not an immediate threat.

The Commission looked into the current policy and practice and developed the following recommendation:

Recommendation(s):

1. The Community Police Review Commission recommends that RPD Policy and Procedure 4.31.C.4 be modified to state that when possible, officers shall request, via the radio, an appropriate-sex officer come to their location for a search.

2. The Commission also believes that, as a matter of practice, when an opposite sex search is an issue or potentially an issue in a misconduct allegation, the investigator should research and document the availability of a same-sex officer. This should entail determining whether or not a same-sex officer was at work and, if so, why he or she was not sent to the search location.

Police Department Response:

The Department responded by stating current RPD Policy 4.31:

- b. If the opposite sex suspect is not an immediate threat to the arresting officer's safety and a same sex officer is available, the same sex officer should search the suspect.*
- c. If the opposite sex suspect is not an immediate threat to the arresting officer and a same sex officer cannot be located, the suspect should be searched by the arresting officer. A search under these circumstances should be witnessed by another officer or reliable person and should be limited to searching for weapons.*

The Department noted that Section b clearly requires the use of a same sex officer for searches when he or she is available. In lieu of expanding the policy and requiring officers to request, via radio, an appropriate-sex officer to respond to their location for search, the policy would be reviewed and discussed in roll call.

The Department also noted that officers often come in contact with both male and female subjects that may require a search. The Department declined to implement a requirement of supervisors to research the location and availability of every male or female officer who was on duty in regards to searches when related to a personnel complaint.

APPENDIX

City of Riverside Ordinance No. 6516	Section A
Charter Amendment – Section 810	Section B
Measure II Statement of Vote	Section C
CPRC By-Laws and Policies & Procedures	Section D
RPD Policy & Procedure 4.12	Section E
RPD Conduct & Performance Manual Section 10 – Administrative Investigation	Section F

Section A

City of Riverside
Ordinance No. 6516

1 ORDINANCE NO. 6516

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

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

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

8 **“Chapter 2.76**

9 Section 2.76.010 Title.
10 Section 2.76.020 Purpose.
11 Section 2.76.030 Creation of Community Police Review Commission.
12 Section 2.76.040 Membership and Terms of Community Police Review
13 Commission.
14 Section 2.76.050 Powers, Duties and Functions.
15 Section 2.76.060 Confidentiality.
16 Section 2.76.070 Severability.

17 **Section 2.76.010 Title.**

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

20 **Section 2.76.020 Purpose.**

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

27 **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 Commissions'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

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

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

12 D. To review and investigate the death of any individual arising out of or in
13 connection with actions of a sworn police officer, regardless of whether a
14 complaint regarding such death has been filed.

15 E. To conduct a hearing on filed complaints or Commission initiated investigations
16 when such hearing, in the discretion of the Commission, will facilitate the fact
17 finding process.

18 F. To the extent permissible by law, exercise the power of subpoena to require the
19 attendance of witnesses, including persons employed by the City of Riverside, and
20 the production of books and papers pertinent to the investigation and to administer
21 oaths to such witnesses and to take testimony. Subpoenas shall only be issued by
22 the Commission upon the affirmative vote of six (6) Commission members.

23 G. To make findings concerning allegations contained in the filed complaint to the
24 City Manager and Police Chief.

25 H. To review and advise the Police Department in matters pertaining to police
26 policies and practices.

27 //

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.

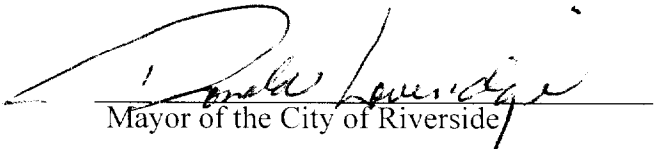
8 The hearing process shall be open to the public to the extent legally permissible and
9 insofar as it does not conflict with state or federal law.

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:

25
26 
27 City Clerk of the City of Riverside

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

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

7 Noes: None.

8 Absent: None.

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

11 
12 Eva A. Dolin, Assistant
13 City Clerk of the City of Riverside

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27 [ORD/00049001.SY]

Section B

Charter Amendment Section 810

RIVERSIDE CITY CHARTER

Sec. 807. Human resources board--Composition.

There shall be a human resources board, which shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(b) Act in an advisory capacity to the City Council on matters concerning personnel administration. (Effective 12/27/1995)

Sec. 808. Board of library trustees.

There shall be a board of library trustees, which shall have the power and duty to:

(a) Have charge of the administration of City libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council. (Effective 12/27/1995)

Sec. 809. Park and recreation commission.

There shall be a park and recreation commission which shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees.

(b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council. (Effective 12/27/1995)

Sec. 810. Community police review commission.

There shall be a community police review commission which shall have the power and duty to:

(a) Advise the Mayor and City Council on all police/community relations issues.

RIVERSIDE CITY CHARTER

(b) Conduct public outreach to educate the community on the purpose of the commission.

(c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the commission or any other City office as established by ordinance of the City Council.

(d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.

(e) Conduct a hearing on filed complaints or commissions-initiated investigations when such hearing, in the discretion of the commission, will facilitate the fact finding process.

(f) 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 to the extent permissible by law. Subpoenas shall only be issued by the commission upon the affirmative vote of six commission members.

(g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.

(h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.

(i) Prepare and submit an annual report to the Mayor and City Council on commission activities.

ARTICLE IX. PERSONNEL MERIT SYSTEM.

Sec. 900. Generally.

The City Council shall by ordinance establish a personnel merit system for the selection, employment, compensation/classification, promotion, discipline and separation of those appointive officers and employees who shall be included in the system. (Effective 12/27/1995)

ARTICLE X. RETIREMENT.

Sec. 1000. Authority to continue under State system.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement System, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate any contract with the board of administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.)

ARTICLE XI. FISCAL ADMINISTRATION.

Sec. 1100. Fiscal year.

The fiscal year of the City government shall be established by ordinance.

Section C

Measure II Statement of Vote

RIVERSIDE COUNTY Statement of Vote
PRESIDENTIAL CONSOLIDATED GENERAL

***Grand Totals 9840106	CITY OF RIVERSIDE														
	Registration	Ballots Cast	Turnout (%)		FF - CITY OF RIVERSIDE-CHARTER AMENDMENT Yes	No		GG - CITY OF RIVERSIDE-CHARTER AMENDMENT Yes	No		HH - CITY OF RIVERSIDE-CHARTER AMENDMENT Yes	No		II - CITY OF RIVERSIDE-CHARTER AMENDMENT Yes	No
STATE	114035	82116	72.01		28934	39154		43559	24164		26595	41805		40756	27440
44th Congressional District	114035	82116	72.01		28934	39154		43559	24164		26595	41805		40756	27440
31st Senatorial District	114034	82116	72.01		28934	39154		43559	24164		26595	41805		40756	27440
37th Senatorial District	1	0	0.00		0	0		0	0		0	0		0	0
63rd Assembly District	325	206	63.38		64	105		102	67		69	104		120	54
64th Assembly District	83759	61565	73.50		21812	29187		32014	18753		20150	31154		30542	20619
66th Assembly District	29525	20000	67.74		6953	9704		11256	5278		6294	10366		9947	6652
71st Assembly District	426	345	80.99		105	158		187	66		82	181		147	115
1st SUPERVISORIAL DISTRICT	89179	64317	72.12		22802	30582		34111	18944		20742	32840		31768	21673
2nd SUPERVISORIAL DISTRICT	24856	17799	71.61		6132	8572		9448	5220		5853	8965		8988	5767
City of Riverside	114035	82116	72.01		28934	39154		43559	24164		26595	41805		40756	27440

RIVERSIDE COUNTY Statement of Vote
PRESIDENTIAL CONSOLIDATED GENERAL

***Absentee Totals 9840106		CITY OF RIVERSIDE													
	Registration	Ballots Cast	Turnout (%)		FF - CITY OF RIVERSIDE-CHARTER AMENDMENT			GG - CITY OF RIVERSIDE-CHARTER AMENDMENT			HH - CITY OF RIVERSIDE-CHARTER AMENDMENT			II - CITY OF RIVERSIDE-CHARTER AMENDMENT	
					Yes	No		Yes	No		Yes	No		Yes	No
STATE	114035	26412	23.16		9765	12585		14103	7975		8240	14250		13185	9200
44th Congressional District	114035	26412	23.16		9765	12585		14103	7975		8240	14250		13185	9200
31st Senatorial District	114034	26412	23.16		9765	12585		14103	7975		8240	14250		13185	9200
37th Senatorial District	1	0	0.00		0	0		0	0		0	0		0	0
63rd Assembly District	325	22	6.77		8	11		11	7		7	12		14	6
64th Assembly District	83759	20495	24.47		7655	9641		10704	6407		6455	10984		10231	7112
66th Assembly District	29525	5884	19.93		2096	2931		3382	1559		1774	3250		2938	2078
71st Assembly District	426	11	2.58		6	2		6	2		4	4		2	4
1st SUPERVISORIAL DISTRICT	89179	20955	23.50		7858	9932		11230	6346		6559	11325		10447	7362
2nd SUPERVISORIAL DISTRICT	24856	5457	21.95		1907	2653		2873	1629		1681	2925		2738	1838
City of Riverside	114035	26412	23.16		9765	12585		14103	7975		8240	14250		13185	9200

RIVERSIDE COUNTY Statement of Vote
PRESIDENTIAL CONSOLIDATED GENERAL

CITY OF RIVERSIDE															
9840106															
	Registration	Ballots Cast	Turnout (%)		FF - CITY OF RIVERSIDE-CHARTER AMENDMENT			GG - CITY OF RIVERSIDE-CHARTER AMENDMENT			HH - CITY OF RIVERSIDE-CHARTER AMENDMENT			II - CITY OF RIVERSIDE-CHARTER AMENDMENT	
					Yes	No		Yes	No		Yes	No		Yes	No
11100 RIVERSIDE/WD 1	68	47	69.12		9	29		22	15		15	23		25	13
11100 - Absentee	68	2	2.94				*****	Insufficient Turnout to Protect Voter Privacy							*****
11104 RIVERSIDE/WD 1	1130	474	41.95		179	225		263	136		180	221		248	157
11104 - Absentee	1130	200	17.70		69	100		112	58		62	105		109	61
11111 RIVERSIDE/WD 1	1609	751	46.67		221	350		380	179		254	319		384	193
11111 - Absentee	1609	255	15.85		91	110		132	62		95	112		140	64
11114 RIVERSIDE/WD 1	1458	746	51.17		282	331		366	245		292	326		401	217
11114 - Absentee	1458	353	24.21		133	163		190	107		143	157		204	100
11200 RIVERSIDE/WD 2	1516	674	44.46		269	308		447	131		286	288		394	178
11200 - Absentee	1516	193	12.73		75	89		130	33		62	103		113	56
11202 RIVERSIDE/WD 2	1922	733	38.14		230	347		422	150		300	278		421	153
11202 - Absentee	1922	260	13.53		96	120		142	65		82	128		142	69
11205 RIVERSIDE/WD 2	1270	571	44.96		169	267		296	133		266	171		317	120
11205 - Absentee	1270	144	11.34		40	70		79	33		48	61		73	36
11206 RIVERSIDE/WD 2	885	378	42.71		87	136		183	40		144	90		155	67
11206 - Absentee	885	38	4.29		14	15		15	12		16	12		15	15
11207 RIVERSIDE/WD 2	1569	872	55.58		309	411		455	265		305	424		462	266
11207 - Absentee	1569	387	24.67		150	181		190	142		141	196		217	120
11208 RIVERSIDE/WD 2	1446	685	47.37		254	319		396	173		278	300		396	183
11208 - Absentee	1446	259	17.91		93	127		157	67		83	145		145	80
11216 RIVERSIDE/WD 2	1044	530	50.77		174	264		277	161		163	278		240	201
11216 - Absentee	1044	278	26.63		107	129		134	100		118	123		150	88
11217 RIVERSIDE/WD 2	1100	520	47.27		179	227		277	120		198	208		283	118
11217 - Absentee	1100	270	24.55		101	116		135	80		92	133		137	84
11219 RIVERSIDE/WD 2	1389	696	50.11		275	326		307	287		228	372		334	265
11219 - Absentee	1389	507	36.50		207	238		217	223		147	296		239	208
11220 RIVERSIDE/WD 2	1649	803	48.70		270	370		400	239		270	368		407	241
11220 - Absentee	1649	491	29.78		161	239		255	150		146	261		250	153
11221 RIVERSIDE/WD 2	1614	857	53.10		277	430		482	226		255	456		458	260
11221 - Absentee	1614	374	23.17		119	179		198	95		112	194		172	129
11225 RIVERSIDE/WD 2	4	1	25.00				*****	Insufficient Turnout to Protect Voter Privacy							*****
11225 - Absentee	4	0	0.00		0	0		0	0		0	0		0	0
11301 RIVERSIDE/WD 3	1194	575	48.16		204	277		329	154		198	279		283	196
11301 - Absentee	1194	224	18.76		77	117		121	69		72	124		96	95
11304 RIVERSIDE/WD 3	1214	601	49.51		235	294		277	252		208	321		298	236
11304 - Absentee	1214	446	36.74		225	170		204	188		162	231		237	157
11305 RIVERSIDE/WD 3	1614	763	47.27		270	369		344	300		250	389		378	262
11305 - Absentee	1614	580	35.94		236	260		264	229		195	313		288	214
11306 RIVERSIDE/WD 3	865	428	49.48		165	198		187	173		149	212		196	161
11306 - Absentee	865	302	34.91		124	138		133	124		90	175		146	115
11402 RIVERSIDE/WD 4	784	382	48.72		147	167		231	86		143	173		230	90
11402 - Absentee	784	114	14.54		49	48		66	26		33	59		66	32
11404 RIVERSIDE/WD 4	1322	572	43.27		190	288		289	190		183	302		278	205
11404 - Absentee	1322	368	27.84		157	164		198	123		121	198		170	145
11406 RIVERSIDE/WD 4	1061	528	49.76		163	279		285	157		173	271		258	186
11406 - Absentee	1061	240	22.62		101	107		126	80		88	118		128	82
11408 RIVERSIDE/WD 4	1140	474	41.58		178	215		243	146		145	248		218	182
11408 - Absentee	1140	336	29.47		131	151		179	104		103	179		137	144
11410 RIVERSIDE/WD 4	794	422	53.15		177	184		173	183		121	241		201	163
11410 - Absentee	794	267	33.63		94	134		114	108		94	136		127	96
11411 RIVERSIDE/WD 4	1216	592	48.68		210	297		285	223		199	312		281	223
11411 - Absentee	1216	445	36.60		188	212		210	186		151	256		235	161
11412 RIVERSIDE/WD 4	1421	616	43.35		242	274		275	242		215	299		262	251
11412 - Absentee	1421	539	37.93		221	249		280	183		176	301		274	201
11414 RIVERSIDE/WD 4	1223	611	49.96		224	292		279	242		225	301		303	220
11414 - Absentee	1223	420	34.34		165	195		187	170		130	233		210	149
11415 RIVERSIDE/WD 4	779	334	42.88		125	145		163	105		113	159		161	106
11415 - Absentee	779	320	41.08		139	131		141	127		93	175		159	114
11418 RIVERSIDE/WD 4	1676	871	51.97		346	391		412	326		293	447		399	337
11418 - Absentee	1676	558	33.29		238	254		277	208		189	302		273	219
11419 RIVERSIDE/WD 4	1535	861	56.09		294	399		406	289		272	429		396	311

RIVERSIDE COUNTY Statement of Vote
PRESIDENTIAL CONSOLIDATED GENERAL

CITY OF RIVERSIDE														
9840106	Registration	Ballots Cast	Turnout (%)	FF - CITY OF RIVERSIDE-CHARTER AMENDMENT		GG - CITY OF RIVERSIDE-CHARTER AMENDMENT		HH - CITY OF RIVERSIDE-CHARTER AMENDMENT		II - CITY OF RIVERSIDE-CHARTER AMENDMENT				
				Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
11419 - Absentee	1535	414	26.97	155	192	207	140	124	232	197	149			
11421 RIVERSIDE/WD 4	903	485	53.71	152	222	231	145	135	244	202	172			
11421 - Absentee	903	224	24.81	82	109	119	71	65	124	103	87			
11423 RIVERSIDE/WD 4	1464	729	49.80	249	355	370	233	201	404	351	249			
11423 - Absentee	1464	374	25.55	157	157	195	116	112	202	179	134			
11424 RIVERSIDE/WD 4	1011	504	49.85	187	233	285	131	166	251	263	154			
11424 - Absentee	1011	238	23.54	93	103	124	71	90	103	116	78			
11427 RIVERSIDE/WD 4	1511	777	51.42	227	392	389	224	197	424	340	282			
11427 - Absentee	1511	433	28.66	166	197	235	125	135	235	208	155			
11429 RIVERSIDE/WD 4	1248	668	53.53	239	318	339	216	214	339	317	237			
11429 - Absentee	1248	317	25.40	108	154	156	106	81	185	143	124			
11430 RIVERSIDE/WD 4	1056	557	52.75	219	260	284	202	191	293	260	229			
11430 - Absentee	1056	292	27.65	109	139	160	84	78	168	134	112			
11431 RIVERSIDE/WD 4	1249	635	50.84	189	316	289	215	183	326	282	233			
11431 - Absentee	1249	313	25.06	129	137	172	89	112	157	167	102			
11432 RIVERSIDE/WD 4	1033	612	59.24	220	272	328	161	182	311	273	213			
11432 - Absentee	1033	248	24.01	86	120	133	73	83	128	121	89			
11433 RIVERSIDE/WD 4	1	0	0.00	0	0	0	0	0	0	0	0			
11433 - Absentee	1	0	0.00	0	0	0	0	0	0	0	0			
11435 RIVERSIDE/WD 4	1624	919	56.59	285	449	456	272	254	481	389	336			
11435 - Absentee	1624	341	21.00	122	171	202	87	105	193	168	125			
11500 RIVERSIDE/WD 5	893	467	52.30	153	211	242	124	161	206	233	137			
11500 - Absentee	893	163	18.25	54	85	88	46	41	97	68	68			
11501 RIVERSIDE/WD 5	886	492	55.53	160	254	288	125	162	253	248	170			
11501 - Absentee	886	202	22.80	80	91	109	58	64	107	93	76			
11502 RIVERSIDE/WD 5	1488	628	42.20	209	311	358	160	202	318	313	206			
11502 - Absentee	1488	378	25.40	137	178	209	90	108	205	179	127			
11505 RIVERSIDE/WD 5	16	11	68.75	4	3	6	0	2	5	6	1			
11505 - Absentee	16	3	18.75											
11507 RIVERSIDE/WD 5	1026	486	47.37	169	243	272	142	148	264	244	172			
11507 - Absentee	1026	213	20.76	84	93	118	57	64	114	104	72			
11509 RIVERSIDE/WD 5	722	305	42.24	105	159	180	83	93	171	167	94			
11509 - Absentee	722	180	24.93	68	86	100	45	58	95	87	64			
11510 RIVERSIDE/WD 5	1515	705	46.53	225	377	389	215	243	366	369	239			
11510 - Absentee	1515	394	26.01	143	191	234	89	108	222	189	139			
11511 RIVERSIDE/WD 5	753	345	45.82	127	158	188	95	119	165	166	115			
11511 - Absentee	753	153	20.32	55	67	91	30	44	79	72	50			
11516 RIVERSIDE/WD 5	1380	595	43.12	204	264	316	146	184	284	283	181			
11516 - Absentee	1380	291	21.09	91	127	157	61	72	153	140	87			
11517 RIVERSIDE/WD 5	1646	759	46.11	268	344	395	215	232	380	330	280			
11517 - Absentee	1646	425	25.82	125	217	211	129	101	239	189	155			
11523 RIVERSIDE/WD 5	1658	870	52.47	281	447	453	265	247	478	386	337			
11523 - Absentee	1658	427	25.75	164	214	249	127	147	232	224	151			
11524 RIVERSIDE/WD 5	1257	657	52.27	200	331	309	221	190	344	285	249			
11524 - Absentee	1257	300	23.87	91	164	177	79	77	182	140	118			
11525 RIVERSIDE/WD 5	730	371	50.82	138	173	203	107	124	187	195	114			
11525 - Absentee	730	152	20.82	54	75	92	34	34	93	80	47			
11526 RIVERSIDE/WD 5	1174	578	49.23	191	275	329	137	146	320	267	200			
11526 - Absentee	1174	315	26.83	98	174	200	77	87	191	165	115			
11601 RIVERSIDE/WD 6	1232	553	44.89	200	278	334	148	227	252	299	181			
11601 - Absentee	1232	174	14.12	65	79	83	58	52	88	76	67			
11603 RIVERSIDE/WD 6	1274	634	49.76	236	277	351	163	212	302	326	187			
11603 - Absentee	1274	176	13.81	64	84	113	33	45	100	93	51			
11605 RIVERSIDE/WD 6	1470	573	38.98	215	268	337	141	194	292	320	163			
11605 - Absentee	1470	323	21.97	101	175	197	74	107	177	183	98			
11608 RIVERSIDE/WD 6	1282	572	44.62	197	288	323	156	176	305	286	195			
11608 - Absentee	1282	333	25.98	150	139	196	88	105	184	159	131			
11609 RIVERSIDE/WD 6	1516	709	46.77	241	351	409	178	231	361	364	222			
11609 - Absentee	1516	361	23.81	126	184	212	92	105	206	204	108			
11610 RIVERSIDE/WD 6	1291	550	42.60	169	259	288	135	164	267	265	170			
11610 - Absentee	1291	255	19.75	78	139	150	62	69	148	132	84			

***** Insufficient Turnout to Protect Voter Privacy *****

RIVERSIDE COUNTY Statement of Vote
PRESIDENTIAL CONSOLIDATED GENERAL

9840106	CITY OF RIVERSIDE													
	Registration	Ballots Cast	Turnout (%)	FF - CITY OF RIVERSIDE-CHARTER AMENDMENT		GG - CITY OF RIVERSIDE-CHARTER AMENDMENT		HH - CITY OF RIVERSIDE-CHARTER AMENDMENT		II - CITY OF RIVERSIDE-CHARTER AMENDMENT				
				Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
11611 RIVERSIDE/WD 6	302	168	55.63	53	83	105	32	50	87	100	36			
11611 - Absentee	302	22	7.28	8	10	16	4	7	13	13	7			
11615 RIVERSIDE/WD 6	426	334	78.40	99	156	181	64	78	177	145	111			
11615 - Absentee	426	11	2.58	6	2	6	2	4	4	2	4			
11617 RIVERSIDE/WD 6	1117	514	46.02	169	249	274	139	146	268	239	171			
11617 - Absentee	1117	238	21.31	99	108	142	64	79	131	127	81			
11618 RIVERSIDE/WD 6	916	493	53.82	150	239	238	147	135	252	219	167			
11618 - Absentee	916	192	20.96	75	93	119	50	59	109	96	76			
11619 RIVERSIDE/WD 6	772	399	51.68	133	204	225	117	132	204	206	130			
11619 - Absentee	772	140	18.13	51	69	86	30	32	89	70	50			
11700 RIVERSIDE/WD 7	954	472	49.48	165	237	256	140	148	250	220	182			
11700 - Absentee	954	220	23.06	85	107	132	56	56	137	102	89			
11702 RIVERSIDE/WD 7	888	456	51.35	165	208	253	119	141	232	212	158			
11702 - Absentee	888	143	16.10	42	84	76	48	41	86	57	70			
11703 RIVERSIDE/WD 7	749	335	44.73	125	150	191	81	109	166	185	91			
11703 - Absentee	749	128	17.09	51	67	84	31	42	73	67	48			
11704 RIVERSIDE/WD 7	1438	722	50.21	268	369	427	205	237	398	374	258			
11704 - Absentee	1438	233	16.20	90	118	135	66	78	122	126	77			
11705 RIVERSIDE/WD 7	772	444	57.51	137	223	237	122	126	238	194	165			
11705 - Absentee	772	160	20.73	47	92	91	49	53	84	86	55			
11706 RIVERSIDE/WD 7	1381	628	45.47	214	313	371	153	184	339	299	226			
11706 - Absentee	1381	241	17.45	95	112	129	75	69	138	114	92			
11713 RIVERSIDE/WD 7	843	418	49.58	148	189	226	112	110	231	211	125			
11713 - Absentee	843	189	22.42	60	105	120	44	57	108	96	68			
11714 RIVERSIDE/WD 7	983	430	43.74	152	196	236	121	135	222	221	138			
11714 - Absentee	983	183	18.62	54	104	106	46	53	105	93	65			
11716 RIVERSIDE/WD 7	1146	548	47.82	183	265	297	157	186	266	269	179			
11716 - Absentee	1146	327	28.53	130	138	164	101	108	166	159	110			
11717 RIVERSIDE/WD 7	1102	495	44.92	186	216	266	131	181	224	247	149			
11717 - Absentee	1102	190	17.24	65	103	109	54	56	112	94	72			
11719 RIVERSIDE/WD 7	1671	848	50.75	278	406	471	214	277	410	426	255			
11719 - Absentee	1671	320	19.15	108	156	193	64	124	138	163	98			
11721 RIVERSIDE/WD 7	645	318	49.30	96	158	180	74	93	160	144	105			
11721 - Absentee	645	195	30.23	61	100	105	52	50	111	102	58			
11722 RIVERSIDE/WD 7	1254	626	49.92	210	291	355	146	214	292	313	186			
11722 - Absentee	1254	241	19.22	93	115	140	65	72	133	111	92			
21100 RIVERSIDE/WD 1	577	317	54.94	94	177	193	78	93	175	173	94			
21100 - Absentee	577	88	15.25	34	48	56	22	31	50	50	31			
21101 RIVERSIDE/WD 1	257	137	53.31	47	65	69	45	47	69	81	35			
21101 - Absentee	257	20	7.78	7	10	10	6	6	11	12	6			
21104 RIVERSIDE/WD 1	1419	716	50.46	246	367	428	186	240	373	378	238			
21104 - Absentee	1419	212	14.94	70	113	116	65	64	120	94	87			
21106 RIVERSIDE/WD 1	1319	644	48.82	242	297	326	218	228	310	355	190			
21106 - Absentee	1319	256	19.41	106	116	112	109	94	133	136	96			
21108 RIVERSIDE/WD 1	1663	763	45.88	275	344	359	250	277	347	403	212			
21108 - Absentee	1663	432	25.98	169	197	202	155	153	214	227	140			
21109 RIVERSIDE/WD 1	1652	704	42.62	248	311	392	169	267	302	377	186			
21109 - Absentee	1652	316	19.13	93	157	180	61	108	139	156	90			
21112 RIVERSIDE/WD 1	940	516	54.89	195	242	279	155	168	260	252	181			
21112 - Absentee	940	222	23.62	93	98	111	71	72	117	106	80			
21114 RIVERSIDE/WD 1	1564	794	50.77	284	372	410	248	266	395	400	260			
21114 - Absentee	1564	409	26.15	140	200	196	142	126	216	201	140			
21115 RIVERSIDE/WD 1	917	526	57.36	173	250	274	158	165	266	291	139			
21115 - Absentee	917	189	20.61	54	110	99	63	55	110	116	52			
21116 RIVERSIDE/WD 1	869	415	47.76	151	192	204	139	156	189	223	122			
21116 - Absentee	869	215	24.74	72	118	107	81	67	127	106	82			
21117 RIVERSIDE/WD 1	1229	627	51.02	190	310	313	189	208	296	291	212			
21117 - Absentee	1229	327	26.61	114	160	171	102	98	184	180	98			
21300 RIVERSIDE/WD 3	1420	685	48.24	223	358	368	207	219	358	306	267			
21300 - Absentee	1420	313	22.04	120	143	182	72	95	165	158	103			
21301 RIVERSIDE/WD 3	795	432	54.34	144	213	246	117	150	213	223	139			

RIVERSIDE COUNTY Statement of Vote
PRESIDENTIAL CONSOLIDATED GENERAL

9840106	CITY OF RIVERSIDE														
	Registration	Ballots Cast	Turnout (%)	FF - CITY OF RIVERSIDE-CHARTER AMENDMENT		GG - CITY OF RIVERSIDE-CHARTER AMENDMENT		HH - CITY OF RIVERSIDE-CHARTER AMENDMENT		II - CITY OF RIVERSIDE-CHARTER AMENDMENT					
				Yes	No	Yes	No	Yes	No	Yes	No	Yes	No		
21301 - Absentee	795	166	20.88	75	67	89	50	58	80	86	54				
21304 RIVERSIDE/WD 3	341	204	59.82	70	97	113	46	68	94	112	49				
21304 - Absentee	341	7	2.05	6	0	4	2	6	0	6	0				
21306 RIVERSIDE/WD 3	1068	505	47.28	157	251	268	140	143	266	239	171				
21306 - Absentee	1068	195	18.26	75	88	123	42	63	109	110	54				
21307 RIVERSIDE/WD 3	1116	579	51.88	200	262	302	164	209	262	290	172				
21307 - Absentee	1116	277	24.82	114	124	160	73	87	150	148	91				
21308 RIVERSIDE/WD 3	1554	753	48.46	271	352	379	247	259	372	364	264				
21308 - Absentee	1554	389	25.03	113	202	206	114	113	207	179	141				
21310 RIVERSIDE/WD 3	903	424	46.95	161	204	251	114	154	211	221	139				
21310 - Absentee	903	233	25.80	71	116	132	55	59	136	103	81				
21311 RIVERSIDE/WD 3	1625	837	51.51	263	407	455	219	255	431	406	275				
21311 - Absentee	1625	322	19.82	102	163	175	86	77	191	140	125				
21314 RIVERSIDE/WD 3	997	437	43.83	126	223	227	120	155	194	218	132				
21314 - Absentee	997	305	30.59	94	142	145	93	78	165	147	88				
21316 RIVERSIDE/WD 3	792	402	50.76	158	170	203	129	140	191	183	155				
21316 - Absentee	792	169	21.34	58	84	90	53	47	96	86	60				
21317 RIVERSIDE/WD 3	923	442	47.89	137	223	264	105	152	215	221	145				
21317 - Absentee	923	196	21.24	70	94	106	57	68	100	102	66				
21318 RIVERSIDE/WD 3	915	482	52.68	170	232	252	148	153	251	243	152				
21318 - Absentee	915	199	21.75	57	103	101	55	56	105	89	73				
21400 RIVERSIDE/WD 4	1	1	100.00	***** Insufficient Turnout to Protect Voter Privacy *****											
21400 - Absentee	1	0	0.00	0	0	0	0	0	0	0	0				
Precinct Totals	114035	55704	48.85	19169	26569	29456	16189	18355	27555	27571	18240				
Absentee Totals	114035	26412	23.16	9765	12585	14103	7975	8240	14250	13185	9200				
Grand Totals	114035	82116	72.01	28934	39154	43559	24164	26595	41805	40756	27440				

Section D

CPRC By-Laws and Policies & Procedures

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**BY-LAWS
Amended January 26, 2005**

**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. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission, and shall

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

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. This article may be suspended by a majority vote of the Commission to allow any existing officer(s) to serve a term that is greater than two years based upon extenuating circumstances. The length of this term extension will be determined by the commissioners on the day the vote is taken.
- 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

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

member of the Riverside Police Department, 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.

- 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 Wednesday of each month at 5:30 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. The public will be given an opportunity to comment on the closed session items prior to the Commission adjourning to closed session.
- 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

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

- E. Committee Reports
- F. Public Comment
- G. Unfinished Business
- H. New Business
- I. Next Meeting
- J. Recess to personnel or closed session if required
- K. Adjournment

The Executive Director or any Commissioner 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:
- A. The name of the Commission

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW 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.

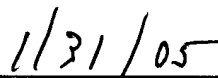
CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001
Amended: September 24, 2001
Amended: February 26, 2003
Amended January 26, 2005

Respectfully Submitted,



Mike Gardner, Chair
Community Police Review Commission



Date

**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.

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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.

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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.

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.

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COMMUNITY POLICE REVIEW 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.

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 provided 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

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COMMUNITY POLICE REVIEW COMMISSION

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 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, or the Executive Director's designee, 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.

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COMMUNITY POLICE REVIEW COMMISSION

G. Investigation Timetable and Report:

To the greatest extent possible, the investigative report 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 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, or the Executive Director's designee, 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.

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COMMUNITY POLICE REVIEW COMMISSION

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.

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.

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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.

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.

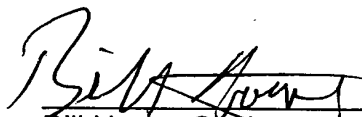
- B. Penalty for Violation:
Failure to comply with this regulation shall be grounds for removing a Commissioner from the Commission.

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001

Respectfully Submitted,



Bill Howe, Chairperson
Community Police Review Commission

Section E

RPD

Policy & Procedure 4.12

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 member of the public 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 members of the public will be classified as EXTERNAL COMPLAINTS. Complaints lodged by employees will be classified as INTERNAL INVESTIGATIONS/COMPLAINTS.

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

- Excessive Force
- False Arrest
- Discrimination/Harassment
- Criminal Conduct

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

- Poor Service
- Discourtesy
- Improper Procedure
- Conduct Unbecoming (CUBO)
- Infractions, Traffic Violations, and Riverside Municipal Code Violations
- Other

4. **Findings:** 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 member of the public is merely requesting clarification of a policy or procedure, that complaint, with the approval of the investigating supervisor's commanding officer and concurrence of the Personnel Services/Internal Affairs Commander or Internal Affairs Lieutenant, may be considered an **Inquiry**. The inquiry box on the Complaint Control Form shall only be checked by the Personnel Services/Internal Affairs Commander or Internal Affairs Lieutenant, and will be accompanied by his/her signature.

C. COMPLAINT RECEPTION AND ROUTING:

1. The commander, or designee, of each Department facility open to the public shall ensure that Personnel Conduct Reporting Procedure Brochures and Complaint Control Forms are available to the public in that facility.
2. Every employee has a duty to refer members of the public to open police facilities so that they can obtain Personnel Conduct Reporting Procedure brochures and Complaint Control Forms upon request. Employees on-duty in those facilities shall assist members of the public in obtaining those documents upon request.
3. External complaints may be filed with any supervisory member of the department or directly with the Community Police Review Commission.
4. Non-supervisory employees shall immediately refer complainants to an on-duty supervisor. Whenever possible, civilian supervisors shall refer complaints against sworn personnel to an on-duty sworn supervisor. Supervisors shall accept complaints in writing, in person, by telephone, or from anonymous persons. The purpose for this is to encourage members of the public or employees to bring forward legitimate grievances regarding poor police service or misconduct by Department members. Members of the public and members of the Department shall not be dissuaded in any manner from making a complaint.
5. Supervisors shall immediately record complaints sufficiently serious to warrant investigation on a Complaint Control Form (Appendix A) and obtain a case number.
6. Only one subject employee and the allegations against that employee shall be listed on each Complaint Control Form. The same case number shall be used on multiple Complaint Control Forms arising out of the same incident. In cases where there are multiple Complaint Control Forms arising from the same incident, redundant information need not be repeated on each of them.
7. The supervisor accepting an external complaint shall give the blue copy of the Complaint Control Form to the complainant, if present, and immediately fax a copy of the Complaint Control Form to the Office of Internal Affairs. The supervisor shall forward all remaining copies of the Complaint Control Form to Internal Affairs by the next business day.

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

8. Case numbers are generated by the Computer Aided Dispatch (CAD) system and shall be obtained by the supervisor taking the complaint by contacting the Communications Bureau. Case numbers are deciphered as follows:

- PC Indicates External Personnel Complaint

- PA Indicates Internal Complaint / Investigation
- 01 Year (First two numerical digits, i.e., "01")
- 123 Julian Date (Third, fourth, & fifth numerical digits, i.e., "123")
- 001 Report File Number (Last three numerical digits, i.e., "001")

9. Each calendar day, the Communications Bureau shall produce a computer printed log of all complaint case numbers and forward it immediately to Internal Affairs. For external complaints, the Communications Bureau complaint log shall contain only the case number, complainant's name, address and telephone number, and the name of the supervisor obtaining the case number. For internal complaints, the Communications Bureau complaint log shall contain only the case number and the name of the supervisor obtaining that case number.
10. Internal Affairs shall log all complaints by the assigned number and complainant's name and track them. For all external complaints, Internal Affairs shall forward copies of the Communications Bureau Complaint Logs and Complaint Control Forms to the Executive Director of the Community Police Review Commission.
11. Internal Affairs shall determine whether an external complaint is to be investigated as a complaint or inquiry, and will be responsible for assignment of Category 1 complaints for investigation. Category 2 complaints will generally be handled at the division level, but may be handled by Internal Affairs.
12. Internal Affairs shall retain the original copy of the Complaint Control Form for tracking purposes. Two copies of the Complaint Control Form will be forwarded to the captain of the command assigned to investigate the complaint. One copy shall be a work copy to be used by the investigating supervisor. The second copy is to be given to the subject employee, except in cases of internal complaints or when such notification would compromise the investigation.
13. Applicable to external complaints against sworn personnel, and 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

14. Section 148.6 PC does not apply to complaints made against civilian members of the Department.
15. A member of the public 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.
16. If an external 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.
17. Upon receipt of the Complaint Control Form, Internal Affairs will notify the external 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.
18. Completed complaint investigations shall be forwarded through the chain of command to Internal Affairs.

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. When practicable to do so, all interviews will be tape recorded. If an interview is not tape recorded, the supervisor must provide a written explanation. Additionally, the supervisor shall collect and preserve any physical evidence that is readily available or may be time or weather sensitive.
2. 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 shall use a continuation page(s).
3. Internal Affairs shall be responsible for overseeing all external and internal complaint investigations and ensuring that they are completed in a thorough and timely manner. The Personnel Services/Internal Affairs Commander and Internal Affairs Lieutenant shall have the authority to assign investigations to other divisions or to assign Internal Affairs personnel to conduct investigations.

4. The supervisor first becoming aware of allegations of criminal conduct by a Department member shall initiate appropriate police action to ensure the safety of the Department member and the public and shall immediately notify his/her Watch Commander. The Watch Commander will then make the appropriate notifications.
5. The Department has established a goal of completing Category 2 complaint investigations within thirty (30) calendar days from the date assigned. The Division Commander then has five (5) calendar days to submit the completed investigation with a Memorandum of Finding to Internal Affairs. If additional time is required, the Division Commander will request approval for an extension from the Personnel Services/Internal Affairs Commander.
6. The Department has established a goal of completing Category 1 complaint investigations within sixty (60) calendar days from the date assigned. The Division Commander then has five (5) calendar days to submit the completed investigation with a Memorandum of Finding to Internal Affairs. If additional time is required, the Division Commander will request approval for an extension from the Personnel Services/Internal Affairs Commander.
7. All recognized investigative methods for determining the facts surrounding a complaint will be used. Tape recorded interviews will be conducted with the complainant, employee(s), and all witnesses when practicable. If an interview is not tape recorded, the supervisor must provide a written explanation. 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.
8. Investigating supervisors shall separately set forth and address each issue raised in the complaint and specify the applicable policy sections.
9. Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint.
10. When applicable, investigating supervisors shall make credibility determinations on the complainant(s), each witness, and subject employees and expressly set forth the rationale for those determinations in their investigative report. If such credibility determinations are not applicable, the investigating supervisor shall explain why in his/her investigative report.
11. The subject employee's personnel history, including their existing record of complaints, shall be considered in making a determination of their credibility. A copy of the employee's Internal Affairs complaint history summary shall be included as an attachment to the investigative report.

E. COMPLAINT INVESTIGATION FINDINGS, REVIEW AND APPROVAL:

1. Investigating supervisors shall not make findings in their investigative report as to the complaint allegations.
2. Lieutenants/managers charged with reviewing investigations conducted by sergeants/supervisors shall make findings and explain their rationale as to each of the complaint allegations. The specific policies applicable to each of the complaint allegations must be listed and addressed. They will submit those findings and rationale on a "Memorandum of Findings" which will accompany all completed complaint investigations.

3. In cases of sustained allegations, the affected Division Commander shall cause to be prepared a separate "Letter of Transmittal" stating each of the allegations, the applicable policies, findings, and administrative insight.
4. Completed complaint investigations will be routed through the chain of command to Internal Affairs. Each level of management shall review the completed investigation for objectivity, thoroughness, timeliness, and compliance with Department policies and procedures.
5. Each command officer responsible for reviewing the investigation shall provide a written statement of concurrence or disagreement with the conclusions and findings of the investigation. If there is a disagreement, a full written explanation of the reason(s) for the disagreement shall be provided.
6. Command Personnel charged with reviewing investigations conducted by sergeants/supervisors who directly supervise the employees that are the subject of a complaint shall review the investigation to ensure that a fair, unbiased, and thorough investigation was conducted.
7. Internal Affairs shall obtain final approval of the complaint investigation from the Chief of Police or designee.
8. Investigating supervisors and reviewing managers shall only discuss or disclose investigative information with superior officers or members currently assigned to Internal Affairs.
9. Once the completed investigation is approved, in external complaint cases where the subject employee(s) is a sworn officer, Internal Affairs will forward the investigative report to the Executive Director of the Community Police Review Commission for their review as per Chapter 2.76 of the Riverside Municipal Code.
10. Upon receipt of a finding from the City Manager's Office in cases where the subject employee(s) is a sworn officer, the subject employee's commanding officer, or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.
11. The City Manager will be responsible for notifying the external complainant, in writing by certified 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 upon receipt of the finding from the City Manager.
12. In cases of internal investigations or external complaints where the subject employee(s) is a civilian, the completed investigative report will be forwarded through the chain of command to the Chief's Office via Internal Affairs and the Personnel Services/Internal Affairs Commander.

The subject civilian employee's commanding officer, or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.
13. 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 to the Personnel Services Commander. 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.

H. COMPLAINT PROCEDURE COMPLIANCE AUDIT:

Internal Affairs will be responsible for conducting random testing at least three times a year to ensure compliance with the Personnel Complaint Policy.

1. The Internal Affairs Lieutenant may solicit the cooperation of any person to act on behalf of the Department posing as a member of the public requesting to file a personnel complaint or requesting information on the complaint procedure. The details of the fictitious complaint shall be sufficiently serious to cause a supervisor to complete the Complaint Control Form.
2. Upon receipt of the completed Complaint Control Form, Internal Affairs will immediately make the necessary changes to the Complaint Control Log to reflect the complaint as an audit.
3. The Internal Affairs Lieutenant will review the audit complaint for completeness, accuracy, and compliance with the complaint policy and procedure. A report summarizing the results of the audit will be prepared and forwarded to the Chief of Police.
4. Failure of any supervisor to follow the complaint procedure shall be referred to that supervisor's Division Commander for appropriate action. This section shall also apply during any testing or audit exercise.

**RIVERSIDE POLICE DEPARTMENT
COMPLAINT CONTROL FORM**

Complaint File Number: _____
Police Report/Cite Number: _____

Location of Incident: _____ Date: _____ Time: _____

Received By: _____ Date/Time: _____ Routed to: _____

Subject Employee: _____ ID# _____

Complainant: _____ Date of Birth: _____ Sex: _____ Race: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: _____ Business Phone: _____

Business Address: _____

Witness: _____ Date of Birth: _____ Sex: _____ Race: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: _____ Business Phone: _____

Business Address: _____

Witness: _____ Date of Birth: _____ Sex: _____ Race: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Home Phone: _____ Business Phone: _____

Business Address: _____

Complaint: _____

Signature of Complainant (Optional): _____

POLICE DEPARTMENT USE ONLY	
Nature of Complaint:	<input type="checkbox"/> External <input type="checkbox"/> Internal <input type="checkbox"/> Inquiry : _____ <i>Internal Affairs</i>
Complaint Received:	<input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Other
Complaint Result of:	<input type="checkbox"/> Radio Call <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Arrest <input type="checkbox"/> Investigation <input type="checkbox"/> Other
Copy of Complaint Received by Complainant?	<input type="checkbox"/> Yes <input type="checkbox"/> No If "No," explain: _____
Category I:	Category II:
_____	_____
_____	_____
Specify the allegation	Specify the allegation

Copy of Complaint Received by Employee: _____

Complainant Notified of Results by: _____ Date: _____ Method: _____

Employee Notified of Results by: _____ Date: _____ Method: _____

Section F

RPD Conduct & Performance Manual

Section 10:

Administrative Investigation

ADMINISTRATIVE INVESTIGATION

This guide was prepared by the Office of Internal Affairs to assist supervisors investigating complaints of misconduct. However, there are differences in each complaint, investigation and employee which prohibits a strict protocol. Therefore, this guide serves only as a source of direction.

In all cases, however, the investigating supervisor must be unbiased and objective. Having an open mind, a desire to seek only the truth, the ability to ask the “tough” questions and the perseverance to answer all of the questions are some attributes you must possess to successfully investigate an incident. An incomplete investigation is not only a disservice to the community and the Department, but it can disassociate the employee who will no longer have any trust or faith in the system.

Your opinion of the lack of seriousness of the investigation will often be completely opposite to the employee’s concern. Some employees will dwell upon a complaint to the point that it will affect performance. The Department has set goals for the timeliness of completing the investigation. It is incumbent upon you to meet those time demands without sacrificing or compromising your investigation.

Many supervisors are unfamiliar with the administrative system and they can jeopardize the Department’s ability to resolve an investigation through a careless approach. If you have any questions about any administrative issue that is not addressed in this text, contact the Office of Internal Affairs.

Remember, the burden of proof in an administrative investigation is a **preponderance** of the evidence and not beyond a reasonable doubt as in a criminal case.

PREPARATION

The first step in any complaint investigation is to evaluate the complaint. There are several issues to consider:

- Determine the issues to be addressed.
- Motive of the complainant.
- What evidence exists?
- What is the time required to complete the investigation?

ORGANIZING THE INVESTIGATION

Once you have an initial understanding of the complaint, it is time to organize your investigation. By outlining some brief steps, you will have an investigative path to follow. Some of the steps are:

- Review the complaint. Contact the accepting supervisor if the complaint is not clear.
- What are the specific allegations? Is there criminal conduct?
- Verify the existence of the policy or rule in question.
- Review the associated police investigation and related documents such as the communications printout.
- Identify any discrepancies in the complaint and the reports.
- Analyze the evidence, lack of evidence or seek evidence that was not secured.
- Who should be questioned and in what priority?
- What questions should be asked?
- Who are the witnesses, where are they and are they available? Do they have any motive?
- Visit the scene. All too often witness statements are taken without the investigator having any knowledge of obstructions or surroundings. Was weather or lighting a factor? Consider photographs of the scene if none were taken.
- Prepare a photo line-up if the identity of the employee is unknown.

PREPARING FOR THE INTERVIEWS

The most important and often the most under prepared part of the investigation is the interview.

It is also the most time consuming. Never schedule yourself to have to end an interview. You should be mentally prepared to remain in the interview at least twice as long as you think it will take.

Before you interview anyone involved in the complaint, you must be thoroughly prepared. That means that you have a thorough understanding of the complaint, have an above average knowledge of administrative procedures, specifically the Peace Officer's Bill of Rights, and have reviewed the questions that you have outlined. By outlining the questions that pertain to the complaint, you will not be as likely to forget an issue if the involved employee turns the interview in a completely unforeseen direction.

Know the history of the complainant, the witnesses, involved employees and the accused employee. While this does not diminish their credibility, it can assist you in determining motive and provide a direction and method to be used during the interview.

Remember that the interview can be stressful for an employee or a witness and having to reschedule subsequent interviews because you overlooked an issue or were unprepared is unprofessional.

Generally, the proper sequence for interviewing is:

- Complainant.
- Civilian witnesses.
- Other agency employees.
- Other involved agency employees.
- The accused employee.

WITNESSES AND COMPLAINANTS

Every reasonable effort should be made to ensure that all witnesses to the incident and allegation are located and interviewed. It is also equally important to rule out persons who may come forward later and purport themselves to be witnesses.

Some sources for witnesses are:

- The complainant. If arrested, the associates.
- Police reports, communications records, audiotapes, and digital recordings.
- Canvassing the area. Include any associated but unrelated areas in the canvass. Examine booking logs, hospital rosters or duty rosters for personnel who may have been in the area but who have not come forward.

- Security videotapes.

Document all your successful or unsuccessful attempts to locate and contact any witnesses.

Research all the witnesses. Not only is this helpful in planning an approach, but it can give you an indication for any possible motives.

At the very least, you should examine:

- Criminal and driving records. Since the investigation is administrative, it excludes any CII inquiry.
- Relationship to the complainant or other witnesses.
- Relationship to the employee.
- Medical or psychological history if appropriate.

Obtain photographs of witnesses and the complainant if the investigation is complex and involved and identification is essential. Drivers' license photos are the best source, however, booking photos can be used with due caution not to prejudice the viewer.

CONDUCTING THE INTERVIEWS

As stated, the interview is the most essential part of the administrative investigation. Results from the interview are indicative of the skill, professionalism and preparation of the investigator. It can also be a reflection of the investigator's biased, slanted and opinionated orientation.

There are two keys to remember - civilian witnesses are unaware of the skills and techniques of a trained investigator and knowledgeable agency employees can be compelled to give complete and truthful statements.

The interview is too important to "wing it" without a plan. First, you must determine the objectives of the interview. Obviously, it is to get the facts of the allegation. Second, you must standardize your questions to address the following factors:

- The specific details of each allegation.
- Identify each person involved and their specific role or degree of participation.

- Resolve any inconsistencies, discrepancies or conflicts with statements and physical evidence.
- Uncover underlying motives or reasons for filing the complaint, not being truthful, or backing away from full cooperation with the investigation.

By preparing a list of standard questions to ask each person, you can avoid the issue of not being fair and objective.

Normally interviews can be conducted by one person. This is particularly true if the interview is taped. However, there are some instances when a second investigator should be involved:

- As a monitor for a criminal interview.
- Politically sensitive or potentially explosive interviews.
- In matters involving sexual improprieties, minor children or domestic violence.

Remember, if more than one investigator is present during an interview, one must be the lead with the roles clearly defined prior to entering the room.

Schedule the witness interviews at a time and place similar with the allegation. If the violation is occurring at the same time as the complaint, an immediate unscheduled interview would be necessary. However, most can be scheduled in advance and should be conducted in person.

Record all interviews, including those conducted by telephone or videotape. Avoid any unexplained breaks, identify all persons present, identify normal breaks and avoid off recording conversations.

Each subject employee is entitled to a representative during the interview. The role of the representative is to be an observer and an advocate. Representatives or attorneys should not be allowed to answer the “tough” questions for the employee. To limit their active involvement your questions should avoid the following:

- Questions that are compounded or confusing.
- Questions which may constitute an unwarranted intrusion into the employee’s right of privacy such as medical records or tax returns.
- Questions which do not pertain directly, or sometimes even indirectly, to the allegations which are the subject of the interrogation.

- Questions that intrude into privileged areas such as conversations the employee may have had with his/her spouse, counselor, clergyman, attorney, therapist or the employee's representative.
- Questions which would tend to mislead the employee by misrepresenting prior facts or circumstances, or statements of other persons or prior statements by the employee.
- Questions which are argumentative.
- Questions which call for guesswork, surmise or conjecture on the part of the employee.

INTERVIEW FORMAT

All administrative interviews shall use the following introductory format:

- Date, time and location of the interview.
- Note that the interview is being recorded.
- Who is conducting the interview and his/ her current assignment.
- Persons present during the interview.
- Purpose of the interview.
- Nature of the investigation.
- That the employee is ordered to answer questions truthfully, honestly and completely.

INTERVIEW TECHNIQUES

General

- Identify any physiological or psychological limitations on the witnesses' ability to perceive events or give a reasonable statement.
- At the beginning of the interview, allow witnesses to explain the entire incident in their own words without interruption. You can revisit specific areas in conjunction with your preplanned questions.

- It's very difficult to describe or capture physical actions on a tape. If witnesses are describing an area or location, they should use a sheet of paper. If they are describing a physical hold, position of other witnesses or actions of any involved participant, consider videotaping the interview.
- You must ask the right question to get the right answer. They must be specific and direct. Do not ask general questions for specific allegations.
- Interviews are not always congenial as the person may be extremely emotional. They may be uncomfortable being with a member of the agency against whom they are making a complaint. If there is conflict, consider rescheduling the interview, recap the statement as a method for a break or break to allow the person to regain their composure.
- Make note of body language, pauses, looking from side to side or other indicators.
- At the conclusion, ask the interviewee if they have any additional information or questions that were not covered.

Some Common Pitfalls

- Leading questions.
- Failure to verify answers.
- Refreshing a witness' memory.
- Badgering the interviewee.
- Failure to record every witness.
- Calling a person a liar.
- Engaging in a confrontation with the witness or employee.
- Helping a witness to speedup an interview.
- Failure to reenact the alleged misconduct with each witness at the scene.

THE INTERVIEW

Complainant

Interviewing the complainant is not any different from interviewing any other person involved in the investigation. Read the complainant's statement to him and ensure that it is accurate and complete. Conduct your interview using the questions you have developed as a road map.

Before concluding the interview, request the following if they are warranted and have not already been obtained:

- Photographs of the alleged injury whether or not any is visible.
- Medical release.
- Additional witnesses.
- Reason for any significant time delay in making any complaint.
- Availability for follow-up.

Agency employees who are not accused.

When employees who are not being accused of misconduct are being interviewed, the ground rules and procedures are the same as any witness. Agency employees, however, should be allowed to review their own reports prepared in conjunction with the incident giving rise to the allegation. These employees do not have the same rights as accused employees in regard to disclosure of investigative materials. They should be reminded of their obligation to fully and truthfully respond to questioning and that their failure to do so could be deemed insubordination and result in administrative discipline.

If the employee being interviewed makes a self-incriminating statement regarding a criminal offense or a statement, which may lead to disciplinary action, the interview should be terminated. The employee should be advised why the interview is being stopped and advised of possible further actions. At this time, the investigator should follow the guidelines for an accused employee.

At the conclusion, the investigator must inform the employee that the interview is confidential and admonish the employee not to discuss the interview with anyone except a representative or attorney if appropriate.

If the employee is believed to have given a false or a deliberately misleading statement during the interview to obstruct the administrative investigation, a new internal investigation should be

initiated. This can normally be eliminated or minimized through skillful interview techniques and challenging obviously evasive and avoidance methods. You must confront employees with obvious discrepancies or contradictions.

Accused Employee

This interview is the most critical. It should be the last interview of the investigation and should be designed to answer or respond to all of the allegations. It is important that you limit the necessity to conduct any follow-up interviews with the accused employee which is often interpreted as intimidating or harassing.

By this time in the investigation you should be familiar with the accused employee's personnel file, reputation, assignment history, training or qualification records if appropriate and prior discipline. You must be familiar with the employee's contractual, statutory and constitutional rights. There is no excuse for testifying later at arbitration that you did not know what *LYBARGER* means.

You should notify the employee of your intention to interview him/her, the allegation and a time and place for the interview. If the employee requests representation, the interview should be scheduled to accommodate that request. However, serious allegations may require that the employee be interviewed as soon as practical and not as a matter of mutual convenience.

INVESTIGATION BIFURCATION - CRIMINAL OR ADMINISTRATIVE

If the complaint is both an allegation that the Department rules were violated and an allegation of criminal conduct, the investigation must be bifurcated. The underlying facts in each case must be evaluated to determine the procedure to follow and for purposes of making a decision on the use of an administrative investigation or criminal investigation or both.

Cases involving allegations of criminal misconduct will first be investigated by the Investigations Division or the appropriate outside law enforcement agency. Internal Affairs will monitor these investigations and obtain copies of all criminal reports.

Criminal investigations will always have priority over administrative investigations. Once the criminal investigation is completed, it will be incorporated into the administrative investigation.

The goal of the criminal investigation is the prosecution of appropriate cases on behalf of the People. The goal of the administrative investigation is to determine whether a department rule has been violated and whether the employee committed the violation.

ADMINISTRATION AND CRIMINAL INVESTIGATION ELEMENTS:

<u>Administrative</u>	<u>Criminal</u>
No right to silence	Right to silence
IA investigation	Criminal investigation
Confidential pursuant to PC 832.7	May not be confidential
Department disciplines	DA may prosecute
Right to criminal report	No right to administrative investigation or report

LYBARGER AND MIRANDA

Most of the investigations that you will conduct will not require a *MIRANDA* admonishment. Those Category 1 investigations, excessive force, false arrest, discrimination/harassment, and criminal conduct, are normally conducted by Internal Affairs in conjunction with a detective from General Investigations. However, if you are assigned an investigation that may be construed as a potential criminal allegation, you should proceed cautiously when it comes to admonishing an accused employee of his/her rights. However, police employees are very familiar with these admonishments and they will probably demand both *MIRANDA* and *LYBARGER*. Therefore, prior to conducting any interview with an accused employee, the investigator must be sure of the direction of the investigation.

If the decision has been made by the Chief's Office or the Office of Internal Affairs to investigate the allegation as administrative, the investigator will admonish the employee of both *MIRANDA* and *LYBARGER* rights from the Admonition of Rights form. This should be done on tape and the employee asked to sign the form and verbally acknowledge his/her rights. The form will become part of the permanent package.

If the employee refuses to cooperate during the interview after being advised of the *LYBARGER* admonishment, he/she should be reminded of their obligation to fully and truthfully respond to questioning and that their failure to do so could be deemed insubordination and result in administrative discipline. If the employee continues to refuse to cooperate, you should request that the employee's commanding officer admonish him/her.

Remember, if the employee is compelled to give a statement, the criminal investigator shall not be present during the interview nor can he/she become aware of any information obtained during the interview.

If you are assigned to investigate only a criminal allegation, you should proceed as you would with any other criminal investigation dependent upon the response to *MIRANDA*.

If you are assigned to investigate only a violation of Department policy or procedure, you may *LYBARGER* the employee if he/she declines to respond during the interview.

The admonition of rights and the appropriate time to do so cause the most confusion for supervisors and investigators. That is why it is important to have preplanned your interview. You can be sure that if the employee is accompanied by an attorney or representative, they will demand both *MIRANDA* and *LYBARGER*. However, you should not automatically shield the employee by *LYBARGER* if he/she waives *MIRANDA* or declines to respond. If you have any doubt, you should seek advice from a superior or the Office of Internal Affairs.

PROCEDURAL BILL OF RIGHTS REVIEW

When does it apply?

- Applies to a public safety officer who is under investigation and subjected to interrogation by his/her supervisor, or any other employee of the public safety department.
- Does not apply to any interrogation of an officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with a supervisor or any other employee of the public safety department, nor shall this apply to any investigation concerned solely and directly with alleged criminal activities.

Interrogation shall be conducted under the following conditions if it could lead to punitive action:

- Punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.
- Interrogation shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, or during the normal waking hours for the officer, unless the seriousness of the investigation requires otherwise.
- If the interrogation does occur during off duty time, the officer shall be compensated and the officer shall not be released from employment for any work missed.

- The officer under investigation shall be informed prior to such interrogation of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation.
- All questions directed to the officer shall be asked by and through no more than two interrogators at one time.
- The officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated.
- The officer under interrogation shall be allowed to attend to his/her own personal physical necessities.
- The officer under investigation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action.
- No officer shall be lent or temporarily reassigned to a location or duty assignment if a sworn member of his/her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.
- No promise or reward will be made as an inducement to answering any questions.
- The employer shall not cause the officer under interrogation to be subjected to visits by the press or news media without his/her express consent nor shall his/her home address or photograph be given to the press or news media without his/her express consent.
- The complete interrogation of an officer may be recorded. If a tape recording is made of the interrogation, the officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The officer being interrogated shall have the right to bring his/her own recording device and record any and all aspects of the interrogation.

- The officer shall be entitled to any transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed confidential. No notes or reports which are deemed confidential may be entered into the officer's personnel file.
- If prior to or during the interrogation of an officer it is deemed that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights.

When can the officer have a representative?

- Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against an officer.
- The officer, at his/her request, shall have the right to be represented by a representative of his/her choice who may be present at all times during such interrogation.

Representative

- Shall not be a person subject to the same investigation.
- Shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

Please do not hesitate to contact the Office of Internal Affairs for guidance at any time during your investigation. Most, if not all of your questions, have already been asked and answered during prior investigations. If the information is not available, we will contact the City Attorney's office for direction. Never move forward if you are not sure what you are doing. Remember, it is your responsibility to know, and with all the resources available day or night, there is no excuse for not doing it right. The citizen expects it, the Department demands it and the employee respects it.

INVESTIGATIVE REPORT FORMAT

A Riverside Police Department Complaint Control Form shall be completed and a personnel complaint (PC) or internal investigation (PA) file number obtained from Communications. A copy of the Complaint Control Form is attached.

The investigation shall use the Internal Affairs investigation format. Copies of the Internal Affairs investigation format and Riverside Police Department Employee Admonishment of

Rights forms can be found at the end of this chapter. The Employee Admonishment of Rights forms include the Riverside Police Department Grant of Immunity (Lybarger) admonishment.

Investigating supervisors shall separately set forth and address each issue raised in the complaint.

Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint. Note in the investigation narrative the existence or lack of any digital recording(s) made by the officer(s) involved in the incident by setting apart the names and ID numbers of the officers that made recordings, the number of recordings by each officer, and the incident number.

When applicable, investigating supervisors shall make credibility determinations on the complainant(s), each witness, and subject employees and expressly set forth the rationale for those determinations in their investigative report. If such credibility determinations are not applicable, the investigating supervisor shall state that in his/her investigative report.

The subject employee's personnel history, including their existing record of complaints, shall be considered in making a determination of their credibility. A copy of the employee's Internal Affairs complaint history summary shall be included as an attachment to the investigative report.

COMPLAINT INVESTIGATION FINDINGS:

Investigating supervisors shall not make findings in their investigative report as to the complaint allegations.

Lieutenants or managers charged with reviewing investigations conducted by sergeants or civilian supervisors shall make findings and explain their rationale as to each of the complaint allegations. They will submit those findings and rationale on a "Memorandum of Findings" which will accompany all completed complaint investigations.

In cases of sustained allegations, the Memorandum of Findings shall include administrative insight listing the employee's past discipline and other relevant performance factors. Any mention of past discipline should include the file number, the Department policy or procedure that was violated and the type of discipline imposed. All supporting documentation of past discipline should be attached.

COMPLAINT INVESTIGATION REVIEW AND APPROVAL:

The Department demands, and the community and employees deserve investigations that are fair, unbiased and thorough. The preparing supervisor and each reviewing manager shall ensure that these objectives are met.

Upon completion of the investigation, the investigating supervisor will complete applicable information on a Personnel Investigation Mandatory Routing form and forward the investigation to their immediate superior for review and approval.

During the first level review, the lieutenant/manager will review the investigative report for objectivity, thoroughness, timeliness, and compliance with Department policies and guidelines. The investigation must reflect the supervisor's use of proper investigative procedures and diligent efforts to locate witnesses and obtain statements. Additionally, the report must address all applicable topics, as described in the Investigative Report Format section of this chapter. Particular attention will be given to ensure that each issue raised in the complaint is addressed separately, that the rationale for any stop or search related to the complaint is explained, and that the rationale for any credibility determination is reasonably supported. Reports not meeting these minimum standards shall be returned for further investigation.

Upon completion of this review, the lieutenant/manager will determine an appropriate finding for each allegation listed, prepare a Memo of Finding stating the justification for such finding(s), complete applicable information on the Personnel Investigation Mandatory Routing form, and forward the investigation to the division captain/manager.

At the second level of review, the division captain/manager will review the report and Memo of Finding. The division captain/manager may return the report for further investigation or, upon concurrence, complete applicable information on the Personnel Investigation Mandatory Routing form and forward the investigation to Internal Affairs.

During the third level of review, Internal Affairs will review the investigation report and Memo of Finding. Internal Affairs may return the report for further investigation or, upon concurrence, complete applicable information on the Personnel Investigation Mandatory Routing form and forward the investigation to the Office of the Chief of Police.

At the final level of review, the Office of the Chief will review the report and all related documents. The Office of the Chief may return the report for further investigation or, upon concurrence, initiate appropriate action(s) to conclude the investigative process.

COMPLAINT PROCEDURE EVALUATION AND COMPLIANCE AUDITS

Internal Affairs shall annually prepare a report to the Chief of Police evaluating the complaint investigation process. The annual report shall include, but not be limited to, assessment of the following:

- Manner in which the Department receives complaints;
- Quality of complaint investigations;
- Adherence to established timelines;
- Effectiveness/efficiency of the overall process;
- Recommendations for improvement.

The Office of Internal Affairs shall engage in random testing of the complaint procedure at least three times per year.

Evaluation of compliance shall be conducted through audits or some equivalent.

The Internal Affairs Lieutenant/Sergeant may conduct audits in a manner that evaluates any dimension of the personnel complaint procedure.

Upon completion of a compliance audit, personnel conducting the audit shall prepare a written report summarizing the audit and shall submit it to the Internal Affairs Lieutenant.

Within fifteen days of the audit, the Internal Affairs Lieutenant shall submit a written report to the Chief of Police. The report shall summarize the audit and contain an evaluation of compliance.

Upon completion of the audit review by the Chief of Police, involved personnel shall be notified of the audit findings by the Internal Affairs Lieutenant or the Division Commander.

Failure of any personnel to follow the complaint procedure shall be referred to that employee's Division Commander for appropriate action.

All compliance audits will be tracked and retained in the Office of Internal Affairs.