

City of Riverside
Community Police
Review Commission
2011 ANNUAL REPORT



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COMMUNITY POLICE REVIEW COMMISSION

City of Riverside, California

*Celebrating
11 Years of Service
to
Riverside and Its Citizens*

Commission Members 2011

Art Santore
Chair

Dale Roberts
Vice-Chair

Ken Rotker
Jon Johnson
Claudia Smith
John Brandriff
Robin Jackson
Jane Adams

Staff

Frank Hauptmann
CPRC Manager

Phoebe Sherron
Senior Office Specialist

Our Acknowledgment & Thanks to...

The 2011 Annual Report Ad-Hoc Committee

*Dale Roberts – Committee Chair
Robin Jackson
Jane Adams*

*Report Photography,
Preparation, and Production
by
Phoebe Sherron
CPRC Staff Member*

*Commissioner Biography Photos
by
Brenda Flowers
Assistant to the Mayor*

*Cover Photo:
Old Riverside County Courthouse (foreground)
Riverside County Superior Court (background)
Main Street, between 10th and 12th Streets
Downtown Riverside
(Entire picture on Page 49)*

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THE ANNUAL REPORT

The Community Police Review Commission (CPRC) describes and provides an overview of its principal activities in its 2011 Annual Report. As mandated by Charter Section 810, the CPRC prepares and submits this report to the Mayor and City Council.

The CPRC continues to focus on its mission of promoting public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department.

Contact Commission staff at (951) 826-5509 or via e-mail at cprc@riversideca.gov for additional information or questions. Many answers to frequently asked questions are also available on our website at www.riversideca.gov/cprc.

About the Commission

The **City Council's** passage of Ordinance No. 6516 in April 2000, created the Community Police Review Commission and amended Title 2 of the Riverside Municipal Code by adding Chapter 2.76. One of 13 boards and commissions, the Community Police Review Commission was created to promote effective, efficient, trustworthy, and just law enforcement in the City of Riverside.

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). The CPRC accomplishes this mission by conducting an independent review of officer-involved death (OID) cases and citizen's complaints. The CPRC has the power to contract with independent investigators on OIDs or complaints when deemed appropriate and necessary by the CPRC or the CPRC Manager. The CPRC may recommend changes in RPD policy and maintains community relationships through continuous public outreach efforts.

Purpose

By ordinance, the purpose of the Community Police Review Commission 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.



Structure of the Commission

The Commission is made up of nine citizens of the City of Riverside who are appointed to four-year terms as Commission members by the City Council. There is at least one member from each ward in the City. The terms are staggered so that, except for one year, three Commission member terms expire each year. As with other commissions, members do not receive compensation. A Manager and Sr. Office Specialist are funded in the City Manager's Office to provide members of the Commission with all necessary staff support.

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 et. Seq., and applicable Penal Code sections and case law and Peace Officer Standards Training (POST) guidelines and regulations.

The Community Police Review Commission's total budget appropriation approved by the City Council for FY 2010-2011 was \$266,753. and FY 2011-2012 is \$260,567.

Who does the Commission Represent?

The Commission is designed to be able to carry out the charge "to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside." In other words, the Commission's primary function is to increase public trust towards the Riverside Police Department. It seeks to give the public the assurance that any allegations of misconduct lodged against a sworn officer will be fairly and thoroughly investigated. The Commission is not an adversarial body. It represents the community's perspective on the complaint investigation process -- hence its name, "Community Police Review Commission."

When the Commission receives the investigative report on a complaint, the CPRC Manager reviews it for thoroughness and writes an executive summary for the Commission members. The Commission then reviews the allegations in each case and makes a recommended finding to the City Manager. During this review process, the Commission also critiques the quality of the investigation and the investigative



process. This review and comments by the Commission members gives City and Police Department management the advantage of having a perspective that is not found in most communities.

In short, the Commission offers a community perspective of the Police Department that is available to the citizens of Riverside, the policy makers, City and Police Department managers, and line police personnel.

Message from the Chair

by Art Santore



In 2010, the Community Police Review Commission celebrated its 10-year anniversary serving the City of Riverside. It was a rather sad closure for the City of Riverside after having lost a fine police officer, Ryan Bonaminio, that year. In transition to 2011, both the Riverside Police Department and the CPRC had a better year where positive changes in operations and community service became a focal point.

My work and service to the Community of Riverside as a CPRC Commissioner has taught me that civilian oversight is essential. It builds public trust and confidence, and ensures the Community that their Police Department is transparent and open to public review of its operations, personnel, policies, and procedures. It is my belief that the City of Riverside has an excellent and well-equipped Police Department. The vast majority of Riverside police officers strive to do the right thing, often under difficult circumstances, challenging both their critical thinking skills and physical capabilities.

As we review cases, we, as commissioners, must keep this in mind so that our discussions maintain balance and our decisions are based on evidence, Department Policy, Practices, Procedures, and rules of law. This is very challenging to commissioners in the review process because we must rely on evidence and circumstances without the in-depth job knowledge of law enforcement practices, procedures, and protocols. We rely on the use of common sense, on-going training, being objective in our thought process, and maintaining open and respectful dialogue with one another.

This past year, the Commission saw changes in membership with the appointment of four new commissioners, and the hiring of a new permanent Commission Manager. This year the Commission added Jane Adams, Robin Jackson, Jon Johnson, and Claudia Smith. The new CPRC manager is Frank Hauptmann. These new additions to the Commission have brought many new ideas, new insights, and perspectives that have enhanced the quality of our work.

We began 2011 with a focus on preparing and submitting the CPRC Annual Report on time. This has not been accomplished in past years. We pushed through the process and, for the first time, completed the project on target. Commissioners and staff worked hard to achieve this goal. We are committed to delivering the Annual Report on time to the City Council, City Staff and community members. With this in mind, we formed an Ad-hoc Annual Report Committee which was tasked with producing the report. For 2011, and subsequent years, an Ad-hoc Annual Report Committee will begin the preparation of the report no later than November of each year for completion of the report in March of the following year.

In order to streamline the Commission's evaluation of an officer-involved death case, our new CPRC Manager, Frank Hauptmann, developed a new officer-involved death case evaluation procedure. This will allow current and future Commissioners to better understand each step that should take place, help them stay focused on the issues, and ultimately assist them in making their findings in a more effective and efficient manner.

Using the new evaluation procedure, the Commission thoroughly, but quickly, completed three OID case evaluations. This included getting the public report completed and posted online for public information which then gives the Commission the ability to start the Administrative case review process immediately upon completion of the Public Report. The Commission also agreed that, should there be a minority point of view in an OID, a minority report may be included in the Public Report. The OID protocol will be memorialized in the Commission's Policies, Procedures, and By-Laws in 2012.

Message from the Chair—continued

The CPRC amended its By-Laws to allow OID open session case evaluations to be held on the second Wednesday of each month. Previously, this component of one of the Commission’s duties could not take place at second Wednesday meetings. Having done this, the Commission processed the open OID cases much quicker than we have in the past.

The CPRC also found other practices that were changed during meetings in past years that were recorded in meeting minutes, but not memorialized for the future. Rather than trying to rely on memory, the CPRC decided to create an Ad-hoc Committee to review the Commission’s Policies, Procedures, and By-Laws in order to memorialize changes. The Commission will conduct a similar review of these documents each year to ensure we follow proper policies and practices during our review efforts.

The CPRC Manager developed a series of monthly training sessions for the Commission so that we, as Commissioners, can be better informed in our review process, and can make proper and appropriate decisions on our cases. All training blocks, past and potential future sessions, have also been placed on the CPRC website so that community members can see what type of training has occurred or will be taking place. Three of our newest members, along with two incumbents, attended and graduated from the RPD Citizen Academy. The fourth new member, Claudia Smith, will begin her Citizen’s Academy in January 2012. We encourage all new Commission members to attend the Citizen’s Academy so that they get a first-hand look at how the Riverside Police Department operates.



As part of their training, five Commission members — Robin Jackson, Jon Johnson, Dale Roberts, Art Santore, and Robert Slawsby — along with CPRC Manager Frank Hauptmann, were able to attend a 16-hour “Instructor’s Course” to better understand the concept of “Excited Delirium” and how it may contribute to an in-custody death. The training course was held at the Ben Clarke Training Center and was taught by Dr. John G. Peters Jr., PhD, CLS.

The CPRC maintained its membership in NACOLE, the National Association for Civilian Oversight of Law Enforcement. In September 2011, Commissioners Dale Roberts, Robin Jackson, Ken Rotker, and Art Santore, along with CPRC Manager Frank Hauptmann, attended NACOLE’s annual conference in New Orleans, Louisiana. They participated in training workshops and general session presentations. Commissioners had the opportunity to meet with other civilian oversight members from across the U.S. and other countries, and learn about “best practices.”



PHOTOS: Citizen’s Police Academy Graduation, May 25, 2011

Top — RPD Police Chief Sergio Diaz presenting Citizen’s Academy Certificate to Commissioner Jane Adams

Bottom — Left to Right: CPRC Manager Frank Hauptmann, Commissioner Art Santore, Chief Diaz, Commissioner Dale Roberts

Message from the Chair—continued

This past year the Commission returned to the Council Chambers Boardroom for its closed session meetings and deliberations. This has made it possible to open every meeting in open session in the main Council Chambers, convene to closed session in the Boardroom within a couple of minutes, and then return to the main Council Chambers for open session within the same time period.



The CPRC has increased its “outreach” to the community of Riverside this past year with the exhaustive efforts of Commissioner Jon Johnson, the Outreach Coordinator, and staff member Phoebe Sherron. I believe we have reached out to better educate the community in many more venues than in the past.

Mr. Mike Bumcrot, a newly contracted independent investigator, joined the CPRC to assist with officer-involved death investigations. Mr. Bumcrot is a well-established and nationally known expert in homicide investigation, in particular those that include an officer-involved shooting. Mr. Bumcrot worked for the Los Angeles County Sheriff’s Department for 34 years, 27 of which he served as a detective, with 22 of those as a lead homicide detective. Mr. Bumcrot has investigated at least 100 officer-involved shooting cases, investigated hundreds of homicides, and reviewed several hundred officer-involved shootings throughout the nation. He has also testified as an expert witness in homicide cases in both Superior and Federal Courts across the country. The Community can be assured that each OID case will have a very experienced homicide detective reviewing them and / or conducting an independent investigation.

In closing, I would like to thank all my fellow Commissioners for their commitment, dedication, and participation in the CPRC. I would also like to thank former Commissioners Brian Percy, Chani Beeman, Peter Hubbard, Rogelio Morales, and Robert Slawsby who left the Commission in 2011. Each of these Commissioners gave a great deal of their own personal time to address the issues and cases that came before them.

Lastly, I would be remiss if I didn’t extend a very special thank you to CPRC Staff Member Phoebe Sherron for all of her dedicated work in organizing every meeting, keeping Commissioners informed, and the tireless work she does in maintaining our minutes, organizing the agendas, and other clerical work between meetings. Without her dedicated work ethic, the CPRC would not operate as effectively and efficiently as it does.

PHOTOS: Citizen’s Police Academy Graduation, May 25, 2011

Top — RPD Police Chief Sergio Diaz presenting Citizen’s Academy Certificate to Commissioner Art Santore

Bottom — Chief Diaz presenting Citizen’s Academy Certificate to Commissioner Robin Jackson



Present Commission Members



Arthur "Art" Santore, a Ward 6 resident, has lived in Riverside for close to 40 years and is a graduate of Riverside Community College. For a number of years, Art was sole owner of Z-Best Plumbing in Riverside, as well as a plumber for the University of California, Riverside. He has also worked for the International Union of Operating Engineers, Local 501, as a business representative. Art is very active in the community and has volunteered for Community Emergency Response Team, or CERT, RFD Class 33. On May 25, 2011, he graduated from RPD's Citizen Police Academy; he has also attended the Neighborhood Leadership Academy, is the Coordinator of "La Sierra Watch Dogs" Neighborhood Watch, and is Commander of VFW Post 12021. He has been an Eagle Scout Mentor, assisting Boy Scouts in completing their Plumbing and Fly-Fishing merit badges, and has shown children

fly-tying at the Riverside County Youth Fishing Day at Lake Skinner. Art has also volunteered in other special education events throughout the years. **CPRC Chair. Term expires in March 2013*.**

Dale Roberts, a Ward 3 resident, has lived in Riverside County for close to 20 years and has been a resident of Riverside for about eight years. She graduated from San Diego State University and CSU, Dominguez Hills, earning degrees in Geology and Accounting respectively. She is employed at Jet Propulsion Laboratory in Pasadena, CA, and is passionate about earth sciences and technology, and in creating pathways for exposure in these fields, especially for disadvantaged youth. Dale enjoys community service activities, hiking, scuba diving, and traveling.



In 2011, Dale attended and completed the following additional training and conferences: 1) Instructor's Certification Course - Excited Delirium & Sudden In-Custody Deaths, Institute for the Prevention of In-Custody Deaths, Inc.; 2) Citizen's Police Academy (8-week course) – Riverside Police Department; and 3) National Association of Citizen Oversight of Law Enforcement, Annual Conference, New Orleans, LA. Dale's attendance and participation at these events has expanded her knowledge base and has aided in improving the quality and value of her analytical, reasoning and investigative skills in reviewing OID cases and citizen's complaints. Dale also served as Chair for the CPRC Annual Report Ad-hoc Committee and as an ad-hoc committee member for the review of the CPRC By-Laws and Policy and Procedures. **CPRC Vice-Chair. Term expires in March 2012.**



Ken Rotker is a 28-year resident of Riverside. He is a 1962 graduate of New York University and a 1982 graduate of the Air Force Air Command and Staff College. Ken retired from the Air Force after completing 28 years of commissioned military service. He also is retired from Federal Civil Service where he served in a variety of management and staff civilian personnel management positions with the Department of the Air Force. Ken and Katherine have been married for 46 years and have two children and two grandchildren. Ken, a licensed amateur radio operator since 1956, is an active member of the Riverside County Amateur Radio Association and the Riverside County Radio Amateur Civil Emergency Service (RACES). In this capacity, he serves as the Station Manager, Radio Communications Center, in the County's Primary Emergency Operations Center (PEOC). His other hobbies include hunting, fishing, and target shooting. **Term expires in March 2012.**

*2nd Term

Present Commission Members

Claudia Smith has lived in Riverside County for approximately 17 years and in the City of Riverside for 12 years. She migrated to California from the East Coast after 22 years in the telecommunications industry. A licensed clinical social worker, she has 18 years of experience in the mental health field. Employed with Riverside County since 1995, she was initially a psychiatric social worker and then later worked as a mental health services supervisor at the County psychiatric hospital. She is currently with the County's Public Guardian and Conservator office, supervising conservatorship investigators. **Term expires in March 2013.**



Ralph "Jon" Johnson has been a Riverside resident for over 20 years. He came to Riverside after retiring from the U.S. Army in 1990. While in the military, he served in a wide range of duty stations that included Vietnam, Italy, Germany, Korea, Washington, D.C., and California. His job assignments have been as varied and challenging as his postings. While in California, he was an Army recruiter in Pomona and a Recruiting Station Commander in LaVerne. Jon was also assigned with the Inspector's General Division at Fort Ord, California, working in the complaints section. While in Washington, D.C., he was responsible for investigating postal fraud and waste in the Military District of Washington.

After retiring from the military, Jon joined the San Bernardino Sheriff's Department as a Deputy Sheriff. He retired from the Sheriff's Department in 2001.

Jon enjoys golf, tennis, darts, and researching antiques.

Jon and his wife, Debra, enjoy Riverside and look forward to giving back to the community. "I know Riverside is growing every day, but I want it to keep that small, hometown feel that drew us in many years ago. I believe that starts with having a friendly, caring, and service-oriented police force."

Term expires in March 2015.

John Brandriff has lived in Riverside County for 30 years, residing in Riverside for close to 20 years. Active in both the City and the County, John is a former member of the Human Relations Commission and a current member of the County's Community Court Planning Committee. He is also the current coordinator for La Sierra Hills Neighborhood Watch. John has been employed by UPS for 25 years. He enjoys camping and boating on the Colorado River with his family. **Term expires in March 2012*.**



*2nd Term

Present Commission Members



Robin "RJ" Jackson is a Ward One resident, arriving in Riverside in 2008, but adopting Riverside after being charmed by its cultural diversity, historical preservation, educational opportunities, and its desire to provide citizens with a participatory effort in its growth. She has volunteered at the Heritage House, the Fox Theater, Community Emergency Response Training, Mission Inn Relays, and has attended the Citizen Leadership and Citizen Police Academies. These opportunities eventually led her to interview for the Community Police Review Commission and her ultimate appointment there in March 2011.

Robin served on the Santa Ana Police Department as a bilingual Spanish-speaking officer and detective working in several assignments before injury caused her early retirement. Some of those assignments included Patrol Officer, School Resource Officer, Robbery Detective, Child Abuse/Sex Crimes Detective, Foot Beat Officer, Training Coordinator, and Backgrounds Investigator. She served in auxiliary roles as a Hostage Negotiator, Crisis Intervention Specialist, Recruiter, and assisted in Vice and Narcotics. While working for the Police Department, Robin earned her Bachelor of Arts Degree in Criminal Justice from Cal State University, Fullerton.

In addition, she served as an instructor at the Orange County Sheriff's Department Academy specializing in Cultural Diversity training. She worked for the Civil Service Academy designing programs for students who sought criminal justice careers but lacked basic reading and writing skills. She later became an adjunct criminal justice instructor for Everest College, which led to her appointment as the Criminal Justice Program Chair.

Now retired, she enjoys photography, gardening, walking, motorcycling, and spending time with her family. Her goal as a CPRC Commissioner is to provide **both** the citizens of Riverside and the officers of the Riverside Police Department with fair representation and review while insisting on courtesy, professionalism, and accountability by all. **Term expires in March 2015.**

Jane Adams is a Ward 3 resident. She and her husband Doug have lived in Riverside for over 38 years of their 40 year marriage. They raised two children: son, Chris, and daughter, Pauline, who both still live in Riverside with their families. They have three grandchildren ages 13, 10, and 6.

Jane has worked in County government for 38 years as well: 12 years with Riverside County, and 27 years with San Bernardino County. She is currently a Deputy Director in the Department of Aging and Adult Services with responsibility for the Older Americans Act Aging Programs, the Public Guardian, and the In Home Supportive Services Quality Assurance and Fraud Prevention Programs.



Jane received her Bachelor of Science Degree in Business Administration from Cal Poly, Pomona, and her Masters Degree in Business Administration from Cal State, San Bernardino.

Jane enjoys her family in her spare time. She also loves to racewalk, having now completed over 30 marathons in addition to many half-marathons and charity races.

Term expires in March 2015.

Past Commission Members



Brian Percy

Term began May 2003

Term expired March 2011*



Peter Hubbard

Term began March 2007

Term expired March 2011



Chani Beeman

Term began September 2007

Term expired March 2011



Robert Slawsby

Term began February 2009

Resigned June 2011



Rogelio Morales

Term began September 2009

Resigned July 2011

*2nd Term

Commission Staff



Frank Hauptmann, CPRC Manager, comes to the Community Police Review Commission a seasoned professional with exposure and expertise in policing for 35 years. Mr. Hauptmann has been employed by the Glendale and Garden Grove Police Departments in Southern California. In his most recent position as Chief of Police for the former Maywood / Cudahy Police Department, he became a “change agent” in reforming the Department by developing new policies, practices and procedures. In addition, he restored public confidence and trust in the Police Department through enhancing community relations and outreach. His relevant expertise includes evaluating accountability processes, managing and directing staff, community policing strategies, budgeting, customer service, criminal investigations, internal investigations, developing policy and procedure, and terrorism threat assessments.

Mr. Hauptmann also served 15 years in the military reserves with the U.S. Naval Intelligence Command, possessing a Department of Justice Top Secret clearance and having worldwide intelligence experience in this position. Also in his capacity as a reservist, he spent 10 years as a federal credentialed agent with the U.S. Defense Intelligence Agency.

Mr. Hauptmann is currently an adjunct instructor in the Advanced Officer Training Program at California State University Long Beach. He has taught Internal Affairs Investigation in this program for the past 16 years, training over 3,000 police supervisors and managers throughout the State of California. He has also taught courses in criminal justice at local colleges. As a police executive, he attended the prestigious West Point Leadership Command Program at the Los Angeles Police Department, the Law Enforcement Executive Development course at the FBI National Academy in Quantico, Virginia, and another in San Francisco.

Mr. Hauptmann has lived in the Corona – Norco area for over 30 years and is familiar with the Inland Empire culture. He looks forward to using his experience, training, and education in serving the community of Riverside.

In 2011, Mr. Hauptmann attended the following courses in order to enhance his skills as the CPRC Manager: 1) Instructor Certification – Excited Delirium & Sudden In-Custody Deaths, Institute for the Prevention of In-Custody Deaths, Inc. 2) Use of Force – Deadly Force Certified Analyst, Force Science Institute, University of Minnesota 3) Auditing Police Performance, Cal State University, Long Beach 4) National Association of Citizen Oversight of Law Enforcement, Annual Conference, New Orleans.

Phoebe Sherron began her employment with the City of Riverside through a temporary agency in October 1996. A vacancy was created in the Riverside Fire Department (RFD) Administration office when the position she temped in was filled. Phoebe was able to fill the RFD vacancy and was hired by the Fire Department in July 1997.

In 2000, Phoebe applied for a promotional position. One of the job openings she eventually interviewed for was the clerical position with the new Community Police Review Commission. Phoebe was the top applicant, accepted the job offer, and began working with the Commission in November 2000. The roots Phoebe has established as the longest-serving staff member of the CPRC has made her a valuable resource to the CPRC managers and commissioners who have served since its inception.



Commission Attendance

In 2011, the Commission held 18 meetings, 12 of which were the standard, or Regular, monthly meetings. The other meetings held were primarily training meetings, although some Special meetings were held to address Commission business of a time-sensitive nature, such as officer-involved death (OID) case evaluations or OID briefings.

| Attendance 2011 | January 26 | February 23 | March 9 | March 23 | April 6 | April 27 | May 11 | June 1 | June 15 | June 22 | July 13 | July 27 | August 24 | September 7 | September 28 | October 26 | November 9 | December 14 |
|---|------------|-------------|---------|----------|---------|----------|--------|--------|---------|---------|---------|---------|-----------|-------------|--------------|------------|------------|-------------|
| Brian C. Pearcy 5/20/03 - 3/1/11* | ✓ | ✓ | | | | | | | | | | | | | | | | |
| Peter G. Hubbard 3/1/07 - 3/1/11 | S | O | | | | | | | | | | | | | | | | |
| Chani Beeman 9/4/07 - 3/1/11 | ✓ | ✓ | | | | | | | | | | | | | | | | |
| John Brandriff 12/5/06 - 3/1/12* | ✓ | ✓ | ✓ | S | LE | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | V | ✓ | ✓ | ✓ | V | ✓ |
| Kenneth I. Rotker 3/1/08 - 3/1/12 | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | V | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Dale Roberts 11/17/09 - 3/1/12 | ✓ | ✓ | ✓ | ✓ | ✓ | V | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | V | ✓ | ✓ | ✓ | ✓ | ✓ |
| Arthur J. Santore 5/15/07 - 3/1/13* | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | S |
| Robert Slawsby 2/11/09 - 3/1/13 Resigned 6/20/11 | B | ✓ | LE | B | V | ✓ | ✓ | ✓ | O | | | | | | | | | |
| Claudia Smith 9/20/11 - 3/1/13 | | | | | | | | | | | | | | | | | ✓ | ✓ |
| Rogelio V. Morales 9/1/09 - 3/1/13 Resigned 7/13/11 | ✓ | B | LE | UE | UE | ✓ | UE | UE | UE | UE | | | | | | | | |
| Robin L. Jackson 3/1/11 - 3/1/15 | | | ✓ | S | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | S | ✓ | ✓ | ✓ | ✓ | S | ✓ | ✓ |
| Ralph L. Johnson 3/1/11 - 3/1/15 | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Jane Adams 3/1/11 - 3/1/15 | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

✓ = Present B = Absent / Business S = Absent / Sick V = Absent / Vacation O = Absent / Other
 UE = Absent / Unexcused L = Late LE = Left Early
 ■ = Vacant / Not Yet Active or No Longer Serving

Commission Outreach

The Commission entered 2011 with a new philosophy for community outreach. This philosophy is that the Commission works for the Riverside citizen and can only be effective with the assistance of the Riverside citizen. The more the Commission's message is conveyed to the public, the more the citizens will realize that the objective is to promote harmony, trust, and confidence between Riverside residents and the Riverside Police Department. To that end, in 2011, Commissioners and Staff attended a wide range of meetings and events, all in an effort to enhance community cohesiveness and communication between Riverside citizens and the sworn personnel serving the public. The Commission's outreach activities included:

Annual Events

- Riverside Air Show
- Law Enforcement Appreciation Dinner and Awards Ceremony (LEAC)
- Riverside Neighborhood Conference (Booth)
- 2011 NACOLE Conference (National Association for Civilian Oversight of Law Enforcement)
- Community Fair and Spring Egg Hunt at Bobby Bonds Park — Eastside Health Center and Riverside Parks, Recreation, and Community Services Department
- 7th Annual Community Health Fair at Bryant Park — Arlanza Family Health Center and Eric M. Solander Center
- Peace Officers' Memorial
- 2011 National Night Out

Neighborhood / Ward Specific Events

- Councilmember MacArthur's Annual Constituent Appreciation BBQ
- Magnolia Area Neighborhood Association (MANA)
- Neighborhood Watch, Magnolia Station
- La Sierra Neighborhood Watch
- Mayor's Night Out
- La Sierra / Arlanza Neighborhood Alliance Meeting
- Arlanza Community Health Center
- Wood Streets Quarterly Association Meeting
- Lincoln Park Backpack Give-away — Lincoln Park Neighborhood Group
- Eastside Neighborhood Group
- Eastside Health Center
- "Helping Neighbors" Food Program — Community Settlement Association

National Night Out 2011



Commissioner Robin Jackson (red shirt) at one of two Woods Streets block parties she attended



Commissioner Jane Adams and her daughter at the Magnolia Area Neighborhood Association (MANA) block party



Commissioner Art Santore showing off his National Night Out shirt



Block party on Commissioner Santore's street

Commission Outreach – continued

Other Meetings & Events - Continued

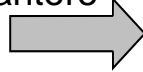
- The Group (3 meetings)
- Riverside Coalition for Police Accountability Meeting (RCPA) (3 meetings)
- CERT Training (various classes / meetings)
- RPD Citizens' Police Academy and Graduation (2 Academy Sessions)
- West Area Command Meeting, Magnolia Station
- RCPA Celebration Reception for CPRC
- RPD Roll Call / Ride-Along
- Meeting with Caribbean Basin Security Initiative (CBSI)
- Neighborhood Watch – Magnolia Station
- RCPA Celebration Reception for CPRC
- Bobby Bonds Community Meeting
- Eastside Health Center Grand Re-Opening
- In-Custody Deaths Seminar
- Rhythm of Riverside Summer Concert (2 dates)
- Lyric Opera Recital, Cesar Chavez Community Center — Riverside Park & Rec
- Bordwell Park / Stratton Center Community Center
- Bobby Bonds Park Community Center
- Kids' Theater / Riverside Community Players
- Buffalo Soldiers Monument Event at Skip Fordyce Harley-Davidson — Buffalo Soldiers Heritage Association
- Dining in the Dark — Blindness Support Services
- Riverside American Sign Language Social — Center on Deafness Inland Empire (CODIE)
- Presentation at City's Homeless Services Center
- CERT Terrorism Training
- Drop-In Chess Club — Riverside Public Library
- 9/11 "Remember Our Heroes" Event, Fairmount Park — Moms of Military (MOM)
- 9/11 "Riverside Remembers" Event, Breezeway outside Riverside City Hall
- Community Settlement Association Centennial Celebration
- Residents for Responsible Representation Meeting
- La Sierra Senior Center – Class for Seniors
- Magnolia Area Neighborhood Association (MANA) meeting
- Riverside Latino Network Meeting
- Riverside Women's Club

Some Events We Attended...

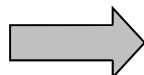


**2011 Riverside
Neighborhood Conference**
Commissioners
Robin Jackson, Jon Johnson,
and Dale Roberts

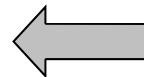
**2011 Riverside
Neighborhood Conference**
Commissioner Art Santore



Tip-a-Cop at Roadhouse
Chief Sergio Diaz greeting
Roadhouse patrons



Tip-a-Cop at Roadhouse
Commissioner Art Santore
He was joined by CPRC
Staff Members



Frank Hauptmann and
Phoebe Sherron

Commission Outreach – continued

Other Meetings & Events - Continued

- Riverside City College (Downtown Campus) Community Relations Classes (2 Presentations)
- RUSD Candidates Forum at Bordwell Park
- VFW Post 12021
- American Legion Post 286
- Heritage House Grand Re-Opening
- “Helping Neighbors” Food Bank
- “Stuff the Bus” at City Hall — Operation Safe House
- Hunter Park Grand Opening
- K-9 Training Center Ribbon Cutting Ceremony
- Heritage House
- “Smiles for Kids” Toy Drive & Distribution Event — Christian Intercessors of the Nations Organization (C.I.O.N.O.)
- “Concerts in the Park” — Riverside Park & Rec
- Tip-a-Cop Events
 - Chili’s
 - Original Roadhouse Grill — Special Olympics
 - Applebee’s — Riverside Police Foundation to Fund Youth and Community Programs
- Car Shows
 - Old Iron Car Show
 - Canyon Crest Car Show — Canyon Crest Towne Center, 5225 Canyon Crest Drive
 - Farmer Boys Car Cruise Night — Farmer Boys Restaurant, 2901 Iowa Avenue



2011 National Night Out — Magnolia Area Neighborhood Block Party

More Community Involvement...

2011 “Stuff the Bus”
Commissioner Jon Johnson
donated items and helped
‘Stuff the Bus’
that came to City Hall.

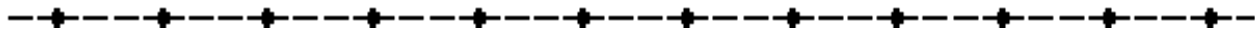


Commission Outreach – continued

One-on-One's / Small Group Discussions

- Coordinator at Bobby Bonds Park
- Receptionist at Riverside Chambers of Commerce
- RPD Ride-Along
- Various RPD Personnel
- Discussions with various citizens
- Citizen (stopped while on bicycle)
- Ontario Police Officer (CERT ICS Class)
- Wood Streets Neighbors
- Individual neighbor contacts Ward 1, Wood Streets Neighborhood
- “Get Motivated” Seminar in Ontario: 1-on-1 with a Riverside resident

An announcement of the Commission’s regular meetings is published in the Press-Enterprise every month and is also posted on the City’s monthly event calendar. CPRC brochures can be found in libraries and community centers, as well as other public buildings throughout the city. Finally, the Commission’s website at (www.riversideca.gov/cprc) offers valuable information about the Commission.



Did You Know?



***You can arrange for a CPRC Commission Member
to speak to your group or association
by calling 951.826.5509***

Training, Seminars, and Conferences

In 2011, the Commission hosted several training presentations conducted by the Riverside Police Department and other invited guests. Additionally, several Commissioners and Staff attended special offsite training seminars and conferences. The Commission's goal is to focus and broaden overall knowledge on current issues and subject matter to improve communication, promote understanding and confidence, and build bridges between the citizens and the police. Therefore, training, seminars, and conferences on current and past topics are important tools and are essential for the continued growth and learning of the Commission, the community, and the police as a whole. Understanding and learning from past issues enable the community and police to confront present practices and ideally prevent the same undesired problems from recurring. The Commission endeavors to articulate and share this knowledge with the Community to improve citizen-police interaction. Training, seminars, and conferences are designed to educate and facilitate the following:

- **B**roaden the knowledge base of current and past issues concerning citizen-police interaction;
- **R**elay and share this knowledge with the community.
- **I**mprove citizen-police interaction;
- **D**evelop and promote confidence;
- **G**ain the community's respect and trust; and
- **E**mpower and enable the community to communicate effectively.

Training will continue to be an on-going process and standard training topics will be repeated periodically for incoming Commissioners as well as to serve as refresher training for incumbent Commissioners.

The combination of "Commission – Training, Conferences and Seminars" and "Community Outreach" parallel and strengthen the core fundamental values and mission of the Community Police Review Commission resulting in positive police reform, police policy and procedure recommendations, and the promotion of community trust, confidence, and constructive involvement.



July 27, 2011 Defensive Tactics Training Presentation: Shooting the Taser

Training, Seminars, and Conferences

Generally, the regularly scheduled training sessions are conducted during the open session of the CPRC meetings and the public is encouraged to attend. The completed and proposed Training, Conference, and Seminars schedule and bulletins are posted on the CPRC website.

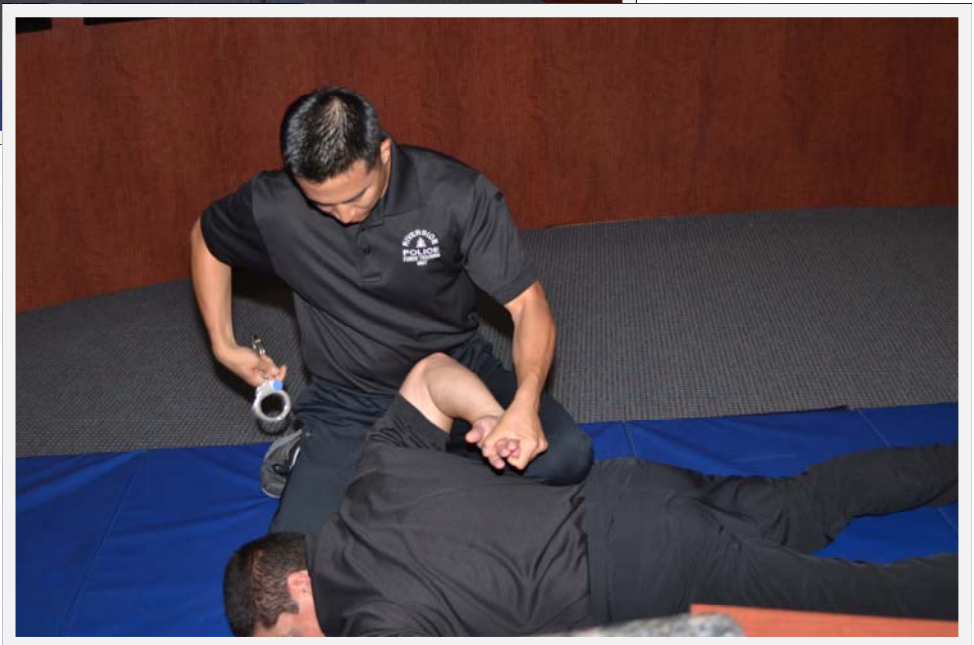
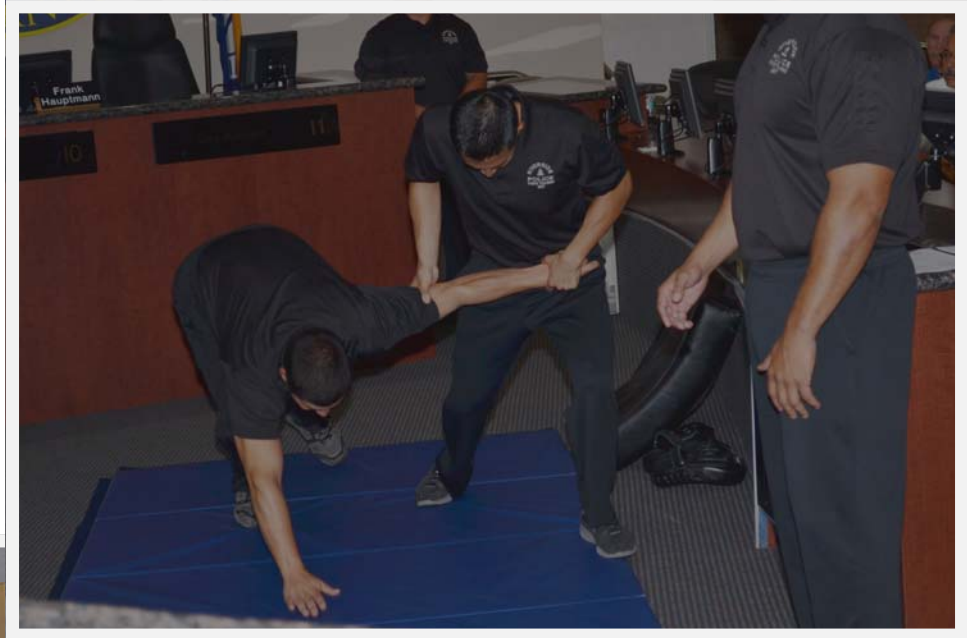
| Date | Topic & Presenter |
|-----------------------------------|--|
| April 6 | Use of COBAN video recording equipment and digital audio recorders Lt. Bruce Loftus, RPD |
| May 11 | 4th Amendment Laws of Search & Seizure Matt Reilly, Dep. DA, Writs & Appeals Unit, Riverside County District Attorney's Office |
| June 15 | Excited Delirium and Arrest-Related Deaths John G. Peters, Jr., Ph.D., CLS, President & Chief Learning Officer, Institute for the Prevention of In-Custody Deaths, Inc. |
| July 27 | Defensive Tactics: Arrest & Control Techniques used by RPD - Use of Force RPD Personnel |
| September 7 | Public Safety Officers Procedural Bill of Rights Laura Kalty, Esq. of Liebert Cassidy Whitmore |
| December 14 | Internal Affairs Process Lt. Mike Cook, RPD Office of Internal Affairs |
| Seminars & Conferences | |
| June 16 & 17 | Excited Delirium and Arrest-Related Deaths — Ben Clarke Training Center John G. Peters, Jr., Ph.D., CLS, President & Chief Learning Officer, Institute for the Prevention of In-Custody Deaths, Inc. |
| Sept. 12 - 15 | 2011 NACOLE Conference — New Orleans, Louisiana (National Association for Civilian Oversight of Law Enforcement) Various classes and presenters |

Training, Seminars, and Conferences

RPD's
Force Training Unit

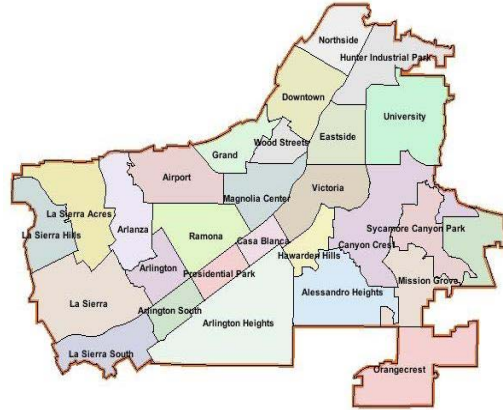
Defensive Tactics
Training Presentation

July 27, 2011



Commission Relations

The Commission has a dual task of maintaining relations with both the community, to which the Commission members belong and serve, as well as with the Riverside Police Department. Maintaining relations with the police can be particularly challenging because law enforcement is a highly structured enterprise, encompassing substantial rules, policies, procedures, training practices, and approaches. Learning the “landscape” can be difficult for Commission members.



Commissioners are also challenged to understand community relations that may not parallel their personal experiences with the police. The Commission endeavors to reach out into all segments of the community to listen for concerns and to provide information that will improve police and community relations. Commissioners are strongly encouraged to continue to attend community and neighborhood meetings and are available to make presentations to interested groups.



Concurrently, the police oversight function can create a response of wariness on the part of police. Most police officers do not have personal contact with Commission members and most members know only a few officers. Ride-alongs continue to be one of the most effective bridges in improving relations between police and the Commission. Commission members are strongly encouraged to participate on a ride-along in the first few months of Commission membership. The experience serves several purposes. Both the officer and the Commission member have the opportunity to personalize police review. Officers learn that members are generally empathetic, concerned, and open to learning and understanding. Commission members have a chance to see, first-hand, the demands on officers in their daily routines and to hear their concerns and views. Commission members have overwhelmingly reported with strong enthusiasm about their ride-along experiences.

In 2010, the City of Riverside appointed Sergio Diaz as Chief of Police (former Deputy Chief of the Los Angeles Police Department), Christopher Vicino as Assistant Chief of Police, (former Assistant Chief of the Pasadena Police Department) and Jeff Greer as Deputy Chief (former Commander with the Los Angeles Police Department). In addition, Riverside Police Department's Captain Mike Blakely was promoted to the position of Deputy Chief. The CPRC looks forward to continuing a partnership with the Command Staff of the Police Department as we work toward enhancing police community relations.



Officer Commendation

The Commission commended an officer for the professional and responsible manner in which he handled an incident involving a juvenile around 3:00 AM on a Friday. The officer saw three juveniles loitering in a front yard. He stopped to investigate their activity and learned that one of the juveniles lived at the residence. As a result of the officer's contact with **them**, one juvenile filed a complaint against the officer, citing his behavior as rude and discourteous.

The Commission found no merit in the allegation made by the juvenile. To the contrary, the Commission wished to convey to the officer, his superiors, and to the community, the exceptional level of professionalism and responsible handling he exhibited in this particular situation; the Commission was very impressed with his initiative in following through to the extent in which he did. The officer's audio recording provided the Commission with definitive proof that his demeanor and voice tone reflected great character and police professionalism, and was a significant tool in assisting the Commission with its deliberation and subsequent finding of "Unfounded" for the allegation of "Discourtesy".



June 1, 2011 Commission Meeting

Commission during the briefing by Assistant Chief of Police Chris Vicino on the officer-involved death incident that occurred on May 10, 2011.

The Complaint and Review Process

The Community Police Review Commission was designed primarily as a “monitoring” body with the power to conduct independent investigations. After a complaint is received through the Commission or the Riverside Police Department, it is investigated through the Police Department by a Field or an Internal Affairs sergeant. The Commission may choose to contract with a private independent investigator to gather additional information on the case.

The complaint process is activated when the complainant files a statement against a sworn member of the Riverside Police Department (Figure 1). In order to file a complaint, a complainant must contact the Commission by phone, email, letter, or in person or the complainant must file directly with the Riverside Police Department. The RPD Internal Affairs Unit and the Commission log the complaint and the tracking process begins.

The RPD investigates all complaints; however, the CPRC reviews complaints filed solely against sworn RPD personnel that have been filed within six months of the incident.

The Internal Affairs Unit (IA) categorizes complaints as Category I or Category II complaints. Generally, Category I are the more serious complaints; whereas, Category II complaints are less serious complaints such as discourtesy and improper procedure.

The IA assigns the complaint to an investigator. Generally, Internal Affairs sergeants handle Category I and some Category II complaints.

After the RPD investigates and makes its recommendations as to each allegation in a case, RPD sends it to the Commission. Each Commissioner reviews the case independently. Then as a group, the Commission reviews the allegations and deliberates as to whether the officer’s actions were within the scope of the governing RPD’s policies and procedures for the case in question.

At times, an officer’s conduct may have been within policy; however, the CPRC’s review may lead to a recommendation to the Riverside Police Department.

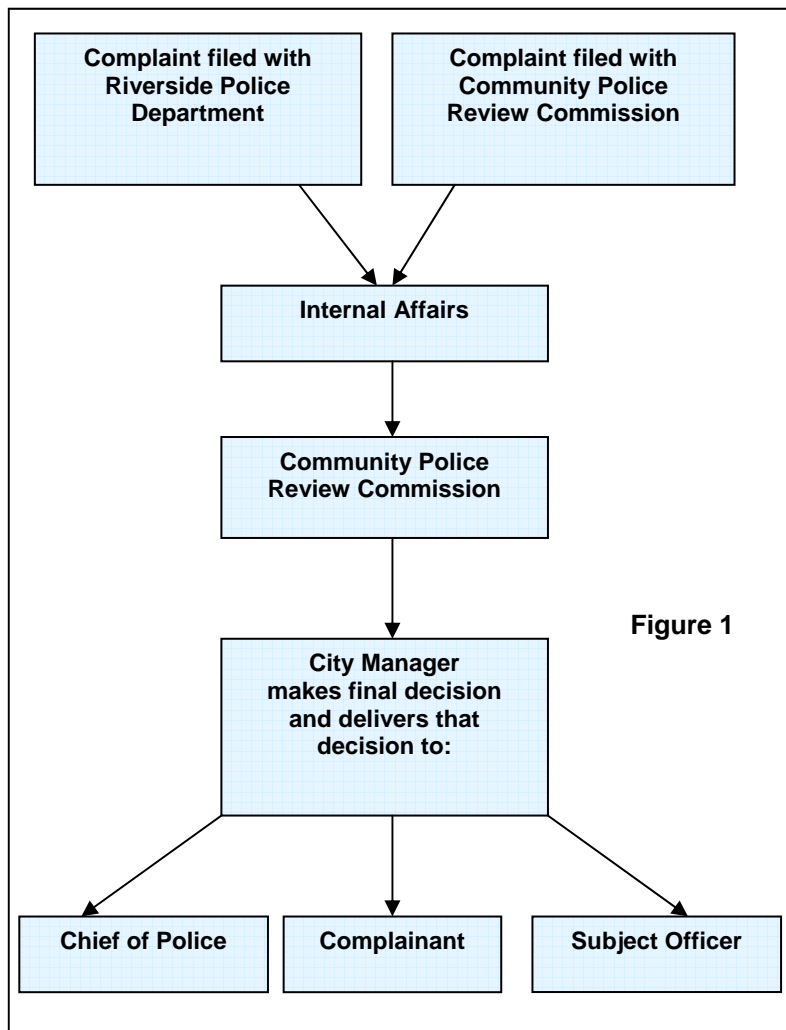


Figure 1

Field Operations or Investigations Division supervisors generally investigate the majority of Category II complaints.

An important aspect of the complaint process is that the Commissioners have no prior knowledge of RPD's findings in a case. This process aids in each Commissioner's ability to review the evidence contained in the investigative package and arrive at an independent and unbiased conclusion before the Commission deliberates as a whole and makes its finding and / or recommendation.

The process following the Commission's finding is as follows:

- 1) The CPRC Manager meets with the City Manager to discuss each case and any recommendations made by both the Chief of Police and the Commissioners;
- 2) The City Manager makes the final decision on each allegation; and then
- 3) The Chief of Police imposes and carries out any disciplinary action if sanctioned.

It should be noted that the Commission has no role in the disciplinary process.

Case Activity

Case 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.

According to Riverside Police Department Policy and Procedure 4.12 D 5 & 6, the goal of completing investigations for Category I cases is 60 calendar days, plus five calendar days for administrative processing, and for Category II cases, 30 calendar days, plus five calendar days for processing.

Case Tracking - 2011
Figure 2

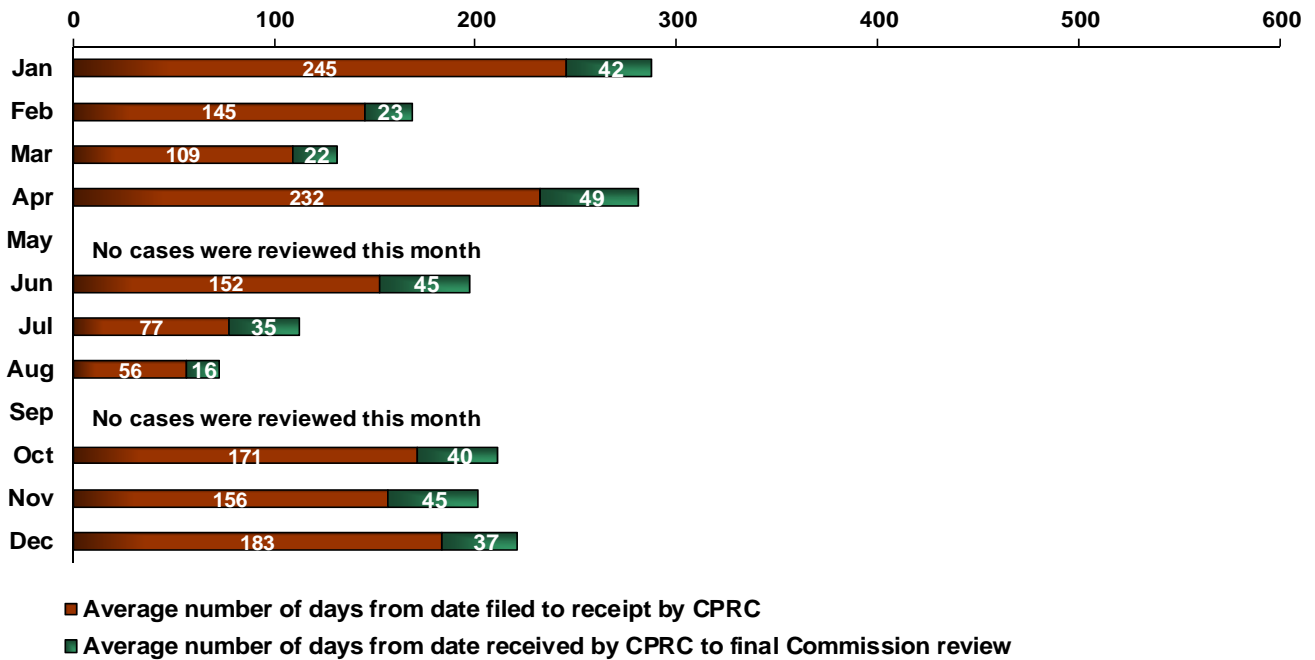


Figure 2 illustrates tracking of cases, using a monthly average, showing how many days elapsed from the date filed through the final Commission review.

Case Dispositions

The Commission reviewed 42 complaint cases containing 96 allegations in 2011. In addition, the Commission completed its evaluation of one officer-involved death case.

Figures 3 and 4 on the following page show the disposition of cases by the Commission in 2011 and case disposition comparisons with previous years. For example, in 2010, there was a decrease in the number of cases reviewed compared to 2009, while there was a increase in the number of cases that were administratively closed.

“Inquiry” 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 not filed nor reviewed by the Commission.

2011 CPRC Case Dispositions

Figure 3

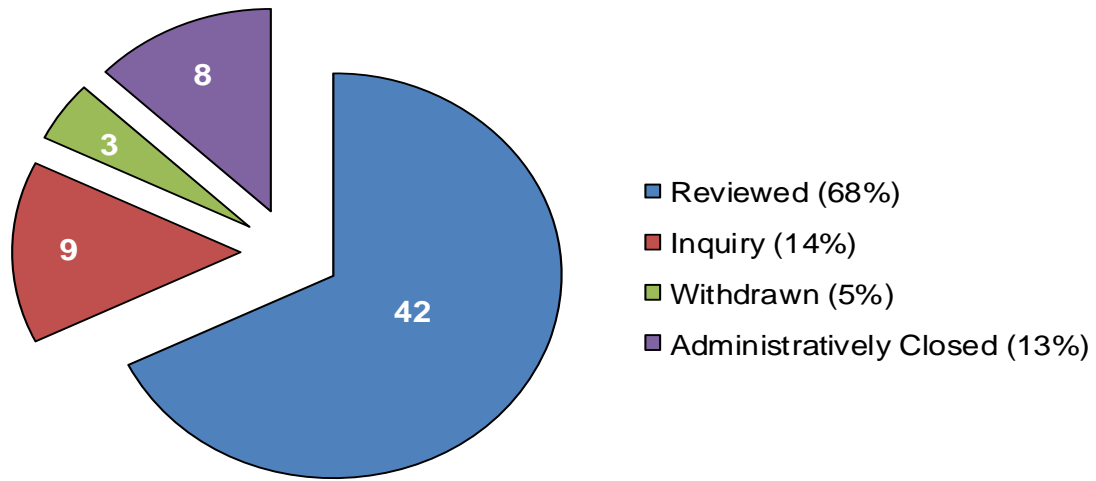


Figure 3 illustrates the disposition of cases by the Commission in 2011 and the manner in which they were disposed.

Figure 4

| | 2007 | | 2008 | | 2009 | | 2010 | | 2011 | |
|--------------------------------|------|------|------|------|------|------|------|------|------|------|
| Reviewed | 39 | 68% | 76 | 79% | 47 | 87% | 37 | 76% | 42 | 68% |
| Inquiry | 1 | 2% | 0 | 0% | 0 | 0% | 0 | 0% | 9 | 14% |
| Withdrawn | 0 | 0% | 0 | 0% | 1 | 2% | 1 | 2% | 3 | 5% |
| Administratively Closed | 17 | 30% | 20 | 21% | 6 | 11% | 11 | 22% | 8 | 13% |
| | 57 | 100% | 96 | 100% | 54 | 100% | 49 | 100% | 62 | 100% |

Figure 4 shows case disposition comparison numbers and percentages with previous years. For example, there was an increase in the number of cases reviewed in 2011 (42) compared to 2010 (37).

Cases Filed by Neighborhood 2011

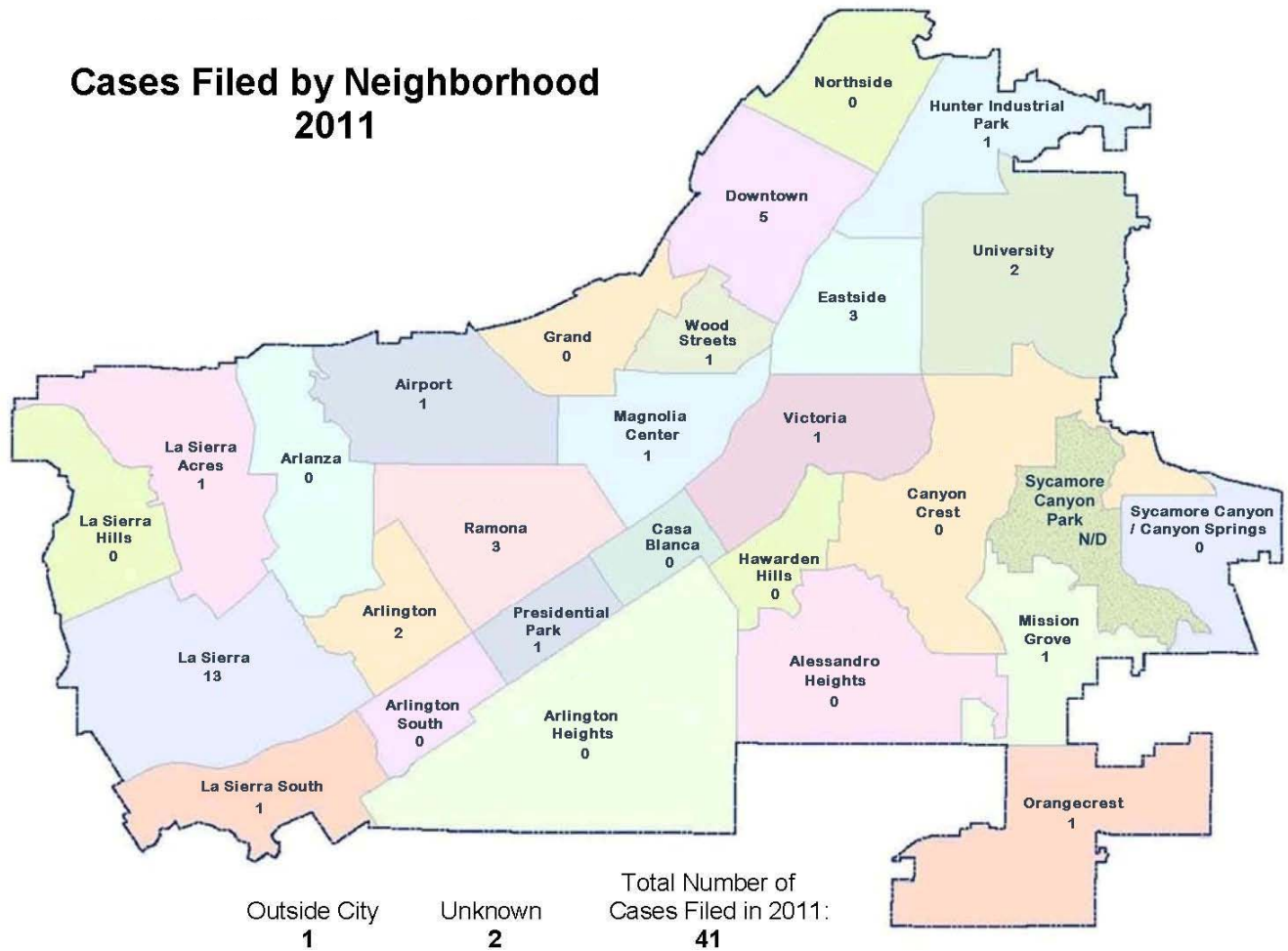


Figure 5

Figure 5 illustrates the number of cases filed in 2011 by neighborhood.

For purposes of “cases filed”, officer-involved death (OID) cases are not considered “cases filed” and therefore are not included in the total shown on this map. Discussion of OID cases appear subsequently under the “Officer-Involved Deaths” section.

Figure 6

| 2007 — 2011 | | | | | | | |
|--------------------|---|-------------|-------------|-------------|-------------|-------------|---------------|
| | Cases Filed by Neighborhood / Area | 2007 | 2008 | 2009 | 2010 | 2011 | Totals |
| 1 | La Sierra Acres | 2 | 0 | 0 | 1 | 1 | 4 |
| 2 | La Sierra Hills | 0 | 0 | 0 | 2 | 0 | 2 |
| 3 | La Sierra | 9 | 4 | 1 | 3 | 12 | 29 |
| 4 | La Sierra South | 3 | 0 | 0 | 2 | 1 | 6 |
| 5 | Arlanza | 6 | 2 | 1 | 0 | 1 | 10 |
| 6 | Arlington | 2 | 2 | 2 | 1 | 2 | 9 |
| 7 | Arlington South | 1 | 1 | 1 | 1 | 0 | 4 |
| 8 | Airport | 1 | 0 | 2 | 1 | 1 | 5 |
| 9 | Ramona | 3 | 4 | 2 | 1 | 3 | 13 |
| 10 | Presidential Park | 0 | 1 | 0 | 0 | 1 | 2 |
| 11 | Arlington Heights | 0 | 1 | 0 | 1 | 0 | 2 |
| 12 | Grand | 0 | 1 | 2 | 1 | 0 | 4 |
| 13 | Magnolia Center | 3 | 2 | 3 | 2 | 1 | 11 |
| 14 | Casa Blanca | 1 | 2 | 1 | 0 | 0 | 4 |
| 15 | Downtown | 13 | 9 | 19 | 18 | 5 | 64 |
| 16 | Wood Streets | 2 | 1 | 1 | 0 | 1 | 5 |
| 17 | Victoria | 2 | 0 | 0 | 1 | 1 | 4 |
| 18 | Hawarden Hills | 0 | 0 | 0 | 0 | 0 | 0 |
| 19 | Alessandro Heights | 0 | 1 | 1 | 1 | 0 | 3 |
| 20 | Northside | 0 | 0 | 0 | 1 | 0 | 1 |
| 21 | Eastside | 5 | 1 | 6 | 10 | 3 | 25 |
| 22 | Canyon Crest | 3 | 5 | 2 | 1 | 0 | 11 |
| 23 | Hunter Industrial Park | 0 | 0 | 2 | 0 | 1 | 3 |
| 24 | University | 6 | 4 | 1 | 3 | 2 | 16 |
| 25 | Mission Grove | 4 | 1 | 1 | 1 | 1 | 8 |
| 26 | Orangecrest | 1 | 1 | 3 | 0 | 1 | 6 |
| 27 | Sycamore Canyon / Canyon Spgs | 0 | 0 | 0 | 0 | 0 | 0 |
| 28 | Outside City | 5 | 2 | 2 | 1 | 1 | 11 |
| 29 | Unknown | 9 | 5 | 3 | 4 | 2 | 23 |
| 30 | Multiple Locations | 0 | 0 | 0 | 0 | 0 | 0 |
| | | 81 | 50 | 56 | 57 | 41 | 285 |

Figure 6 compares the number of cases filed by neighborhood / area (excluding officer-involved death cases) from 2007 through 2011.

Allegations and Findings

Figure 7

| 2011 ALLEGATIONS | COMMISSION FINDINGS | | | | | | | TOTALS |
|---|---------------------|------------|---------------|-----------|----------|-----------|------------|-----------|
| | Unfounded | Exonerated | Not Sustained | Sustained | Inquiry | Withdrawn | No Finding | |
| Excessive Use of Force | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 9 |
| False Arrest | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| Discrimination / Harassment | 6 | 0 | 0 | 1 | 0 | 0 | 0 | 7 |
| Criminal Conduct | 0 | 0 | 10 | 2 | 0 | 0 | 0 | 12 |
| Category 1 Subtotal | 17 | 0 | 10 | 3 | 0 | 0 | 0 | 30 |
| Poor Service | 0 | 0 | 1 | 2 | 0 | 0 | 0 | 3 |
| Discourtesy | 22 | 1 | 2 | 6 | 0 | 0 | 0 | 31 |
| Improper Procedure | 18 | 2 | 5 | 5 | 0 | 0 | 0 | 30 |
| Conduct Unbecoming an Officer | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| Infractions, Traffic Violations, and Riverside Municipal Code Violations | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Category 2 Subtotal | 40 | 3 | 9 | 14 | 0 | 0 | 0 | 66 |
| TOTALS | 57 | 3 | 19 | 17 | 0 | 0 | 0 | 96 |

Figure 7 illustrates the allegations and Commission findings for cases reviewed in 2011 excluding officer-involved death cases.

Findings — Definitions

Unfounded — The alleged act did not occur.

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

Not Sustained — The investigation produced insufficient evidence to prove or disprove the allegation.

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

Inquiry — a member of the public is requesting clarification of a policy or procedure.

Withdrawn — Occurs when a member of the public requests to withdraw their complaint.

No Finding — No finding was made as there was no policy regarding the specific allegation.

Cases Reviewed by Neighborhood 2011

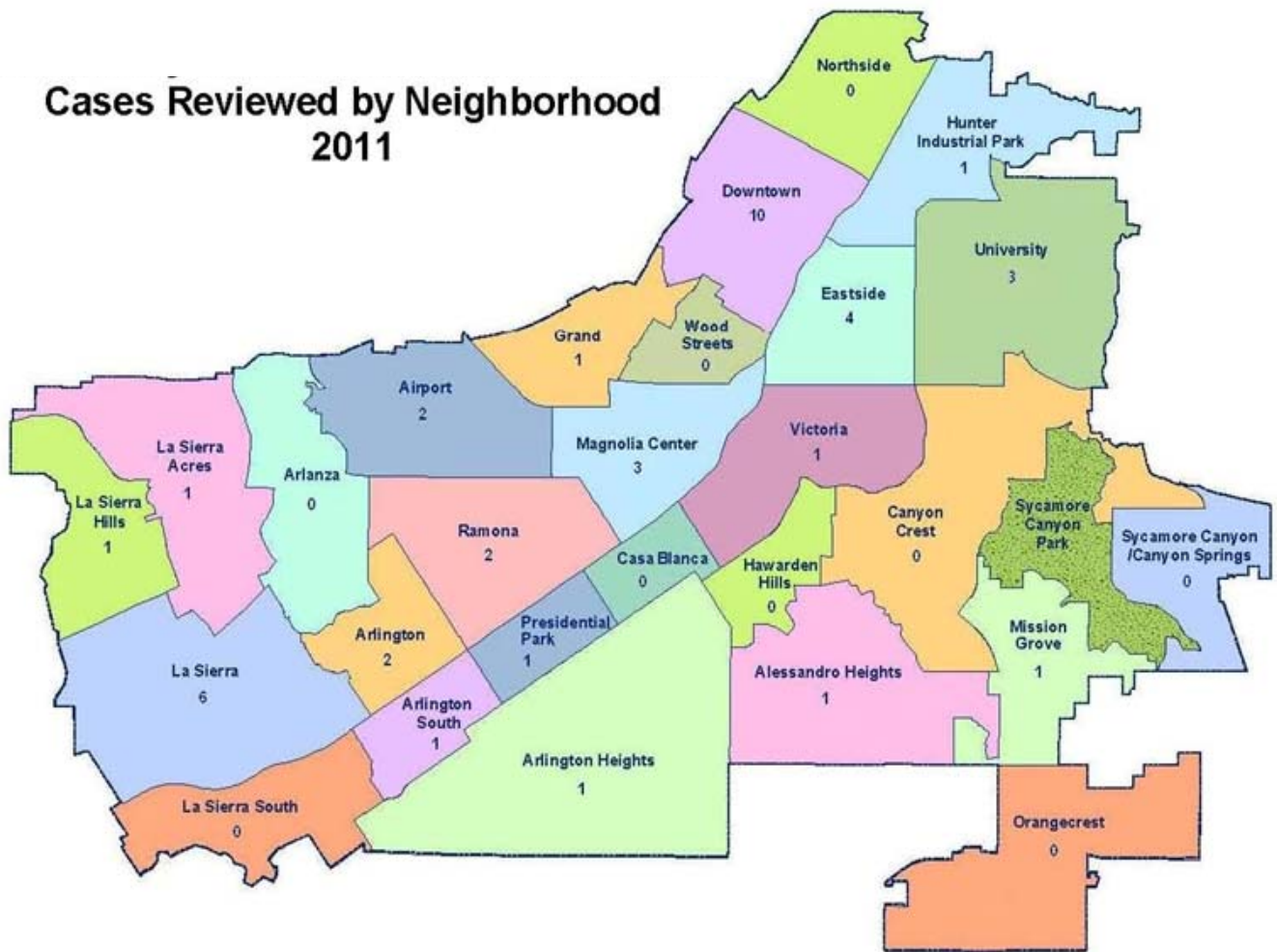


Figure 8

Figure 8 illustrates the number of cases reviewed in 2011 excluding officer-involved death cases.

*Reviewed 2011 Complaints per Neighborhood
Associated with Allegation and Finding Types*

Figure 9

| Reviewed Complaints per Neighborhood / Area | Number of Allegation Types per Neighborhood / Area | Number of Finding Types per Allegation |
|---|--|--|
| 1 La Sierra Acres | 2 Excessive Force | 2 Unfounded |
| | 2 False Arrest | 2 Unfounded |
| 1 La Sierra Hills | 1 Discourtesy | 1 Unfounded |
| | 1 Improper Procedure | 1 Unfounded |
| 6 La Sierra | 3 Excessive Force | 3 Unfounded |
| | 4 Discrimination / Harassment | 4 Unfounded |
| | 4 Discourtesy | 2 Not Sustained |
| | | 2 Sustained |
| | 3 Improper Procedure | 3 Unfounded |
| | 1 Conduct Unbecoming an Officer | 1 Not Sustained |
| 2 Arlington | 2 Excessive Force | 2 Unfounded |
| | 1 Discourtesy | 1 Sustained |
| | 2 Improper Procedure | 1 Unfounded |
| | | 1 Sustained |
| 1 Arlington South | 1 Discourtesy | 1 Not Sustained |
| | 1 Poor Service | 1 Sustained |

Figure 9 illustrates, by neighborhood / area, the 42 complaints reviewed by the Commission in 2011, and the 96 allegations logged and the Commission's subsequent findings.

*Reviewed 2011 Complaints per Neighborhood
Associated with Allegation and Finding Types*

Figure 9 - continued

| Reviewed Complaints per Neighborhood / Area | Number of Allegation Types per Neighborhood / Area | Number of Finding Types per Allegation |
|---|---|---|
| 2 Airport | 10 Criminal Conduct 2 Discourtesy | 10 Not Sustained 1 Unfounded 1 Not Sustained |
| 2 Ramona | 2 Discourtesy | 2 Unfounded |
| 1 Presidential Park | 1 Improper Procedure | 1 Unfounded |
| 1 Arlington Heights | 1 Improper Procedure | 1 Exonerated |
| 1 Grand | 3 Discourtesy | 3 Unfounded |
| 3 Magnolia Center | 1 Excessive Force 3 Discourtesy | 1 Unfounded 3 Unfounded |
| 10 Downtown | 1 Discrimination / Harassment 8 Discourtesy 11 Improper Procedure | 1 Unfounded 7 Unfounded 1 Sustained 8 Unfounded 1 Exonerated 2 Not Sustained |

*Reviewed 2011 Complaints per Neighborhood
Associated with Allegation and Finding Types*

Figure 9 - continued

| Reviewed Complaints per Neighborhood / Area | Number of Allegation Types per Neighborhood / Area | Number of Finding Types per Allegation |
|---|--|--|
| 1 Victoria | 1 Poor Service | 1 Not Sustained |
| 1 Alessandro Heights | 1 Discourtesy | 1 Exonerated |
| 4 Eastside | 1 Discrimination / Harassment 2 Criminal Conduct 2 Discourtesy 3 Improper Procedure 1 Poor Service 1 Infractions, Traffic Violations, Riverside Municipal Code Violations | 1 Sustained 2 Sustained 1 Unfounded 1 Sustained 1 Unfounded 2 Sustained 1 Sustained 1 Sustained |
| 1 Hunter Industrial Park | 1 Discrimination / Harassment 3 Discourtesy 1 Improper Procedure | 1 Unfounded 3 Sustained 1 Not Sustained |
| 3 University | 1 Discourtesy 6 Improper Procedure | 1 Unfounded 6 Unfounded |
| 1 Mission Grove | 1 Excessive Force | 1 Unfounded |

| Figure 10 | CALENDAR YEAR | | | | |
|--|---------------|------------|------------|-----------|-----------|
| | 2007 | 2008 | 2009 | 2010 | 2011 |
| ALLEGATION | | | | | |
| Excessive Use of Force | 8 | 17 | 22 | 9 | 9 |
| Discrimination / Harassment | 3 | 5 | 16 | 9 | 7 |
| False Arrest | 2 | 1 | 9 | 2 | 2 |
| Criminal Conduct | 3 | 7 | 18 | 0 | 12 |
| Category 1 Subtotal | 16 | 30 | 65 | 20 | 30 |
| Poor Service | 3 | 5 | 3 | 0 | 3 |
| Discourtesy | 20 | 31 | 22 | 19 | 31 |
| Improper Procedure | 39 | 109 | 57 | 51 | 30 |
| Conduct Unbecoming an Officer | 5 | 1 | 3 | 1 | 1 |
| Infractions, Traffic Violations, and Riverside Municipal Code Violations | 0 | 1 | 0 | 0 | 1 |
| Other | 0 | 0 | 0 | 1 | 0 |
| Category 2 Subtotal | 67 | 147 | 85 | 72 | 66 |
| TOTALS | 83 | 177 | 150 | 92 | 96 |

Figure 10 shows comparison data for 2007 through 2011 and excludes officer-involved death (OID) cases.

Misconduct Noted

During investigations of alleged misconduct, all aspects of an officer's actions are inspected. When a policy violation is discovered by RPD beyond that alleged by the complainant, it is classified as "Misconduct Noted" and, by definition, is a "Sustained" finding. Because the Commission makes no finding in this type of action, Misconduct Noted is no longer listed with complainant allegations or findings, but is reported separately here.

Of the complaint cases the Commission reviewed in 2011, RPD discovered nine instances of "Misconduct Noted" during its investigation of these complaints.

Comparison of Findings

Figure 11 **2007 - 2011**

| FINDING | 2007 | 2008 | 2009 | 2010 | 2011 |
|----------------------|-----------|------------|------------|-----------|-----------|
| Unfounded | 40 | 128 | 109 | 72 | 57 |
| Exonerated | 15 | 10 | 1 | 1 | 3 |
| Not Sustained | 12 | 22 | 11 | 10 | 19 |
| Sustained | 7 | 4 | 21 | 8 | 17 |
| Inquiry | 2 | 7 | 8 | 1 | 0 |
| Withdrawn | 1 | 5 | 0 | 0 | 0 |
| No Finding | 4 | 0 | 0 | 0 | 0 |
| TOTALS | 81 | 176 | 150 | 92 | 96 |

Figure 11 compares the Commission's findings for cases reviewed in 2007 through 2011. These figures do not include the results of Officer-Involved Death investigations, which are discussed in a separate section of this report.

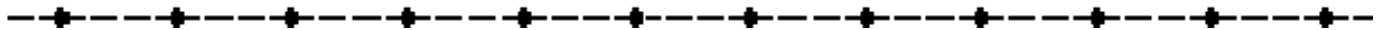


Figure 12 **Comparing Complaints to Number of Sworn Employees**

| | |
|---|----------|
| Number of sworn RPD Employees (as of December 31, 2011) | 372 |
| Number of complaint cases reviewed | 42 |
| Number of sworn employees named in complaints | 56 |
| Total number of allegations involved | 96 |
| Total number of "Sustained" findings | 17 (18%) |

**Comparisons of 2011 CPRC Findings with those of the
Riverside Police Department (RPD) and the City Manager's Office (CMO)**

Figures 13 through 16 provide data comparing the complaint case findings of the CPRC, RPD, and the City Manager's Office (CMO). Each of the three entities independently reach findings on allegations as described in the "Complaint and Review Process" section.

Figure 13 **2011**

| Findings | RPD | CPRC | CMO |
|-----------------------|------------|-------------|------------|
| Unfounded | 52 | 56 | 46 |
| Exonerated | 2 | 3 | 3 |
| Not Sustained | 26 | 20 | 31 |
| Sustained | 16 | 17 | 16 |
| Total Findings | 96 | 96 | 96 |

Figure 13 presents the data in terms of types of findings.

Figure 14

| 2011 Findings | RPD | | CPRC | | CMO | |
|--|--------------|-------------|--------------|-------------|--------------|-------------|
| | Count | % | Count | % | Count | % |
| a) Officer's actions were out of policy (Sustained) | 16 | 17% | 17 | 18% | 16 | 17% |
| b) All other findings. (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding) | 80 | 83% | 79 | 82% | 80 | 83% |
| Total Findings: | 96 | 100% | 96 | 100% | 96 | 100% |

Figure 14 presents the data based on the definitions but groups more generally as to whether an officer's actions were out of policy.

**Comparisons of 2011 CPRC Findings with those of the
Riverside Police Department (RPD) and the City Manager's Office (CMO) - Cont.**

| Figure 15 | 2011 | |
|--|--------------|-------------|
| | Count | % |
| RPD & CPRC Findings Comparison | | |
| Agencies agreed that either: | | |
| a) Officer's actions were out of policy (Sustained) | 15 | |
| b) All other findings (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding) | 58 | |
| Sub-total Agreed | 73 | 76% |
| Agencies disagreed whether or not a policy violation occurred | 23 | |
| Sub-total Disagreed | 23 | 24% |
| Total Findings: | 96 | 100% |

| Figure 16 | 2011 | |
|--|--------------|-------------|
| | Count | % |
| CPRC & CMO Findings Comparison | | |
| Agencies agreed that either: | | |
| a) Officer's actions were out of policy (Sustained) | 14 | |
| b) All other findings (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding) | 66 | |
| Sub-total Agreed | 80 | 83% |
| Agencies disagreed whether or not a policy violation occurred | 16 | |
| Sub-total Disagreed | 16 | 17% |
| Total Findings: | 96 | 100% |

Figures 15 and 16 compare how frequently the RPD / CPRC and CPRC / CMO agreed or disagreed in finding a policy violation.

Did You Know...

...you can read the results of cases reviewed by the CPRC online at www.riversideca.gov/cprc by clicking on the "FINDINGS" link?



Officer-Involved Deaths

The Riverside City Charter defines the ability of the Community Police Review Commission (“the Commission”) to review and investigate officer-involved deaths. Charter Section 810, Subsection, empowers the Commission “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.”

The Officer-Involved Death Evaluation Process

Immediately upon the death of a person arising out of or in connection with the actions of a sworn police officer, a criminal investigation commences. The Riverside Police Department (RPD) conducts the criminal investigation, which includes gathering physical evidence, obtaining statements from involved parties and witnesses, and gathering reports from all involved officers.

The Commission can authorize an independent investigator to begin a private and independent investigation immediately following an officer-involved death incident. This independent investigation can, but does not necessarily, parallel RPD’s investigation, in time and / or substance. The goal in conducting the parallel investigation is to ensure the Commission obtains an independent, unbiased, and objective Perspective from a disinterested party, the investigator, who is contracted by and reports directly to the CPRC Manager and the Commission.

All police reports are submitted along with the Riverside County Coroner’s report to the Riverside County District Attorney’s Office for review and consideration of criminal filing. The District Attorney’s Office determines whether to file criminal charges or to close the criminal investigation. The Riverside County District Attorney’s Office notifies RPD when they complete their case and close the criminal investigation process.

Upon the close of the criminal investigation, the RPD provides a “public book” containing all police reports that have passed review by the RPD Custodian of Records and any other documents that have been cleared for public release.

The Commission then conducts a public evaluation of the incident using the information obtained from the private independent investigator and the Riverside Police Department. The Commission employs a multi-stage process to certify the information and facts obtained and to identify applicable policies, procedures, and case law. The Commission seeks additional training, when necessary, to understand the facts of the case. The Commission ultimately takes a vote during the open session (open to the public) to determine whether or not the use of force was consistent with RPD policy based on all the publicly-available information. The Commission has no role in the disciplinary process; its finding is advisory to RPD and the City Manager.

Officer-Involved Deaths

Pursuant to Ordinance 6516, the Commission has the authority to identify issues and propose recommendations to RPD for policy or procedural changes concerning an incident. The RPD can accept or reject the recommended changes; therefore, these recommendations are advisory in nature. However, RPD has accepted and changed some policies as a result of the Commission's recommendations. Commissioners can make policy or procedural recommendations on a topic arising out of discussions during a closed session; in this case, the recommendation would be discussed and approved subsequently during an open session prior to forwarding the recommendation to the Riverside Police Department. The Commission then completes a public report which is posted on the Commission's website.

Lastly, the Commission conducts a confidential, closed-door review of the incident, including deliberation of information from the Police Department's internal Administrative Review. Then, based on all available information, the Commission takes a confidential vote, also advisory in nature, deciding whether or not the use of force was consistent with RPD policy in the previous finding of the case. Additional recommendations may be identified. The case is then deemed closed.



Did You Know...

*...that there are several ways by which a complaint may be filed?
These include:*



**By phone at
(951) 826-5509**



**Through the mail or in
person at the CPRC Office,
3900 Main Street, 6th Floor,
Riverside, CA 92522**



**Downtown Police Station at
4102 Orange Street or any
police station in the City**

**By e-mail at cprc@riversideca.gov
or online at
www.riversideca.gov/cprc**



Officer-Involved Death Evaluations

During 2011, the Commission conducted review and investigations of three officer-involved death cases. Details of the cases and the evaluation process for each are recounted below and on the following page.

Fernando Sanchez

On September 12, 2008, an RPD officer stopped a vehicle at a gas station near Van Buren Boulevard and Wells Avenue. During the stop, Fernando Sanchez exited a nearby store, exchanged words with the RPD officer, then fled on foot. The officer pursued and caught Sanchez. During the ensuing struggle, Sanchez tried to pull his hand from his pocket, and the officer grabbed the outside of the pocket and felt a handgun. Sanchez ignored commands, and continued to try to pull his hand from the pocket. The officer subsequently shot and killed Sanchez.

On January 15, 2010, the Riverside County District Attorney's Office notified RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review: 491 days = 1 year, 4 months, 4 days

On August 3, 2010, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

- Time lapse from DA review to completed RPD privacy review:
201 days = 6 months 20 days

On August 25, 2010, the Commission commenced public evaluation of the incident.

- Time lapse from receipt of report to commencing evaluation:
23 days

On May 11, 2011, by a vote of 7 to 0 (2 absent), the Commission found that the officers' use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.

On May 12, 2011, the Commission received the administrative investigation casebook. The Commission's final review of this case took place in closed session on June 22, 2011.

Marlin Acevedo

On October 31, 2008, RPD officers responded to a call that Marlin Acevedo was standing in the roadway in the 7800 block of Cypress Avenue, screaming at passing motorists. When RPD officers arrived, Acevedo became agitated, refused to comply with directions, and then became combative with officers. Acevedo was subdued, arrested, and transported to a local hospital where he died a short time later.

On November 5, 2009, the Riverside County District Attorney's Office notified RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review: 371 days = 1 year, 6 days

Officer-Involved Death Evaluations

Marlin Acevedo — continued

On December 10, 2009, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

- Time lapse from DA review to completed RPD privacy review:
36 days = 1 month, 5 days

On March 23, 2011, the Commission commenced public evaluation of the incident.

- Time lapse from receipt of report to commencing evaluation:
23 days

On December 14, 2011, by a vote of 7 to 0 (1 absent), the Commission found that the officers' use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.

On December 20, 2011, the Commission received the administrative investigation casebook and will complete the evaluation of this case after its review.

Russell Hyatt

On January 17, 2009, RPD responded to a call that an adult male was involved in a disturbance with family members, and that the man had left the location with a loaded handgun. A short time later, RPD Dispatch received calls that a man with a similar description, including the gun, had entered a home in the 2800 block of Mulberry Street. The first officer who arrived on Mulberry found Russell Hyatt in a dirt lot, holding a handgun. Hyatt pointed the handgun at the officer, and the officer shot and killed Hyatt.

On March 18, 2010, the Riverside County District Attorney's Office notified RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review:
426 days = 1 year, 2 months, 2 days

On October 4, 2010, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

- Time lapse from DA review to completed RPD privacy review:
201 days = 6 months, 17 days

On June 22, 2011, the Commission commenced public evaluation of the incident.

- Time lapse from receipt of report to commencing evaluation:
262 days = 8 months, 19 days

On November 9, 2011, by a vote of 7 to 0 (1 absent), the Commission found that the officers' use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.

On November 16, 2011, the Commission received the administrative investigation casebook and will complete the evaluation of this case after its review.

Officer-Involved Death Evaluations Pending

Virgil Millon

On Tuesday, May 10, 2011, shortly before 6:00 PM, RPD's Communications Center received numerous 9-1-1 calls with the callers saying that a Black male adult, later identified as Virgil Millon, was shooting at people in the 11500 Block of Trailway Drive. At about 6:00 PM, the first RPD officer arrived on scene, confronted and ultimately shot Mr. Millon. Subsequently, Millon was transported to a local hospital where he was pronounced deceased. During further investigation at the incident location, officers located the two deceased shooting victims, an adult female and an adult male.

Alfred Romo

On Wednesday, November 16, 2011, detectives from RPD's Sexual Assault - Child Abuse (SACA) Unit were serving a search warrant at an apartment in the 10400 block of Indiana Avenue. As the detectives entered the location, they encountered a man armed with a shotgun. The subject, later identified as Alfred Romo, fired at the detectives, who returned fire. During the gun battle, detectives were able to exit the apartment and call additional officers to assist. RPD's Metro Team (SWAT) and police negotiators responded to the scene to assist with the now barricaded suspect. After two hours, the SWAT team eventually entered the apartment, where they found Mr. Romo deceased.

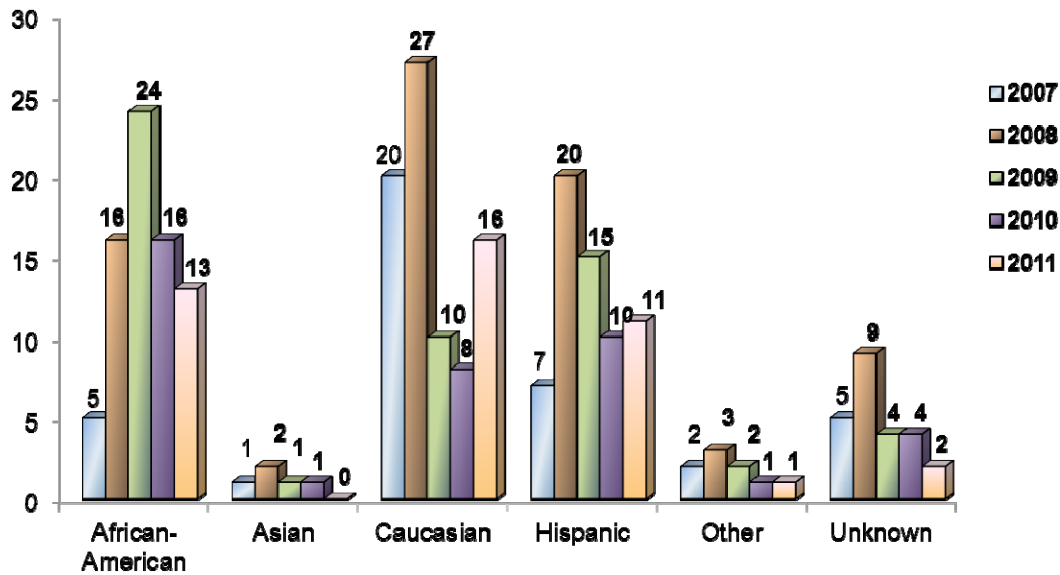


June 1, 2011 Commission Meeting. Frank Hauptmann, CPRC Manager, after introducing the Commission's new independent investigator, Mike Bumcrot (at podium).

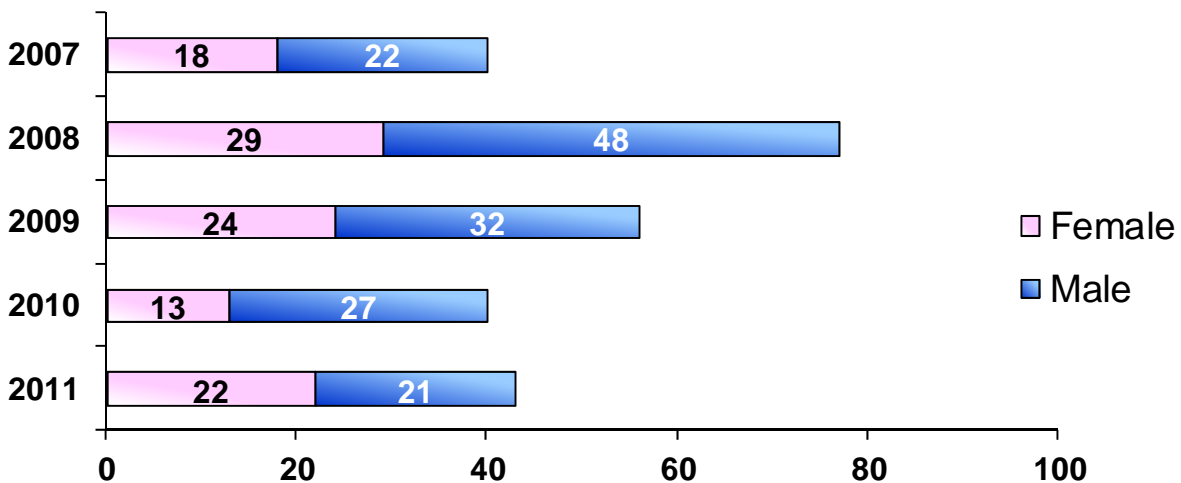
Demographic and Other Data for 2011

The following demographic data is based on the number of cases reviewed in 2007 through 2011. Ethnicity is based on self-identification of the complainant as well as Police Officer identification.

**Complainant Ethnicity:
Cases Reviewed in 2007 - 2011**
Figure 17



**Complainant Gender:
Cases Reviewed in 2007 - 2011**
Figure 18



Trends and Patterns

There are 26 neighborhoods and four other areas (Sycamore Canyon / Canyon Springs, Outside City, Unknown, and Multiple Locations) used in the tracking of complaints. The majority of neighborhood complaints has been consistent over the years with either small increases or decreases. Other neighborhoods have experienced no change in the number of complaints filed. Seven showed increases, most of which changed from no complaints to only one complaint.

The Commission reports on two groups of cases: cases filed and cases reviewed. New cases that are entered into the Commission's database during the calendar year are considered "cases filed." "Cases reviewed" are investigated complaint cases that the Commission reviews in closed session. These cases are not only from 2011, but include cases from the previous year as well.

In 2011, the citizens filed 41 complaint cases while the CPRC reviewed 42 complaint cases. Cases filed during the Annual Report period are not necessarily reviewed during the same period and therefore, a disparity between "cases filed" and "cases reviewed" generally will exist.

From 2007 through 2011, the citizens of Riverside filed 285 complaints. The number of complaints and types of allegations vary by neighborhood and from year to year. During this period, the Downtown area filed 64 complaints which were the greatest number of any neighborhood. However, in 2011 the Downtown area reported 5 complaints which was an overall decrease in the per year complaints since 2007. In 2011, the CPRC reviewed 10 complaint cases containing 20 allegations from the Downtown area. The majority of the allegations were for "Improper Procedure" and "Discourtesy" of which there was one finding of "Sustained" for "Discourtesy".

The Commission believes that the reduction in citizen complaints may be due to a greater police presence and positive police-citizen interaction in the Downtown area.

Other areas of concern are in the La Sierra and Eastside neighborhoods. From 2007 through 2011, La Sierra reported 29 citizen complaints and Eastside reported 25 citizen complaints. While La Sierra's reported complaints increased from three in 2010 to 12 in 2011, Eastside's complaints decreased from 10 to three for the same period. In 2011, the CPRC reviewed six complaint cases containing 15 allegations from the La Sierra neighborhood. The majority of these allegations were evenly distributed under categories of "Excessive Force", "Discrimination/Harassment", "Improper Procedure" and "Discourtesy." There were two findings of "Sustained" for "Discourtesy."

For the Eastside area in 2011, the CPRC reviewed four complaint cases containing 10 allegations. These allegations were evenly distributed under categories of "Discrimination/Harassment", "Criminal Conduct", "Improper Procedure", "Discourtesy", "Poor Service," and "Riverside Municipal Code Violations" of which there were eight findings of "Sustained:" 1 for "Discrimination/Harassment", 2 for "Criminal Conduct", 1 for "Discourtesy", 2 for "Improper Procedure", 1 for "Poor Service" and 1 for "Riverside Municipal Code Violations". It should be noted that the majority of the cases reviewed were filed in 2010 and that in 2011, there were three cases filed.

Citizen complaints, in general, have declined for the past five years with a high of 81 in 2007 to 48 in 2011. The majority of complaints have been deemed "Unfounded" by the Commission.

Policy Recommendations

The following recommendations have been made to the RPD since the Commission's inception in 2001. The Commission keeps a record of all policy recommendations and tracks responses from RPD regarding those recommendations. The Commission revisits all recommendations twice yearly to consider whether updates or revisions are appropriate.

2011

The Commission made no Policy Recommendations in 2011.

2010

1. *Modify RPD Policy Section 2.23, Rules of Conduct, Subsection (P), to include wording to address intentional omissions in reporting.*

Received.

2009

The Commission made no Policy Recommendations in 2009.

2008

1. *Consider whether the digital audio recorder unit can be carried in a location to prevent accidental turn-off.*

Officers are allowed discretion in determining how to carry the unit, due to differing officer sizes, and preference in accessing officer gear.

2. *Suggested providing blank business cards to uniformed officers.*

RPD had also identified this as worthwhile, and had implemented policy and practice of providing cards.

3. *Suggested more strict compliance with RPD Recording policy.*

Compliance with the policy is continually monitored by supervisors, but officers are given some discretion in determining the exact moment when the recording device is activated, in order to allow officer safety to be the predominate concern.

2007

The Commission made no Policy Recommendations in 2007.

Did You Know...

***...most complaints can
be avoided through
the use of common courtesy?***



Appendix

City of Riverside Ordinance No. 6516 **Section A**

Charter Amendment – Section 810 **Section B**

CPRC By-Laws, Policies & Procedures **Section C**

RPD Policy & Procedure 4.12 **Section D**

RPD Conduct & Performance Manual
Section 10: Administrative Investigation **Section E**



Section A

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' 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.

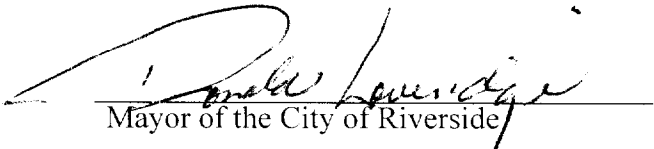
8 The hearing process shall be open to the public to the extent legally permissible and
9 insofar as it does not conflict with state or federal law.

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

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

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**BY-LAWS
Amended December 14, 2011**

**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. "Manager" 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 Manager 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. Commissioners shall be subject to all applicable local, state, and federal laws and codes of ethics adopted by the City Council.
- 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

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

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

- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.
- Section 4. The election of officers shall be conducted annually at the first meeting in March.
- Section 5. All officers shall be elected by the members for a term of one year. A member may serve no more than two successive years in the same office. 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. A mid-term Vice-Chair vacancy will be filled within sixty (60) days with the vacancy to be agendized until the position is filled. 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.

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- C. Receive complaints of alleged police misconduct filed within six months of the date of the alleged misconduct against a sworn member of the Riverside Police Department, regarding use of 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.

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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 on the second Wednesday of each month for the sole purpose of considering cases and making related findings. The only exceptions to this are when training is to be scheduled, annual officer elections, and / or officer-involved death (OID) case evaluations, and other Commission business of a timely nature as determined by the Commission. The notice and agenda for such 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; however, public comments may be heard prior to going into closed session. The public will be allowed to attend training sessions, annual officer elections, and / or officer-involved death (OID) case evaluations.
- 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 and Report of Commissioner Absences
 - B. Minutes of Previous Meeting

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- C. Manager's Report
- D. Commissioner Comments
- 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 Manager 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.
- Section 14. New Commissioners shall be required to attend an orientation meeting upon their appointment.

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- Section 15. Newly appointed Commissioners are strongly urged to schedule one ride-along with the RPD during their first 90 days following their initial appointment to the Commission. Additionally, all Commissioners are urged and encouraged to participate in additional ride-alongs and sit-alongs throughout their tenure on the Commission as their time and circumstances allow.
- Section 16. Newly appointed Commissioners are strongly urged to schedule attendance and participate in community and neighborhood meetings.

ARTICLE VIII
INVESTIGATIONS AND HEARINGS

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing officer-involved deaths (OIDs) and 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.

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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
- 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.

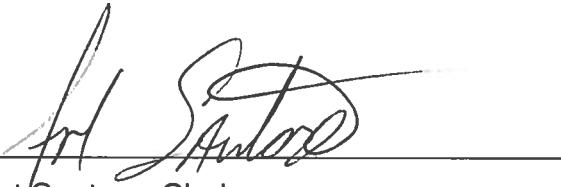
**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001
Amended: September 24, 2001
Amended: February 26, 2003
Amended January 26, 2005
Amended July 27, 2005
Amended July 26, 2006

Amended April 22, 2009
Amended May 13, 2009
Amended December 9, 2009
Amended August 24, 2011
Amended December 14, 2011

Respectfully Submitted,



Art Santore, Chair
Community Police Review Commission

December 14, 2011

Date

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**POLICIES AND PROCEDURES
Amended November 18, 2009**

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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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. Manager:

The staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.

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- 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 Manager 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.

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VI. COMMISSION ORGANIZATION

A. Commission:

The Commission is an ordinance-mandated body of nine citizens, which receives, and through the Manager, 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.

C. Agenda Format

The agenda for the Regular Meeting will include, at least, the following sections:

1. Staff Reports
2. Old Business
3. New Business

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 Manager, if

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appropriate, will complete a complaint control form in order to initiate an investigation.

C. Time Element:

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

D. Receiving and Forwarding:

Complaints of misconduct, received by the CPRC, the RPD or any other agency so designated by the CPRC, and which have been investigated, shall be forwarded by the Manager 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. INVESTIGATIONS

A. Investigations:

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

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complete the Manager 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 Manager. This synopsis is **Confidential** and will be provided to the commissioners no later than ten (10) days before the next scheduled meeting. It is the commissioner's obligation to come into the CPRC office and review 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 Manager.
2. The Manager, or the Manager'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 Manager is an agent of the Commission and personal opinions shall not be contained in the report.

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4. The Manager, or designee, may take a statement from the Complainant, the accused, witnesses, or any other person.

F. Preservation of Records/Evidence:

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

G. Investigation Timetable and Report:

To the greatest extent possible, the investigative report 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 Manager's summaries of the complaint, statements of witness(es), and evidence. The Manager 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 Manager, or the Manager'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

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sworn Police Department employees to appear before it to answer questions or provide information.

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

IX. HEARINGS

A. Conducting the Hearing:

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

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 Manager or designee.

C. Recommendations / Findings:

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

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1. Unfounded:
 The alleged act did not occur.

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

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

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

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

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.

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X. DISTRIBUTION OF RECOMMENDATIONS / FINDINGS

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

XI. CONFIDENTIALITY

A. Commissioner Limitation:

All matters shall be kept confidential as required by law.

B. Penalty for Violation:

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

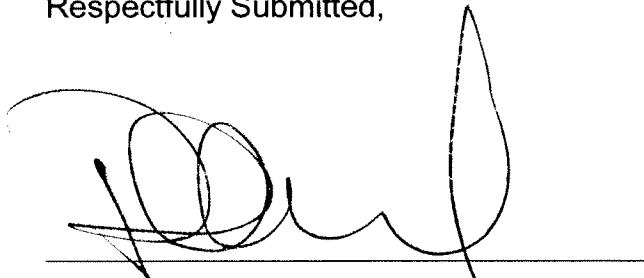
CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Respectfully Submitted,



Peter Hubbard, Chair
Community Police Review Commission

November 18, 2009

Date

Section D

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| Effective Date: 1/9/95 Revision Date: 1/9/95 Revision 2 Date: 4/29/2002 Revision 3 Date: 2/25/2008 Approval:  Russ Leach Chief of Police |
|--|

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:

- 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.

- CATEGORY 1 Complaints:** All complaints which involve:

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

- CATEGORY 2 Complaints:** All complaints which involve:

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

- 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 Support Services Captain or Internal Affairs Lieutenant, may be considered an **Inquiry**. The inquiry box on the Complaint Control Form shall only be checked by the Support Services Captain 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 will be generated by Internal Affairs. Supervisors taking a complaint will contact Internal Affairs for the case number. In the event that a case number request is outside of normal business hours, Internal Affairs will advise the requesting supervisor of the case number the next business day. 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")
- 001 Report File Number (Last three numerical digits, i.e., "001")

9. 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 Complaint Control Forms to the Executive Director of the Community Police Review Commission.
10. Internal Affairs shall determine whether an external complaint is to be investigated as a complaint or inquiry, and will normally 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.
11. 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 working 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.
12. If an external complaint is taken by telephone, the complainant shall be advised that they will receive a copy of the complaint in the mail. The routing procedure will remain the same.
13. 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. A copy of the Complaint Control Form will also be included, as well as a stamped self-addressed envelope for the complainant to return additional information, if needed.
14. 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 Support Services Captain 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 Internal Affairs Lieutenant. .
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 employee(s) 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, administrative insight will be included in the Memorandum of Findings.
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 Support Services Captain.

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 Support Services Captain. 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 E

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.