

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**  
**2014 ANNUAL REPORT**



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# COMMUNITY POLICE REVIEW COMMISSION

City of Riverside, California

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

## Commission Members 2014

Robin Jackson  
*Chair*

Jane Adams  
*Vice-Chair*

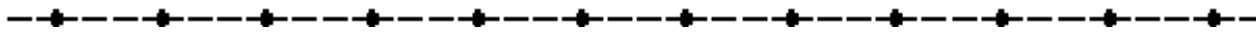
Ken Rotker  
Bobby Hawkins  
Tony Ybarra  
Bobby Taylor  
Greg Smith  
Dale Roberts

## Staff

Frank Hauptmann  
*CPRC Manager*

Phoebe Sherron  
*Senior Office Specialist*





# Our Acknowledgment & Thanks to...

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*Photos  
by  
Commissioner Robin Jackson  
&  
Phoebe Sherron, CPRC Staff Member*

*Report Prepared  
by  
Phoebe Sherron*





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# THE ANNUAL REPORT

**T**he Community Police Review Commission (CPRC) describes and provides an overview of its principal activities in its 2014 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](mailto: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](http://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*

**T**he 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 2013-2014 was \$300,994 and FY 2014-2015 is \$253,016.

## *Who does the Commission Represent?*

**T**he 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 Robin Jackson*

*...If I have seen a little further it is by standing on the shoulders of giants.*

*--Sir Isaac Newton*



I wish to whole-heartedly thank our team of Commissioners for electing me to serve as their Commission Chair. But it is to them I owe any successes and positive changes in the ways in which I performed in this office. The dedication and professionalism I have found in each Commissioner has made me strive to try a little harder, work a little longer and see a little further. These “giants” motivate me on a daily basis and I couldn’t ask for a better team. Thank you for allowing me this opportunity to grow with you.

These Commissioners deserve recognition, not only for the countless hours they worked reviewing Officer-Involved Death (OID) and Complaint cases, but also for their tireless efforts in expanding the positive effects of the Commission in reaching out to the Community and the Riverside Police Department. Our goal has always been to bridge the gap and eliminate misunderstandings. The Commission operated the entire year with only eight Commissioners, and at one point only seven Commissioners, instead of nine. But each Commissioner immediately took on more responsibility for the success of the team by serving in auxiliary roles on ad hoc committees. So by way of gratitude, I would like to acknowledge our Commissioners.

I previously served as Vice-Chair when **Dale Roberts** served as Chair. She works full-time, and is raising a family, yet led the team through positive changes for two years. Although leaving the Chair position, she took on the role of National Association for Civilian Oversight of Law Enforcement (NACOLE) Planning ad hoc committee chair and helped us secure their upcoming conference. Outside of the CPRC, she serves on NACOLE’s Finance and Planning Committees. Her dedication to the success of law enforcement oversight promoting professionalism is amazing. I’m grateful for her direction in preparing me to serve as Chair and her continued Commission guidance.

When my Vice-Chair **Jane Adams** was appointed to the Commission, she too was working in a full-time career. But when she retired a little over a year ago, she became a force to be reckoned with. She has been a tremendous asset in her support of leading the Commission. She chairs both our Outreach and Mental Health ad hoc committees and serves on the NACOLE Planning ad hoc committee. Under her guidance, Outreach efforts reached a new audience, the youth in Riverside. She coordinated presentations by the CPRC to high school government classes and Career Days and spoke at several of these herself. Her current Mental Health efforts will lead to a Mental Health Forum in 2015. Her energy is contagious and she keeps me motivated.

**Ken Rotker**, our most senior and seasoned Commissioner, is methodical and thorough in his approach to OID and Complaint case reviews. His attention to detail has served us well and in particular when he agreed to chair the Policies, Procedures and Bylaws (PPBL) ad hoc committee. These documents had not been completely reviewed and modified since the inception of the Commission in 2000. In 2013, he led the team as they updated the Bylaws. He continued leading the team in 2014 as they painstakingly reviewed and modified the more difficult Policies and Procedures document to encompass current Commission practices. It will be presented to the Commission for acceptance in early 2015. Ken’s tenacity has been a driving force in the completion of this undertaking.

## *Message from the Chair—continued*

**Bobby Taylor** joined the team after retiring from the Los Angeles Sheriff's Department. He brought with him an entire career of law enforcement experience. During OID reviews, his knowledge of homicide investigations has proven beneficial to the entire team. He truly sees the "whole picture" and is usually the first to offer up suggestions pertaining to RPD practices. He stays current on law enforcement and oversight topics and has secured training for the team. Soon after his appointment to the CPRC, he offered his services on the Outreach ad hoc committee and has been actively assisting with new ideas. He didn't hesitate to fill a vacancy on the NACOLE Planning ad hoc committee and his knowledge of contacts in the law enforcement and oversight communities helped guide proposals for topics and speakers.

**Tony Ybarra** also brought with him a vast career of law enforcement experiences having served in multiple agencies. Although retired from the California Department of Justice in the Bureau of Narcotic Enforcement, he remains an expert instructor in the field of narcotic enforcement. During OID and Complaint case reviews where narcotic involvement was suspected, he was instrumental in educating the team about terminology and drug side effects. His investigative abilities have also been a strong asset for the team. Tony volunteered to step into the Policies, Procedures and Bylaws ad hoc committee and his efforts are helping us to complete the necessary modifications. He also agreed to join the Mental Health ad hoc committee and his suggestions are helping to guide upcoming programs.

**Bobby Hawkins** joined the team in 2013. He currently has a full-time career as a Command Staff member of a private community public safety agency. Although not a sworn law enforcement officer, he regularly interacts with the local law enforcement agencies in San Bernardino. As such, he is very familiar with current law enforcement policies, practices and tactics that assist him when he reviews OID and Complaint cases. When he saw the Policies, Procedures and Bylaws ad hoc committee struggling to proceed due to changing members, he didn't hesitate to join that team. The PPBL ad hoc committee meets in the middle of the day, yet Bobby willingly adjusts his work hours to be able to attend and has been actively helping the committee to finish the Policies and Procedures document.

**Greg Smith** was sworn into office in November 2014. He works a full-time career in the technology industry. Although only joining the team late in the year, it is obvious that his passion will be Community Outreach. He has already drafted many new ideas and considerations for the team. His enthusiasm is limitless and I know he is fast becoming a vital part of this team.

Although **Joe Ortiz** was forced to resign due to a new home purchase in a different ward, I feel he deserves our recognition and our thanks. He left us in June 2014 after having served over two years on the team and we were lucky to have him for the time he was here. He was a guiding force on the Policies, Procedures and Bylaws ad hoc committee. He volunteered on the NACOLE Planning ad hoc committee and has been instrumental in getting financial support from his company, Best Best and Krieger Law Firm, to host the Opening Reception for the NACOLE Conference. Although no longer serving on the CPRC, he continues to assist with conference planning.

## *Message from the Chair—continued*

Our team would not be complete without the assistance of our Commission Staff. Our CPRC Manager, **Frank Hauptmann**, provides us with a rich law enforcement background. He makes every effort to provide necessary training for the team and is especially helpful in “deciphering” difficult Complaint cases while withholding his personal opinions. Because of his Internal Affairs background, he is well aware of law enforcement policies and procedures and in particular knows the laws surrounding officers’ privacy protections. In addition to administratively managing our department, he serves on our Policies, Procedures and Bylaws ad hoc committee as well as the NACOLE Planning ad hoc committee. He continues to encourage and support the team’s new ideas and approaches to Oversight and Community Outreach.

**Phoebe Sherron** is our Senior Office Specialist. She has been with the CPRC since its inception in 2000. Talk to her for a few minutes and you’ll realize she can tell you just about anything you’d want to know about the Commission. She has spent countless hours teaching all of us procedures and discussing the transformation of the CPRC through the years. Although Phoebe has been amazing in assisting me in my role as Chair this past year, I owe her a debt of gratitude for all of her assistance during my four years with the Commission. In addition to her regular duties, Phoebe serves on the Policies, Procedures and Bylaws ad hoc committee and the NACOLE Planning ad hoc committee. She was instrumental in helping to win the bid to bring NACOLE to Riverside, and continues to coordinate pre-conference events. Early in my role as CPRC Chair, I challenged Phoebe to redesign and enhance our website for the benefit of the public viewers. Her efforts were successful and now both the public and our Commissioners are able to know, at a glance, the stages of review for any given OID.

These are the CPRC “giants” and it has been amazing to be part of such a dedicated team who go way above and beyond the call of duty in their positions with the Commission. As you turn the pages of this Annual Report, you will continue to learn about their efforts and successes. They truly believe in the professionalism of law enforcement and know that through their Community Outreach efforts, they will bring both the Community and members of the Riverside Police Department closer together for the benefit of both.

During 2014, the Commission thoroughly reviewed six Officer-Involved Death (OID) cases and began a seventh case. This represents hundreds of pages of officer, supervisor and detective reports, crime scene photographs and journals, transcripts of officer statements, audio and video recordings and any number of additional investigative reports, not to mention countless hours of review by each team member. The CPRC is dedicated to handling these professionally, but at the same time has streamlined the process to eliminate previously lengthy reviews. At the end of the year, there were three OIDs pending, but they had not yet been released to us for our review.

The team completed a review of 25 Complaint cases containing 49 allegations. These also contain vast amounts of reports, audio and video recordings and witness interviews. The CPRC thoroughly debates the merits of complainants, officers and witnesses before rendering a finding. At the time of these reviews, the CPRC has no knowledge of RPD Internal Affairs findings and renders a completely independent finding.

## *Message from the Chair—continued*

In reviewing our meeting minutes for 2014, a central theme almost every month was the need for Mental Health discussion. These requests were not only heard from the public who attend our meetings, but from the Commissioners as well. With these thoughts in mind, team members began attending any available Mental Health training opportunities. We formed a Mental Health ad hoc committee and members began attending Crisis Intervention in the Eastside and Mental Health training at the Latino Network and Mental Health Fair. Many thanks go out to RPD Lt. Hoxmeier who we invited to provide Mental Health procedures training to all Commissioners during a CPRC Meeting. Committee members sought permission from RPD Chief Diaz to attend 16 hours of Mental Health training at the Police Department to better understand what officers are being taught. In 2015, the CPRC will be hosting a Mental Health Forum open to the public.

A new Outreach avenue saw several Commissioners and Staff Members going to government classes at various Riverside high schools. They discussed the CPRC and encouraged students to volunteer in their community and set educational goals. They participated in Career Days as well. Commissioners continued to participate in Community Relations classes at Riverside Community College and took on difficult subject matter about law enforcement situations around the United States.

A great accomplishment for the CPRC and the City of Riverside was being able to attract NACOLE to Riverside for their annual conference, which will be held in October 2015. In addition to serving as a host agency, the NACOLE Planning ad hoc committee drafted ideas for several speakers and topics. Many of our suggested topics were selected, so the team will continue to assist NACOLE with their planning and delivery. This conference will bring oversight experts, law enforcement agencies and concerned members of the public from across the United States as well as internationally. We were recently asked why we would put so much effort into bringing this conference to Riverside. All but the newest members of the team have been to one or more NACOLE conferences. We arrive back from these conferences with ideas to enhance our own Oversight and Community Outreach efforts as well as establishing a network of other specialists in the oversight arena. We are excited to share our history, with lessons learned and our current success stories, so that other entities might consider us as a model in their oversight structures. This venture was laden with many late hours and deadlines while creating our proposal, but it will all come to fruition in October 2015.

In order to enhance our understanding of OID and Complaint cases, we continually seek out training from experts at Riverside PD as well as attending outside training courses. We listened to those members of the public who asked for more transparency in the contents of posted OID cases. Members of our team met a number of times with Chief Diaz and his Command Staff to discuss options and as a result, more information is provided. Commissioners continued to go on ride-alongs as well for a better understanding of police officer responsibilities. This Commission, through dedication of its members, will continue growing in 2015 as we meet with community leaders to hear suggestions for improving our effectiveness. Please be a part of the process. We listen.

We owe a very special 'Thank You' to Phoebe Sherron who was instrumental in the production of this year's annual report. Her tireless efforts have contributed to its quality of contents and on-time delivery. Please continue reading to learn how your Community Police Review Commission has made a difference in the City of Riverside. And again Commissioners, thank you for continued professionalism. It has been my pleasure to serve as your Chair in 2014.

# Present Commission Members



**Robin "RJ" Jackson** is a Ward 1 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. **CPRC Chair. Term expires in March 2019\*.**

**Jane Adams** is a Ward 3 resident. She and her husband Doug have lived in Riverside for over 41 years of their 43 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 15, 13, and 9.

Jane worked in Social Services for 39 years: 12 years with Riverside County and 27 years with San Bernardino County. Since retiring, Jane's goal has been to give back to the community. In addition to serving on the Community Police Review Commission, she is currently the Secretary of the Board of Directors of the Family Service Association, Vice-President of the Inland Empire Racewalkers, and the Vice-President of the Tequesquite Community Garden.

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 completed 36 marathons in addition to many half-marathons and charity races. **CPRC Vice-Chair. Term expires in March 2019\*.**

**\*2nd Term**

## Present Commission Members



**Ken Rotker** has been a resident of Riverside for over 30 years. He is a 1962 graduate of New York University and a 1982 graduate of the Air Force Air Command and Staff College (in residence).

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 military/civilian personnel management positions with the Department of the Air Force.

Ken and Katherine have been married for 48 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 Radio Amateur Civil Emergency Service (RACES), Office of Emergency Services, Riverside County Fire Department, where he serves as Administration Section Chief responsible for training, public affairs, and development. His other hobbies include hunting, fishing, and target shooting.

**Term expires in March 2016\*.**

**Bobby Hawkins** has lived in the City of Riverside for over 20 years and is a resident in Ward 4. Bobby grew up in the City of Long Beach where he lived for 23 years.

Bobby currently works for San Manuel Department of Public Safety, where he has worked for 20 years. Bobby is a Captain and is responsible for hiring and training for a department of 382 personnel.

Bobby was a member of the King High School Site Council, served as the Chairman for two years, and recently served on the Riverside Chief of Police Advisory Board.

Bobby has attended Riverside Community College, University of California Riverside, and California Southern School of Law.



**Term expires in March 2017.**

**\*2nd Term**



## Present Commission Members



**Tony Ybarra** is a lifelong resident of Riverside and currently resides in Ward 3. Growing up in the Eastside community, he attended local schools and was involved in city athletic leagues. He attended Riverside City College and earned a Bachelor's Degree from the University of California at Riverside.

He worked for The Riverside County Probation Department at Van Horn Youth Center as a Counselor for several years prior to joining the California Highway Patrol. As a CHP Officer, Tony was assigned to duties in the Inland Empire. During his tenure, he was assigned to a Narcotic Task Force specializing in the investigation and dismantling of clandestine drug labs. He subsequently became a Special Agent with the California Department of Justice where he was assigned to the Bureau of Narcotic Enforcement. He attained the rank of Special Agent in Charge and was assigned to the Los Angeles Regional office. He was also the Director of LA IMPACT. He recently retired after 32 years in law enforcement. Tony has also developed into a nationally recognized expert in many fields of narcotic enforcement, supervision, and management. He has extensive teaching experience and has taught and given presentations across the United States, Canada, and Mexico.

As a lifelong Riverside resident, he now has the time to become involved with and contribute to quality-of-life issues and programs for the residents of Riverside.

He is married to his wife Beverly, who is a retired Parole Agent, and they enjoy travelling, gardening, motorcycle riding, and golf.

**Term expires in March 2019\*.**

**Robert L. Taylor Jr.**, or "Bobby", has lived in the City of Riverside for 27 years, and is currently the CPRC representative for Ward 7. Bobby is also a member of the Riverwalk Master's HOA Board of Directors, presently serving as President. Bobby has been married to Belinda Taylor for 33 years; he has four grown children and one teenaged granddaughter. Directly following graduation, Bobby enlisted in the United States Air Force. He spent the next four years here and abroad, specializing in law enforcement, security, and continuing his education at several Strategic Air Command Bases. Following separation from the service, Bobby applied and was accepted into the Los Angeles County Sheriff's Academy. He spent the next 32 years working various assignments in Custody Division, Patrol Division, Narcotics Bureau, Gang Enforcement, and Homicide Bureau, as a Deputy Detective and Supervising Sergeant. He also mentored newly assigned homicide detectives and supervised a team of civilian personnel assigned to the Sheriff's Inmate Telephone Monitoring System. He ended his illustrious career as a member of the LASD's elite Unsolved Unit, solving "cold case" homicides.



# Present Commission Members

## Robert L. Taylor Jr. — continued

Bobby's expertise in conducting complicated, detailed investigations uniquely qualified him for the task of CPRC Commissioner. He has a broad understanding of criminal law, police complaint procedures, and police training issues. He has investigated and / or assisted in the investigation of approximately 400 homicide cases and over 150 deputy / officer-involved shooting cases. He has also investigated and provided courtroom testimony in capital murder cases and obtained convictions on the majority of his investigations. He maintains an affiliation with law enforcement personnel and is a member of the California Gang Investigators Association, California Homicide Investigators Association, and the Fraternal Order of Police.

Currently retired, Bobby enjoys traveling, cooking, golfing, walking, cycling, boating, deep-sea fishing, and spending time with family and other retired friends. Bobby aspires to bring fair and impartial representation to both the citizens of Riverside and the personnel of the Riverside Police Department, in accordance with Chief Diaz' Mission Statement, Vision Statement, and Core Values of Integrity, Service and Excellence.

**Term expires in March 2016.**



**Dale Roberts**, a Ward 3 resident, has lived in Riverside County for over 22 years and has resided in the City of Riverside for about 11 years. She graduated from San Diego State University and CSU, Dominguez Hills, earning degrees in Geology and Accounting respectively. Most recently, Dale earned a Juris Doctor from Northwestern California University.

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. She intends to broaden her professional career in the area of patent and intellectual property law and to continue participating in various community activities. Dale served as the CPRC Chair in 2012 and 2013 and Vice-chair in 2011. Also, Dale is recognized by the National Association for Civilian Oversight of Law

Enforcement (NACOLE) as a Certified Practitioner of Oversight.

In her spare time, Dale enjoys hiking, scuba diving, and traveling.

**Term expires in March 2016\*.**

**\* 2nd Term**

# Present Commission Members

**Gregory "Greg" Smith** has lived in Riverside since moving here in 1968. He is currently a Ward 2 resident.

Greg attended and graduated from Alcott Elementary, Gage Middle School, and Riverside Poly High School. He earned his bachelor's degree from UC Riverside in 1987, with a double major in Computer Science and Business Economics. In 2014, he was a member and graduate of the inaugural class of the Regional Leadership Academy of the Inland Empire Economic Partnership which focuses on Inland Empire (IE) regional issues, public policy, economic development, and the IE's perception of itself as well as to the outside world. Greg believes that if the Inland Empire is to grow and thrive, there are many pieces that those in the region need to work on together, with fair and balanced law enforcement policies being a foundational component.



Greg works in the technology industry for National Instruments as the Area Sales Manager for San Diego and Orange Counties, and the Inland Empire. National Instruments makes test and measurement systems for large enterprises in the defense / aerospace, semiconductor, and medical device industries.

Greg has been President of The Crest Homeowner's Association for 12 of the past 15 years. As President, he has learned how to develop initiatives that have helped the community evolve over time, putting the needs of the community first and foremost while also working through budgetary and conflict management issues. Greg prides himself on being approachable, on keeping an open mind, and being proactive with respect to all issues. As a function of his professional career in the technology industry and through his years of community service, Greg has learned to form opinions after first accepting input. He has learned to listen to those with experience, as well as the relevant stakeholders, and then makes the best decision possible for the good of the community or the organization.

He is an avid tennis player and usually plays at Riverside's Andulka Park Tennis Center. He considers himself to be a true **Riversider** and is fully committed to the success, the evolution, and the growth of Riverside and the Inland Empire as a whole.

**Term expires in March 2017.**

# Past Commission Members



**Joseph "Joe" Ortiz**

Term began December 2011

Resigned June 2014



## *Did You Know...*

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



# 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 19 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 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 for Citizen Oversight of Law Enforcement, Annual Conference, New Orleans.

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.

**Phoebe Sherron** began her employment with the City of Riverside through a temporary agency as City Council secretary in October 1996. She then moved to the Riverside Fire Department’s Administration office when the position she temped in was filled. Phoebe was hired by the Fire Department in July 1997.

In 2000, Phoebe applied for a promotional position. One of the openings for which she interviewed was the Administrative Clerk 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 the Commission’s inception.



# Commission Attendance

In 2014, the Commission held 25 meetings, 12 of which were the standard, or Regular, monthly meetings. The other meetings held were primarily case review 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.

2014 Meeting Attendance	<i>Robin L. Jackson</i> 3/1/11 - 3/1/15	<i>Antonio Ybarra</i> 4/22/13 - 3/1/15	<i>Jane Adams</i> 3/1/11 - 3/1/15	<i>Dale Roberts</i> 11/17/09 - 3/1/16*	<i>Kenneth I. Rotker</i> 3/1/08 - 3/1/16*	<i>Robert L. Taylor, Jr.</i> 4/22/13 - 3/1/16	<i>Bobby Hawkins</i> 6/26/13 - 3/1/17	<i>Joe Ortiz</i> 12/12/11 - 6/25/14*	<i>Gregory P. Smith</i> 10/21/14 - 3/1/17	<i>VACANT</i> x/x/14 - 3/1/17
January 22 Case Review	✓	✓	S	✓	✓	✓	L	✓		
January 22 Regular Meeting	✓	✓	S	✓	✓	✓	✓	✓		
February 12 Case Review	✓	✓	✓	✓	✓	✓	✓	✓		
February 12 Regular Meeting	✓	✓	✓	✓	✓	✓	✓	✓		
March 12 Case Review	✓	✓	✓	✓	✓	✓	✓	✓		
March 12 Regular Meeting	✓	✓	✓	✓	✓	✓	✓	✓		
March 26 Case Review	✓	✓	✓	✓	✓	✓	✓	✓		
March 26 Regular Meeting	✓	✓	✓	✓	✓	✓	✓	✓		
April 23 Case Review	✓	✓	✓	B	✓	✓	✓	O		
April 23 Regular Meeting	✓	✓	✓	B	✓	✓	✓	O		
May 28 Case Review	✓	✓	✓	✓	✓	✓	✓	✓		
May 28 Regular Meeting	✓	✓	✓	✓	✓	✓	✓	✓		
June 25 Case Review	✓	✓	✓	✓	✓	O	✓	✓		
June 25 Regular Meeting	✓	✓	✓	✓	✓	O	✓	✓		

# Commission Attendance

2014 Meeting Attendance  July - December	Robin L. Jackson 3/1/11 - 3/1/15	Antonio Ybarra 4/22/13 - 3/1/15	Jane Adams 3/1/11 - 3/1/15	Dale Roberts 11/17/09 - 3/1/16*	Kenneth I. Roitker 3/1/08 - 3/1/16*	Robert L. Taylor, Jr. 4/22/13 - 3/1/16	Bobby Hawkins 6/26/13 - 3/1/17	Joe Ortiz 12/12/11 - 6/25/14*	Gregory P. Smith 10/21/14 - 3/1/17	VACANT x/x/14 - 3/1/17	
July 23 Case Review	✓	✓	✓	✓	✓	✓	✓				
July 23 Regular Meeting	✓	✓	✓	✓	✓	✓	✓				
August 27 Case Review	✓	✓	✓	✓	✓	✓	✓				
August 27 Regular Meeting	✓	✓	✓	✓	✓	✓	✓				
September 24 Case Review	✓	✓	✓	S	✓	✓	✓				
September 24 Regular Meeting	✓	✓	✓	S	✓	✓	✓				
October 22 Case Review	✓	✓	✓	✓	✓	✓	B				
October 22 Regular Meeting	✓	✓	✓	✓	✓	✓	B				
November 12 Case Review	✓	✓	✓	B	✓	✓	✓				✓
November 12 Regular Meeting	✓	✓	✓	B	✓	✓	✓				✓
December 10 Regular Meeting	✓	✓	✓	✓	✓	✓	✓	B			

✓ = 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*

**T**he Commission entered 2014 with its continued 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, Commissioners and Staff have 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*

- State of the City
- Black History Month Parade and Expo
- Riverside Police Foundation's 3rd Annual Chief's Breakfast
- Boards & Commissions Annual Reception
- Riverside Police Officers' Association (RPOA) Awards Gala
- Law Enforcement Appreciation Dinner and Awards Ceremony (LEAC)
- Senior Fair at Goeske Senior Center
- 2014 National Night Out: various locations throughout Riverside
- Riverside Police Foundation's 3rd Annual Golden Badge Awards
- 44th Annual Veterans' Recognition Luncheon, Kansas Avenue SDA Church

## *Neighborhood / Ward Specific Events*

- La Sierra Arlanza Neighborhood Alliance (LANA); brief presentation regarding CPRC
- Riverside Downtown Partnership Awards
- Magnolia Area Neighborhood Association Meeting
- Eastside Crisis Intervention Task Force Meeting
- Eastside Group Community Forum at Bobby Bonds Park
- Historic Woods Streets Quarterly Neighborhood Meeting
- Residents for Responsible Representation (RRR) Meeting (Wards 6 & 7)
- Ward 5 Annual Constituent Appreciation BBQ
- Casa Blanca Home of Neighborly Services group discussion
- Grand Re-Opening of Villegas Park Community Center

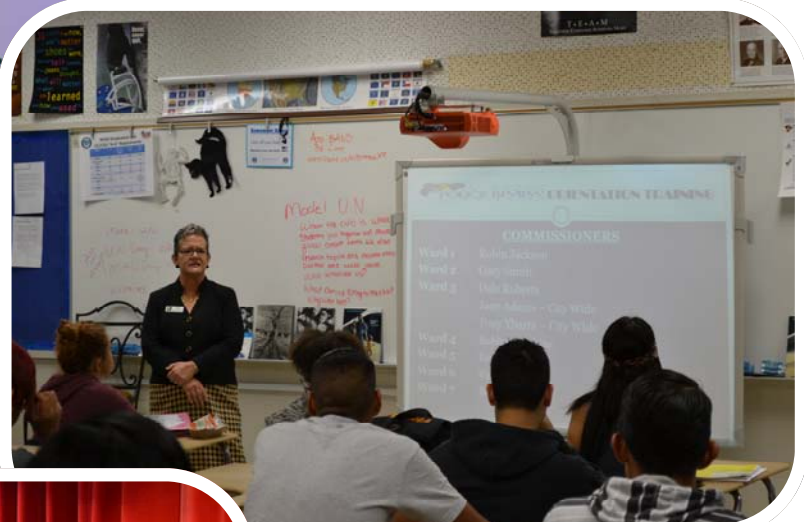


# Outreach 2014



Commissioner Tony Ybarra's presentation to a Government Class at Ramona High School

Commissioner Jane Adams' presentation to a Government Class at Ramona High School



Commissioner Robin Jackson on the panel for Arlington High School's "Legal Careers Day" presentation and discussion



Veterans' Memorial Dedication at Villegas Park Community Center Grand Reopening



# *Commission Outreach – continued*

## *Other Meetings & Events*

- Chambers of Commerce Board Orientation
- Riverside Philanthropic Educational Organization
- Chambers of Commerce Government Affairs Committee
- Walk with the Mayor: January, March, May, & July
- Vivian Stancil Olympic Gala
- Ride-Along; addressed roll call
- Officers' Memorial at Wick's Brewing
- Battle of the Badges Blood Drive
- Casa Blanca Community Action Group Meeting
- Mayor's Night Out: 1st, 2nd, 3rd, & 4th Quarters
- RPD Helicopter Ride-Along
- Riverside Coalition for Police Accountability (RCPA) Awards Dinner
- Tour of Historic Courthouse with Cameron McElhiney, NACOLE Representative
- Riverside Convention Center Grand Opening Gala

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### *Did You Know?*



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

# Out & About in 2014



Commissioners Jane Adams (Left) and Robin Jackson (above) during the March 15th “Walk with the Mayor” in the Ward 6 neighborhood of Arlanza

Robin Jackson & Guillermo Arostegui at the Golden Badge Awards



Police Chief Sergio Diaz had to try on the hat...

# *Commission Outreach – continued*

## *Other Meetings & Events*

- Rotary Club "Black Tie Bingo"
- Whitney M. Young Service Awards event honoring former Commissioner Bill Howe
- Mary S. Roberts Pet Walk
- Ysmael Villegas Birthday Celebration, Riverside National Cemetery
- "Dollars for Scholars" event
- Greater Riverside Chambers of Commerce meeting for the Magnolia Business Center
- Downtown Business Council, Greater Riverside Chambers of Commerce
- Governmental Affairs Committee Meeting, Greater Riverside Chambers of Commerce
- Boards & Commission Orientation
- Sit-Along in RPD / RFD Communications Center
- Dr. Thompson's Community Relations Class at RCC, Spring and Fall Semesters
- Latino Network Meeting regarding Mental Health
- Pink on Parade
- Heritage House Tea
- Mental Health Fair, Fairmount Park
- Touring "Operation Safehouse"
- 'Dreamscape' Play at Bobby Bonds Park
- Presentations to Government Classes at Ramona High School
- Presentations to Government Classes at Martin Luther King, Jr. High School
- Presentation to Class at Raincross Alternative High School
- Arlington High School "Legal Careers Day"

## *One-on-One's / Small Group Discussions*

- Picked up NACOLE Representative Cameron McElhiney from airport
- Conversation with Councilmember Jim Perry regarding the mental health issue
- Contact with Officer Jason Lehman, Long Beach PD, regarding his presentation of the "Why'd You Stop Me?" program.
- Contact with the Riverside Unified School District's coordinator for high school presentations
- Organizing high school presentations

An announcement of the Commission's meetings is posted on the City's Community Calendar. The Commission's website at ([www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)) offers valuable information about the Commission.

# 2014 NACOLE Conference: Kansas City, Missouri

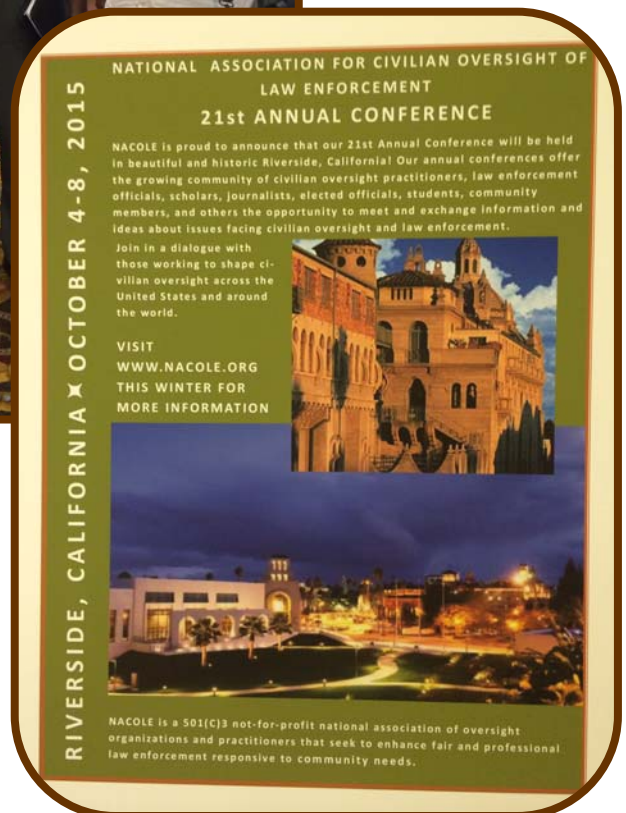


Commissioner Robin Jackson at one of the many fountains in Kansas City, Missouri



Commissioners Tony Ybarra, Bobby Hawkins, and Bobby Taylor ready to attend a conference workshop session.

NACOLE's announcement of the 2015 Conference location: Riverside, California



# *CPRC Officers, Committees, & Staff*

## **2014 CPRC Officers**



Jane Adams, Vice-Chair

Robin Jackson, Chair

## **Policies, Procedures, & Bylaws Ad-Hoc Committee**

Ken Rotker, Committee Chair



Front: Frank Hauptmann, Robin Jackson, & Phoebe Sherron

Back: Bobby Hawkins, Tony Ybarra & Ken Rotker

## **Outreach Ad-Hoc Committee**

Jane Adams, Committee Chair



Jane Adams, Bobby Taylor & Robin Jackson

# *CPRC Officers, Committees, & Staff*

## **Policing & Mental Health Ad-Hoc Committee**

Jane Adams, Committee Chair



Jane Adams, Tony Ybarra & Robin Jackson

## **2015 NACOLE Conference Ad-Hoc Committee**

Dale Roberts, Committee Chair



Front: Phoebe Sherron, Jane Adams & Robin Jackson

Back: Dale Roberts, Frank Hauptmann & Bobby Taylor

## **CPRC Staff**

Phoebe Sherron,  
Sr. Office Specialist



Frank Hauptmann,  
Manager

# Training, Seminars, and Conferences

In 2014, the Commission hosted a training presentation conducted by the Riverside Police Department (RPD) on its Early Warning System. Additionally, several Commissioners attended the two-day Mental Health Training Sessions at the Riverside Police Department. Several Commissioners also attended the annual NACOLE Conference (National Association for Civilian Oversight of Law Enforcement) hosted by the City of Kansas City, Missouri.

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.

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## Did You Know...

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





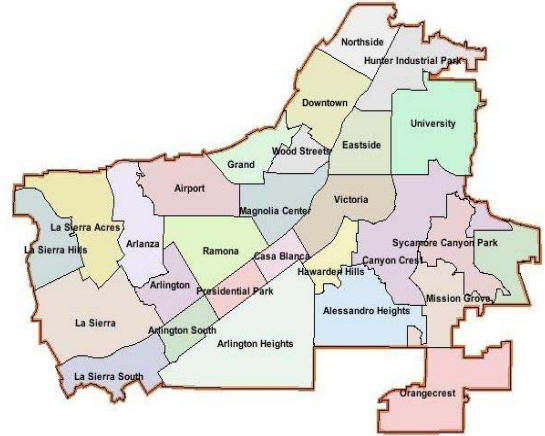
# Training, Seminars, and Conferences

**G**enerally, the regularly scheduled training sessions are conducted during the open session of the CPRC meetings and the public is encouraged to attend. Commissioners also attend training classes or seminars outside regular training sessions.

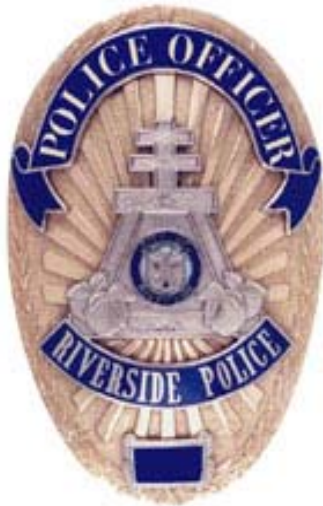
Date	Topic & Presenter
February 12	<p>Presentation regarding the Criminal Casebook used by the Commission for its public review of officer-involved death cases, the contents of the casebook, past and present, when and why changes occurred regarding items included for public review and discussion, and the redaction process.</p> <p>Lt. Bruce Loftus</p>
April 23	<p>RPD Training Presentation on Foot Pursuits and training given RPD officers for responding to 'suicide with a gun' calls</p> <p>Lt. Bruce Blomdahl and Lt. Larry Gonzalez</p>
June 25 & 26	<p>Mental Health Training Sessions at Riverside Police Department</p> <p>Riverside County Department of Mental Health</p>
August 20	<p>Under Attack – A Review of the Dorner Incident</p> <p>California Peace Officers Association</p>
September 11	<p>"Below 100", a training class regarding on-duty officer deaths.</p> <p>California Peace Officers Association</p>
October 22	<p>Policing and Mental Health: RPD's Mental Health Program</p> <p>Lt. Dan Hoxmeier</p>
<b>Seminars &amp; Conferences</b>	
September 14 – 19	<p>2014 NACOLE Conference — Kansas City, MO (National Association for Civilian Oversight of Law Enforcement)</p> <p>Various classes and presenters</p>
<b>Publications</b>	
Jan – Dec	Force Science News Transmissions #245 – #272
Jan – Dec	AELE Case Notes and Publications Alerts
Various Dates	Daigle Law Group, LLC
Various Dates	Community Relations OIG

# Commission Relations

The Commission has a dual task of maintaining relations with both the community, to which Commissioners belong, as well as with the Riverside Police Department, with which it works. Maintaining relations with the police can be challenging because law enforcement is a highly-structured enterprise, encompassing substantial rules, policies, procedures, training practices, and approaches.



Commissioners understand that community relations may not parallel their own personal experiences with the police. Because of this understanding, the Commission endeavors to reach out into all segments of the community to learn of the various 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.



Civilian oversight of a police department can create wariness on the part of a department's officers. Most of Riverside's police officers do not have personal contact with members of the Community Police Review Commission and most Commissioners know only a few officers. One way in which this can be remedied is ride-alongs and Commissioners are strongly encouraged to go on a ride-along in the first few months after their appointment to the Commission. RPD ride-alongs continue to be an effective means by which officers are introduced to the Commission and help to improve the relationship between police and the Commission. Ride-alongs also provide Commissioners with the opportunity to hear officers' concerns and views, and the officers learn that Commissioners are generally empathetic, concerned, and open to learning and seeing, first-hand, the demands on officers in their daily routines. Commissioners have consistently given positive and enthusiastic reports about their ride-along experiences.

Police Chief Sergio Diaz and his Command Staff have also provided invaluable support in various ways. Training presentations are provided when requested, and the Department responds quickly to the Commission's questions regarding policy and practice. The Community Police Review Commission finds itself in a unique position regarding the excellent and exceptional working relationship with the Riverside Police Department and looks forward to its continuation.



# 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 (RPD), 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 a complaint is filed 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, e-mail, online, letter, or in person, or the complainant must file directly with the Riverside Police Department. The RPD Office of Internal Affairs and the Commission log the complaint and the tracking process begins.

The RPD investigates all complaints; however, the Commission reviews complaints filed solely against sworn RPD personnel that have been filed within six months of the incident on which the complaint is based.

The Office of Internal Affairs (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.

Internal Affairs assigns the complaint to an investigator. Generally, Internal Affairs sergeants handle Category I and some Category II complaints. Field sergeants or Investigations Division supervisors generally investigate the majority of Category II complaints.

After the RPD investigates and makes its recommendations as to each allegation in a case, RPD sends it to the Commission. 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. 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.

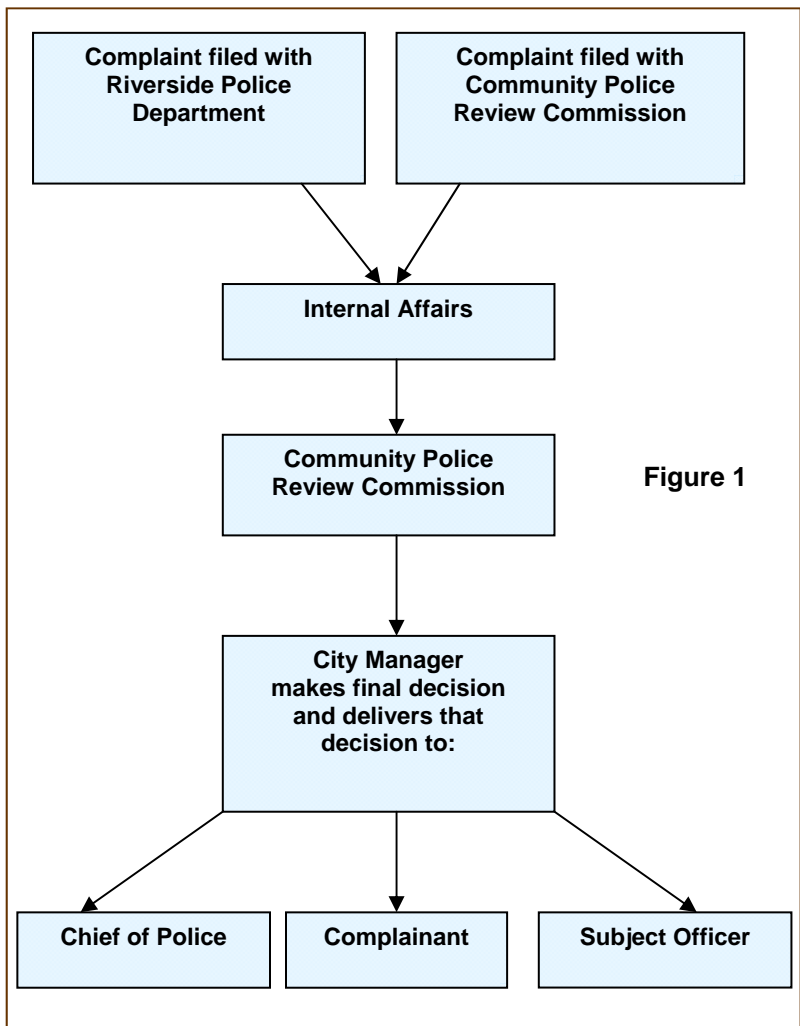


Figure 1

At times, an officer's conduct may have been within policy. However, a policy recommendation to RPD may result from the Commission's review.

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 RPD and the Commission;
- 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.

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## *Complaint Case Activity*

### *Complaint 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.

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.

**Complaint Case Tracking - 2014**  
Figure 2

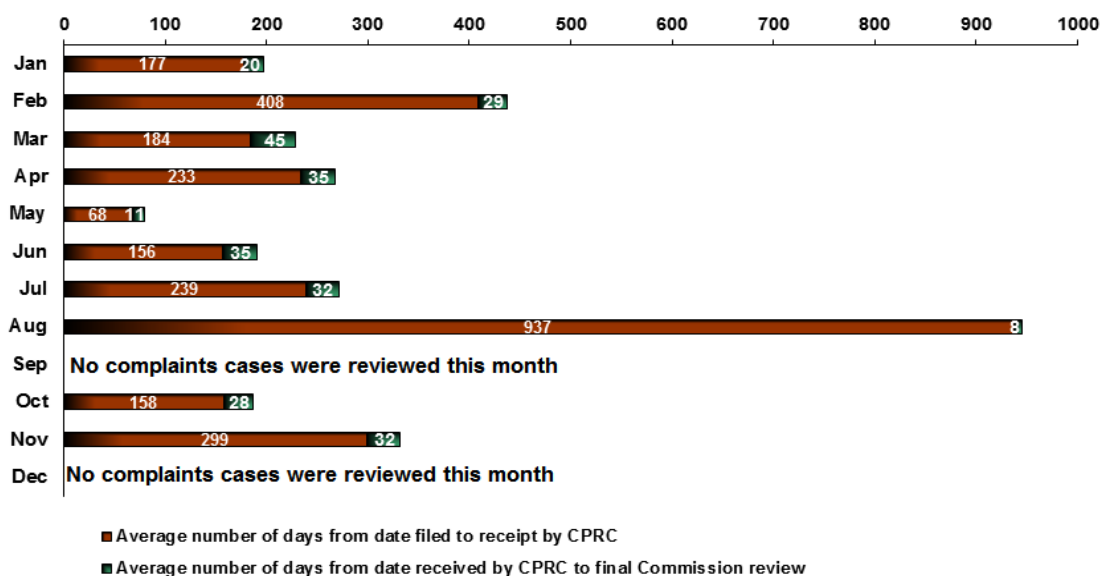


Figure 2 illustrates tracking of complaint cases, using a monthly average, showing how many days elapsed from the date filed through the final Commission review. These averages do not include cases that were held for additional investigation or officer-involved death (OID) cases.

## ***Complaint Case Dispositions***

“Complaint Case Dispositions” refers to complaint cases that have been disposed of or closed. Complaint cases can be closed by the Commission’s review of a complaint case, a complainant’s withdrawal of the complaint, or they can be administratively closed.

In 2014, the Commission reviewed 25 complaint cases containing 49 allegations. In addition, the Commission completed the evaluation of six (6) officer-involved death cases (see Page 40).

Figures 3 and 4 on the following page show the disposition of cases by the Commission in 2014 and case disposition comparisons with previous years. For example, in 2013, there was an increase in the number of cases reviewed compared to 2012, while there was a decrease 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 not reviewed by the Commission. Examples of administratively closed complaint cases are when a complainant does not return a complaint form or when the investigating sergeant cannot reach the complainant during the investigation process.

**2014 Complaint Case Dispositions**  
Figure 3

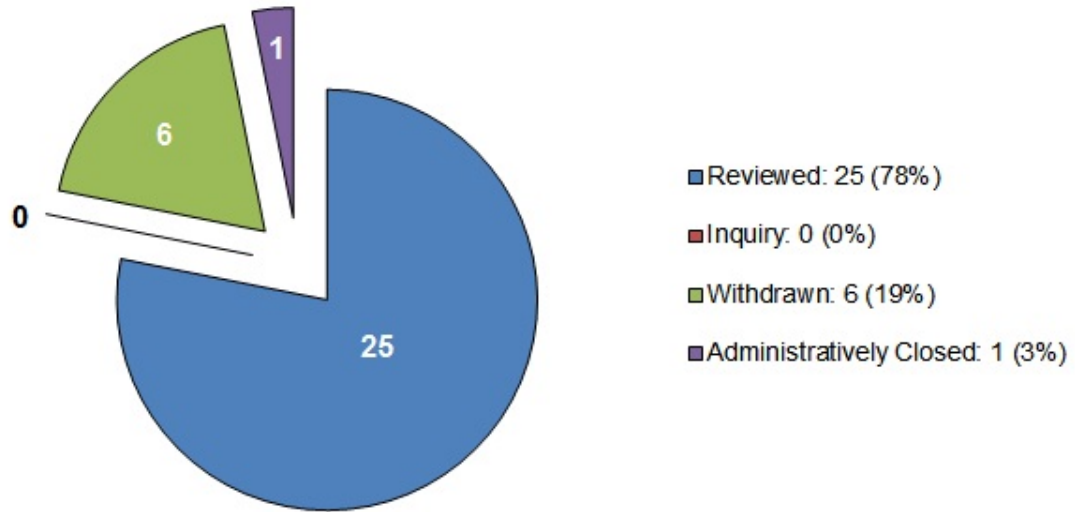


Figure 3 illustrates the disposition of complaint cases by the Commission in 2014 and the manner in which they were disposed.

**Figure 4**

	2010		2011		2012		2013		2014	
<b>Reviewed</b>	37	76%	42	70%	12	50%	22	81%	25	78%
<b>Inquiry</b>	0	0%	7	12%	0	0%	0	0%	0	0%
<b>Withdrawn</b>	1	2%	3	5%	0	0%	5	19%	6	19%
<b>Administratively Closed</b>	11	22%	8	13%	12	50%	0	0%	1	3%
	49	100%	60	100%	24	100%	27	100%	32	100%

Figure 4 shows complaint case disposition comparison numbers and percentages with previous years. For example, there was an increase in the number of cases reviewed in 2014 (25) compared to 2012 (12).

Figure 5

### Complaint Cases Filed by Neighborhood

2014

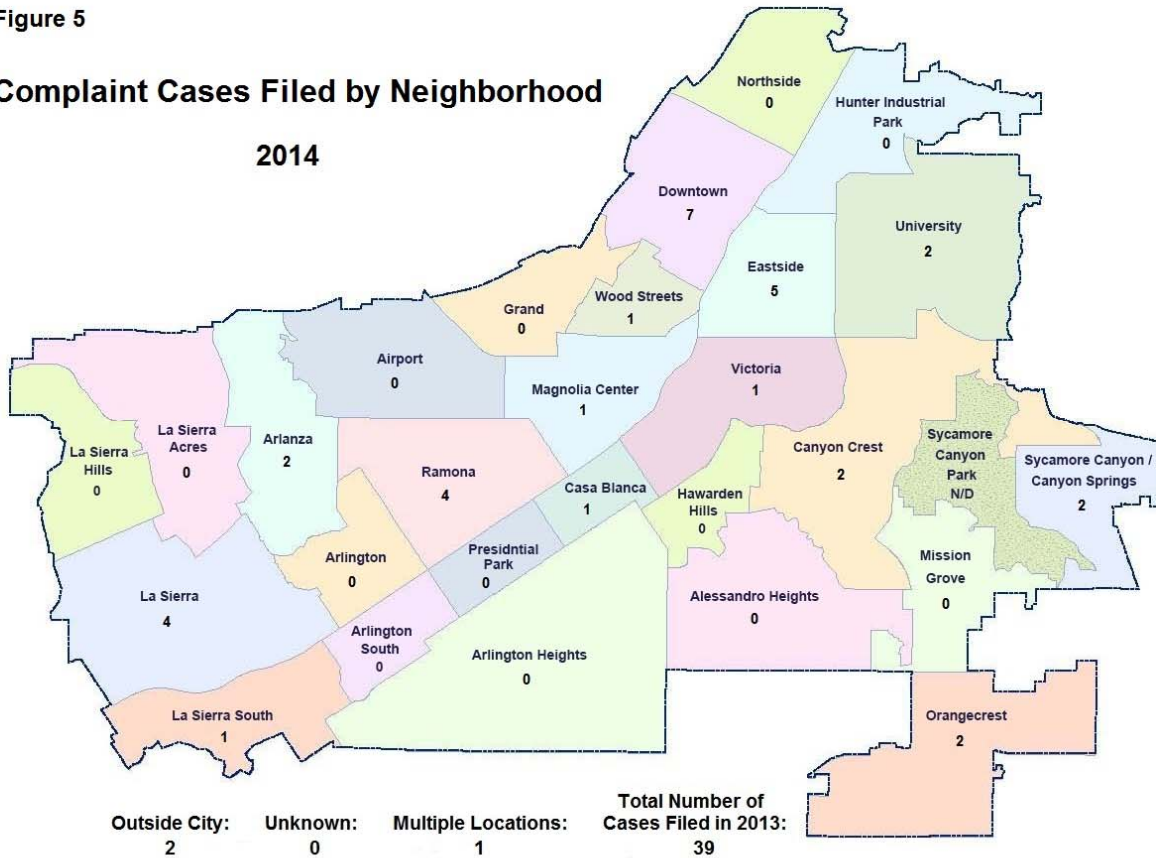


Figure 5 illustrates the number of complaint cases filed in 2014 by neighborhood.

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. OID cases are discussed in the “Officer-Involved Deaths” section on Page 40.

**Figure 6**

<b>2010 - 2014 Complaint Cases Filed by Neighborhood / Area</b>		<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Totals</b>
1	La Sierra Acres	1	1	2	0	0	4
2	La Sierra Hills	2	0	0	0	0	2
3	La Sierra	3	12	3	5	4	27
4	La Sierra South	2	1	1	2	1	7
5	Arlanza	0	1	1	1	2	5
6	Arlington	1	2	0	1	0	4
7	Arlington South	1	0	0	0	0	1
8	Airport	1	1	3	0	0	5
9	Ramona	1	3	0	2	4	10
10	Presidential Park	0	1	0	1	0	2
11	Arlington Heights	1	0	0	0	0	1
12	Grand	1	0	0	1	0	2
13	Magnolia Center	2	1	2	1	1	7
14	Casa Blanca	0	0	1	3	1	5
15	Downtown	18	5	4	4	7	38
16	Wood Streets	0	1	0	1	1	3
17	Victoria	1	1	0	0	1	3
18	Hawarden Hills	0	0	0	0	0	0
19	Alessandro Heights	1	0	1	0	0	2
20	Northside	1	0	0	0	0	1
21	Eastside	10	3	2	1	5	21
22	Canyon Crest	1	0	0	2	2	5
23	Hunter Industrial Park	0	1	1	0	0	2
24	University	3	2	2	0	2	9
25	Mission Grove	1	1	0	1	0	3
26	Orangecrest	0	1	1	2	3	7
27	Sycamore Canyon / Canyon Spgs	0	0	0	0	2	2
28	Outside City	1	1	2	4	2	10
29	Unknown	4	2	1	1	0	8
30	Multiple Locations	0	0	0	1	1	2
		<b>57</b>	<b>41</b>	<b>27</b>	<b>34</b>	<b>39</b>	<b>198</b>

Figure 6 compares the number of complaint cases filed by neighborhood / area (excluding officer-involved death cases) from 2010 through 2014.



# Allegations and Findings

Figure 7

2014 ALLEGATIONS	COMMISSION FINDINGS					TOTALS
	Unfounded	Exonerated	Not Sustained	Sustained	Inquiry	
Excessive Use of Force	6	0	0	0	0	6
False Arrest	1	0	0	0	0	1
Discrimination / Harassment	0	0	0	0	0	0
Criminal Conduct	6	0	1	0	0	7
<b>Category 1 Subtotal</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>14</b>
Poor Service	0	0	0	0	0	0
Discourtesy	4	1	0	2	0	7
Improper Procedure	24	2	1	0	1	28
Conduct Unbecoming an Officer	0	0	0	0	0	0
Infractions, Traffic Violations, and Riverside Municipal Code Violations	0	0	0	0	0	0
Other	0	0	0	0	0	0
<b>Category 2 Subtotal</b>	<b>28</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>35</b>
<b>TOTALS</b>	<b>41</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>49</b>

Figure 7 illustrates the allegations and Commission findings for complaint cases reviewed in 2014 excluding officer-involved death cases.

## Findings and 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.

Figure 8

### Complaint Cases Reviewed by Neighborhood 2014

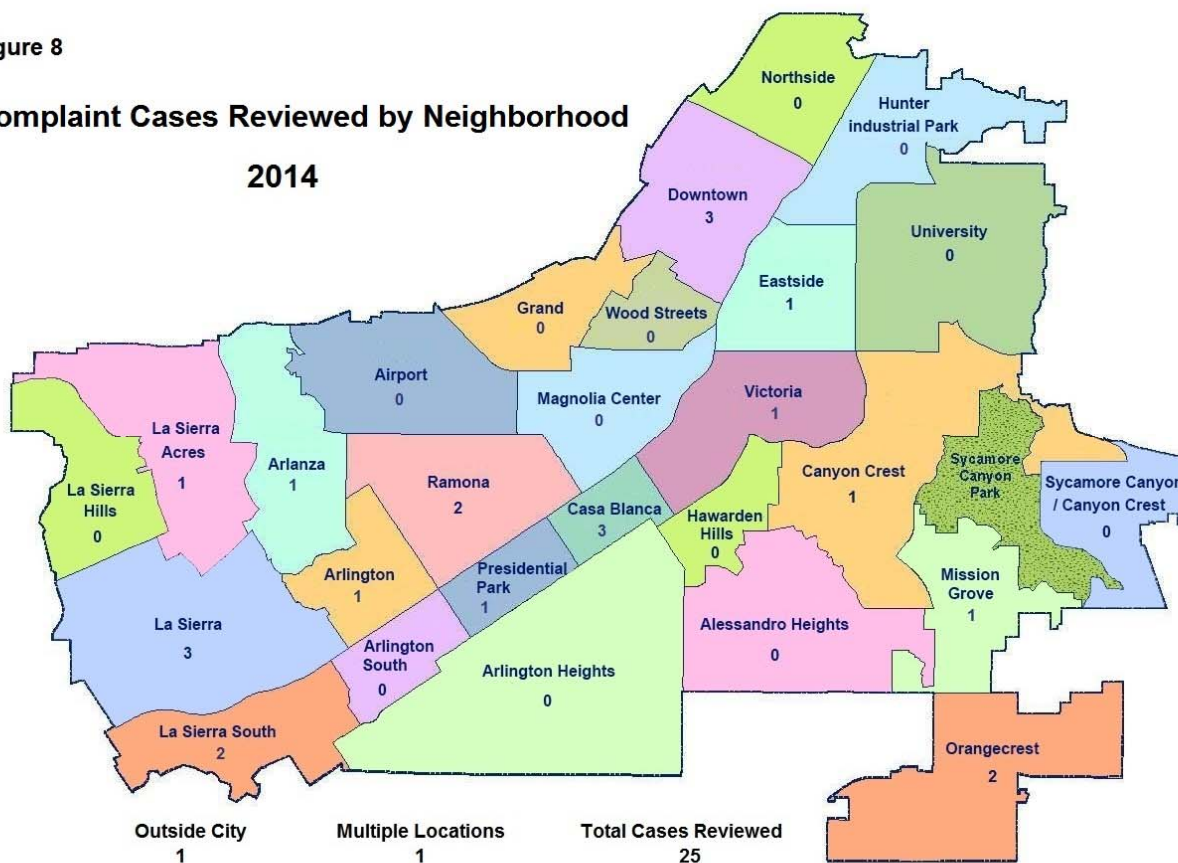


Figure 8 illustrates the number of complaint cases reviewed in 2014 excluding officer-involved death (OID) cases.

As in “cases filed”, officer-involved death (OID) cases are not considered “cases reviewed” and are not included in the neighborhood totals shown on this map. Information regarding the review of OID cases is discussed in the “Officer-Involved Deaths” section on Page 40.

## *Reviewed 2014 Complaint Cases per Neighborhood Associated with Allegation and Finding Types*

**Figure 9**

Reviewed Complaint Cases per Neighborhood / Area	Number of Allegation Types per Neighborhood / Area	Number of Finding Types per Allegation
1 La Sierra Acres	3 Excessive Force 3 Improper Procedure	3 Unfounded 3 Unfounded
3 La Sierra	1 Criminal Conduct 2 Improper Procedure	2 Unfounded 1 Inquiry
2 La Sierra South	2 Improper Procedure	2 Unfounded
1 Arlanza	2 Excessive Force	2 Unfounded
1 Arlington	2 Discourtesy 2 Improper Procedure	4 Unfounded
2 Ramona	2 Discourtesy 1 Improper Procedure	1 Exonerated 2 Sustained
1 Presidential Park	2 Improper Procedure	2 Unfounded
3 Casa Blanca	2 Criminal Conduct 4 Improper Procedure	6 Unfounded
3 Downtown	2 Discourtesy 2 Improper Procedure	3 Unfounded 1 Exonerated
1 Victoria	1 False Arrest 1 Criminal Conduct	1 Unfounded 1 Not Sustained
1 Eastside	1 Improper Procedure	1 Unfounded
1 Canyon Crest	2 Improper Procedure	2 Unfounded
1 Mission Grove	1 Excessive Force 2 Improper Procedure	2 Unfounded 1 Not Sustained
2 Orangecrest	1 Discourtesy 4 Improper Procedure	4 Unfounded 1 Exonerated
1 Outside City	3 Criminal Conduct	3 Unfounded
1 Multiple Locations	1 Improper Procedure	1 Unfounded

Figure 9 illustrates, by neighborhood / area, the 25 complaint cases reviewed by the Commission in 2014, and the 49 allegations logged and the Commission's subsequent findings.

## Comparison of Allegations

Figure 10	CALENDAR YEAR				
	2010	2011	2012	2013	2014
ALLEGATION					
Excessive Use of Force	9	9	0	7	6
Discrimination / Harassment	9	7	1	0	0
False Arrest	2	2	0	3	1
Criminal Conduct	0	12	0	11	7
Category 1 Subtotal	<b>20</b>	<b>30</b>	<b>1</b>	<b>21</b>	<b>14</b>
Poor Service	0	3	7	1	0
Discourtesy	19	31	8	10	7
Improper Procedure	51	30	7	29	28
Conduct Unbecoming an Officer	1	1	0	0	0
Infractions, Traffic Violations, and Riverside Municipal Code Violations	0	1	0	0	0
Other	1	0	0	0	0
Category 2 Subtotal	<b>72</b>	<b>66</b>	<b>22</b>	<b>40</b>	<b>35</b>
TOTALS	<b>92</b>	<b>96</b>	<b>23</b>	<b>61</b>	<b>49</b>

Figure 10 shows comparison data for 2010 through 2014 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 2014, RPD discovered no instances of "Misconduct Noted" during its investigation of these complaints.

## Comparison of Findings

**Figure 11** **2010 - 2014**

FINDING	2010	2011	2012	2013	2014
<b>Unfounded</b>	72	57	10	44	41
<b>Exonerated</b>	1	3	3	3	3
<b>Not Sustained</b>	10	19	2	4	2
<b>Sustained</b>	8	17	8	6	2
<b>Inquiry</b>	1	0	0	4	1
<b>TOTALS</b>	<b>92</b>	<b>96</b>	<b>23</b>	<b>61</b>	<b>49</b>

Figure 11 compares the Commission's findings for complaint cases reviewed in 2010 through 2014. These figures do not include the findings 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, 2014)	362
Number of complaints cases reviewed	25
Number of sworn employees named in complaints	34
Total number of allegations involved	49
Total number of "Sustained" findings	2 (4%)

## Comparisons of 2014 CPRC Findings with those of the Riverside Police Department (RPD) and the City Manager's Office (CMO)

Figures 13 through 15 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.

Findings	2014					
	RPD		CPRC		CMO	
Unfounded	31	63%	40	82%	29	59%
Exonerated	5	10%	4	8%	5	10%
Not Sustained	9	19%	2	4%	11	23%
Sustained	3	6%	2	4%	3	6%
Inquiry	1	2%	1	2%	1	2%
<b>Total Findings</b>	<b>49</b>	<b>100%</b>	<b>49</b>	<b>100%</b>	<b>49</b>	<b>100%</b>

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

Figure 14	2014	
	Count	%
<b>RPD &amp; CPRC Findings Comparison</b>		
Agencies <b>agreed</b> that either:		
<b>a)</b> Officer's actions were out of policy (Sustained)	2	
<b>b)</b> All other findings (Unfounded, Exonerated, Not Sustained, Inquiry)	46	
<b>Sub-total Agreed</b>	<b>48</b>	<b>98%</b>
Agencies <b>disagreed</b> whether or not a policy violation occurred	1	
<b>Sub-total Disagreed</b>	<b>1</b>	<b>2%</b>
<b>Total Findings:</b>	<b>49</b>	<b>100%</b>

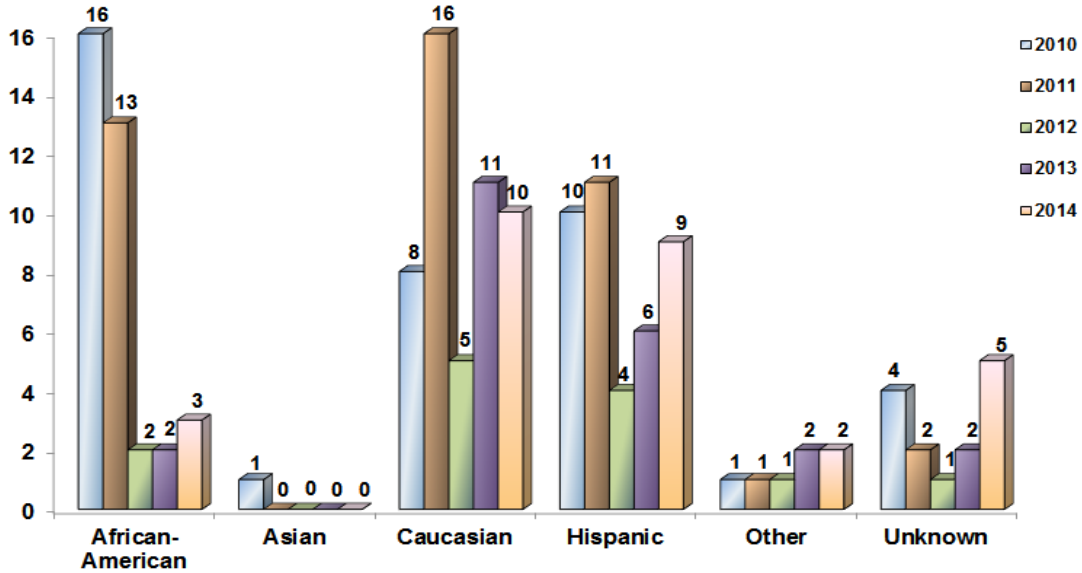
Figure 15	2014	
	Count	%
<b>CPRC &amp; CMO Findings Comparison</b>		
Agencies <b>agreed</b> that either:		
<b>a)</b> Officer's actions were out of policy (Sustained)	2	
<b>b)</b> All other findings (Unfounded, Exonerated, Not Sustained, Inquiry)	46	
<b>Sub-total Agreed</b>	<b>48</b>	<b>98%</b>
Agencies <b>disagreed</b> whether or not a policy violation occurred	1	
<b>Sub-total Disagreed</b>	<b>1</b>	<b>2%</b>
<b>Total Findings:</b>	<b>49</b>	<b>100%</b>

Figures 14 and 15 compare how frequently the RPD / CPRC and CPRC / CMO agreed or disagreed in finding a policy violation.

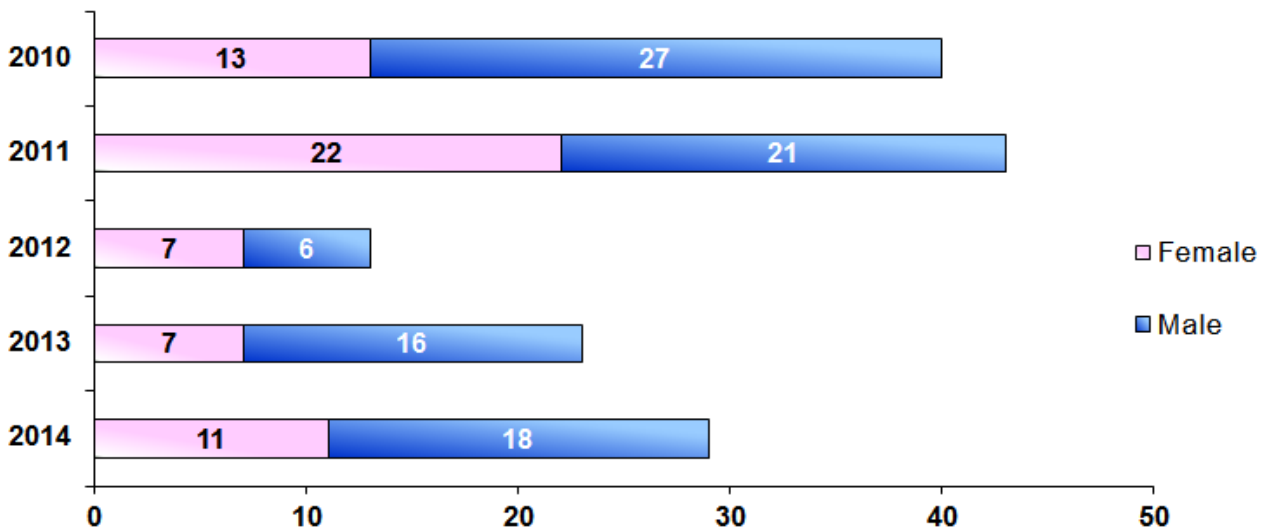
# Demographic & Other Data for 2014

The following demographic data is based on the number of cases reviewed in 2010 through 2014. Ethnicity is based on self-identification of the complainant as well as Police Officer identification.

**Complainant Ethnicity:  
Cases Reviewed in 2010 - 2014**  
Figure 16



**Complainant Gender:  
Cases Reviewed in 2010 - 2014**  
Figure 17



# *Officer-Involved Deaths*

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

**I**mmediately 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, 6<sup>th</sup> 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](mailto:cprc@riversideca.gov)  
or online at  
[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)**



## ***Officer-Involved Death Evaluations: Completed***

**D**uring 2014, the Commission completed the review and investigation of six (6) officer-involved death cases. Details of the cases and the evaluation process for each are recounted below and on the following pages. The Commission's website contains additional information regarding these cases and can be found on the "[Officer-Involved Deaths](http://riversideca.gov/cprc/OIDs/OIDs.htm)" webpage ([riversideca.gov/cprc/OIDs/OIDs.htm](http://riversideca.gov/cprc/OIDs/OIDs.htm)). If reading this report in .PDF format, click on the above link or on a decedent's name to go to that specific page.

### ***David Ledezma***

On Saturday, January 7, 2012, RPD police officers responded to a call in the 10700 block of Cypress Avenue concerning domestic violence between David Ledezma and his wife. After officers arrived, family members pointed out Mr. Ledezma as the person they had called about. The officers contacted Mr. Ledezma, who was uncooperative, angry, and refused to follow directions. He took a pocket knife from his pants pocket, opened the knife, and put it against his neck, threatening to stab himself. The officers eventually convinced him to drop it. He then walked away from the officers and picked up a large metal pipe. Several times, officers told him to drop the pipe. He refused and finally threw it at the officers, who had to move to avoid being hit by the pipe. One officer deployed his Taser, but it was ineffective. Mr. Ledezma picked up another metal pipe and walked around the yard, hitting things. Again officers told Mr. Ledezma several times to drop the pipe, which he did not do. Fearing for their safety, three officers discharged their duty weapons, striking Mr. Ledezma several times. Medical aid was called and Mr. Ledezma was transported to a local hospital where he succumbed to his injuries.

On October 23, 2013, 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 December 16, 2013, the Commission received the Administrative Investigation casebook. The Commission's final review of this case took place in closed session on January 22, 2014.

### **Time Report:**

OID Occurred:	January 7, 2012
DA review completion:	October 31, 2012 (299 days)
Criminal Casebook Received:	December 6, 2012 (37 days)
CPRC Public Review Began:	June 26, 2013 (203 days)
Public Report Approved:	December 11, 2013 (169 days)
Admin Casebook Received:	December 16, 2013 (6 days)
CPRC Admin Review:	January 22, 2014 (38 days)
Total time:	RPD / DA = 335 CPRC = 413 747 days (2 years, 0 months, 16 days)

## ***Officer-Involved Death Evaluations: Completed***

### ***Brandon James Dunbar***

On Wednesday, March 1, 2012, two uniformed officers in a marked patrol unit stopped a vehicle for a license plate violation on Anna Street north of Lincoln Avenue. After making contact with both the driver and passenger, the officers asked both occupants to exit the vehicle. After exiting the vehicle, the passenger, later identified as Brandon James Dunbar, immediately ran away on foot. One of the officers gave chase as Mr. Dunbar ran into the backyard of a nearby residence. When Mr. Dunbar turned toward the officer, he was holding a handgun. The officer fired his handgun several times, hitting Mr. Dunbar. Because Mr. Dunbar was hit several times, the officers called for medical aid. Mr. Dunbar was taken to a local hospital where he was later pronounced deceased.

On March 12, 2014, by a vote of 8 to 0 (1 vacancy), 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 March 18, 2014, the Commission received the Administrative Investigation casebook. The Commission's final review of this case took place in closed session on March 26, 2014.

### **Time Report:**

OID Occurred:	March 1, 2012
DA review completion:	February 19, 2013 (356 days)
Criminal Casebook Received:	May 10, 2013 (81 days)
CPRC Public Review Began:	June 26, 2013 (48 days)
Public Report Approved:	March 12, 2014 (260 days)
Admin Casebook Received:	March 18, 2014 (7 days)
CPRC Admin Review:	March 26, 2014 (9 days)
Total time:	RPD / DA = 436 CPRC = 321 756 days (2 years, 0 months, 26 days)

## ***Officer-Involved Death Evaluations: Completed***

### ***Christopher Dorner***

On February 3<sup>rd</sup>, 2013, Christopher Dorner, a former LAPD police officer, shot and killed two civilians in Irvine, CA, due to their association with his lawyer, a former LAPD captain. At that point, he became a wanted fugitive. Days later, on February 7<sup>th</sup>, Mr. Dorner shot and killed RPD Officer Michael Crain and injured his partner, Officer Andrew Tachias, while they were on routine patrol in the City of Riverside.

On Tuesday, February 12<sup>th</sup>, 2013, two detectives representing RPD's Homicide Unit were in Big Bear, CA, joining with other Southern California law enforcement agencies in the search for Mr. Dorner. One of the RPD detectives was involved in the final shoot-out with Mr. Dorner. The cabin in which Mr. Dorner was hiding caught fire after tear gas was shot into the residence. The autopsy concluded that Mr. Dorner died as a result of a self-inflicted gunshot to his head.

The Commission conducted no public evaluation of this shooting. Since the incident occurred within the jurisdiction of the San Bernardino County Sheriff's Department, the criminal investigation conducted by that agency was not provided to the Commission, thus the public review could not be done. However, because an RPD officer was involved in the shooting, the Riverside Police Department provided the Commission with the information needed for the Administrative review.

On April 2<sup>nd</sup>, 2014, the Commission received the Administrative Investigation casebook. The Commission's Administrative Review of this case took place in closed session on April 23<sup>rd</sup>, 2014.

### **Time Report:**

OID Occurred:	February 12, 2013
SB County DA review completion:	February 10, 2014 (364 days)
Criminal Casebook Received:	N / A
CPRC Public Review Began:	N / A
Public Report Approved:	N / A
Admin Casebook Received:	April 2, 2014 (52 days)
CPRC Admin Review:	April 23, 2014 (22 days)
Total time:	RPD / DA = 415    CPRC = 22 436 days (1 year, 2 months, 12 days)

## ***Officer-Involved Death Evaluations: Completed***

### ***Danny James Bond***

On Saturday, February 18, 2012, officers with RPD's METRO unit were actively seeking Mr. Bond, who was wanted on felony assault charges. The officers, seeing Mr. Bond leave a residence on a bicycle, tried to stop him. When Mr. Bond abandoned the bicycle and tried to run from the officers, additional officers blocked his escape. Mr. Bond reached for a handgun and an officer-involved shooting occurred. Riverside Fire and AMR responded to the scene and pronounced Mr. Bond deceased.

On May 28, 2014, by a vote of 8 to 0 (1 vacancy), 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 June 30, 2014, the Commission received the Administrative Investigation casebook. The Commission's final review of this case took place in closed session on July 23, 2014.

### **Time Report:**

OID Occurred:	February 18, 2012
DA review completion:	July 2, 2012 (136 days)
Criminal Casebook Received:	February 22, 2014 (601 days)
CPRC Public Review Began:	March 12, 2014 (19 days)
Public Report Approved:	June 25, 2014 (106 days)
Admin Casebook Received:	June 30, 2014 (6 days)
CPRC Admin Review:	July 23, 2014 (24 days)
Total time:	RPD / DA = 736 CPRC = 152 887 days (2 years, 5 months, 12 days)

## *Officer-Involved Death Evaluations: Completed*

### **Chaz Sherron**

On Sunday, October 14, 2012, RPD's Communications Division received a call from a man, later identified as Chaz Sherron, who said he had a handgun and was going to kill himself. When uniformed officers responded to the Mr. Sherron's apartment in the 3700 block of Myers Street, they identified themselves and tried to make verbal contact with Mr. Sherron through the partially open front door. When there was no verbal response from anyone inside the apartment, officers continued to try and make verbal contact but still got no response. A male subject, Mr. Sherron, then appeared from inside the apartment pointing what looked to be a black semi-automatic handgun at the officers. In his other hand, he had a large kitchen knife. Mr. Sherron then advanced towards the officers. Fearing for their safety, four officers discharged their firearms. Mr. Sherron went down on the walkway outside his apartment and medical aid was immediately summoned. While Riverside Fire Department personnel and paramedics from American Medical Response provided immediate medical attention, Mr. Sherron was pronounced deceased at the scene.

On June 25, 2014, by a vote of 7 to 0 (2 vacancies), 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 October 23, 2014, the Commission received the Administrative Investigation casebook. The Commission's final review of this case took place in closed session on November 12, 2014.

### **Time Report:**

OID Occurred:	October 14, 2012
DA review completion:	July 11, 2013 (271 days)
Criminal Casebook Received:	February 27, 2014 (232 days)
CPRC Public Review Began:	March 12, 2014 (14 days)
Public Report Approved:	October 22, 2014 (225 days)
Admin Casebook Received:	October 23, 2014 (1 day)
CPRC Admin Review:	November 12, 2014 (21 days)
Total time:	RPD / DA = 502   CPRC = 259 760 days (2 years, 1 month, 0 days)

## *Officer-Involved Death Evaluations: Completed*

### ***Lorenzo J. Ciaramella***

On February 25, 2013 around 8:49 PM, patrol officers in marked police cars and in full uniform, responded to a call regarding a person in a stolen vehicle at the Peppertree Apartments on Arlington Avenue. Witnesses reported that the person, later identified as Mr. Lorenzo Ciaramella, had just gotten out of a vehicle that had been stolen earlier in the evening. Upon arrival, the officers were directed to the same suspect in a different vehicle. The witnesses indicated that the suspect had just stolen this car after fleeing the first vehicle. After Mr. Ciaramella saw the officers, he fled in the stolen vehicle through the parking lot of the apartment complex. The officers followed in pursuit. The suspect vehicle fled out the west gate, but collided with another vehicle. As one of the patrol units exited the west gate, Mr. Ciaramella attempted to ram the stolen vehicle into the driver side of the police vehicle and an officer-involved shooting occurred. Mr. Ciaramella was transported to a local hospital where he succumbed to his injuries a short time later.

On September 24, 2014, by a vote of 7 to 0 (2 vacancies), 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 October 23, 2014, the Commission received the Administrative Investigation casebook. The Commission's final review of this case took place in closed session on November 12, 2014.

### **Time Report:**

OID Occurred:	February 25, 2013
DA review completion:	March 20, 2014 (389 days)
Criminal Casebook Received:	March 31, 2014 (12 days)
CPRC Public Review Began:	June 25, 2014 (87 days)
Public Report Approved:	October 22, 2014 (120 days)
Admin Casebook Received:	October 23, 2014 (1 day)
CPRC Admin Review:	November 12, 2014 (21 days)
Total time:	RPD / DA = 400   CPRC = 227 626 days (1 year, 8 months, 19 days)

## *Officer-Involved Death Evaluations: In Process*

### *Rashad Jarrett Hopes*

On June 11, 2013, around 11:00 PM, a Riverside Police officer found a traffic collision blocking the northbound lanes of Van Buren Boulevard at the 91 freeway. When he stopped to investigate, the officer saw the passenger, later identified as Rashad Hopes, walking toward a gas station on the west side of Van Buren Boulevard. While the officer was notifying Dispatch of the incident, citizens driving by the accident were also calling in to advise that the person walking away from the vehicle had a gun. As a result of this information, additional officers arrived at the gas station to search for the person with a gun. Officers encountered Mr. Hopes at the rear portion of the building and gave him commands to drop the gun. When Mr. Hopes ran away from these officers, he encountered additional officers who were at the front of the building. Mr. Hopes pointed a handgun at these additional officers and an officer-involved shooting occurred. Medical aid was summoned and Mr. Hopes was pronounced deceased at the scene.

#### **Time Report:**

OID Occurred:	June 11, 2013
DA review completion:	September 11, 2014 (458 days)
Criminal Casebook Received:	October 22, 2014 (42 days)
CPRC Public Review Began:	November 12, 2014 (22 days)



## ***Officer-Involved Death Evaluations: Pending***

### ***Hector Jimenez***

On Friday, September 13, 2013, around 9:10 PM, RPD's Communications Bureau received a 911 call about a man, in the front yard of a residence in the 2300 block of 10<sup>th</sup> Street, who had a knife and appeared to be suicidal. Patrol officers responded to the location and found a male, later identified as Hector Jimenez, in the front yard of a residence frantically waving a knife and cutting himself. Officers talked to Mr. Jimenez and tried to get him to drop the knife, but to no avail. While the officers were talking to Mr. Jimenez, he charged towards them with the knife still in his hand, and an officer-involved shooting occurred. Personnel from the Riverside Fire Department and American Medical Response responded to provide medical aid and ultimately pronounced the subject deceased.

#### **Time Report:**

OID Occurred: September 13, 2013

### ***Adolfo Ramirez***

On Friday, November 22, 2013, at approximately 11:30 PM, a Riverside Police Department patrol officer was checking on an occupied vehicle parked near a closed gas station in the 3000 block of E. La Cadena. As the officer exited his vehicle, a person outside the vehicle, later identified as Adolfo Ramirez, produced a handgun and there was an exchange of gunfire between Mr. Ramirez and the officer. Mr. Ramirez was struck by gunfire. Personnel from the Riverside Fire Department and American Medical Response responded to the scene and pronounced the suspect deceased.

#### **Time Report:**

OID Occurred: November 22, 2013

## ***Officer-Involved Death Evaluations: Pending***

### ***Dontae Daveon Lewis Hayes***

On Tuesday, December 31, 2013, at approximately 11:30 AM, officers from the Riverside Police Department Problem Oriented Policing (POP) Team were conducting a pedestrian check on two individuals at Arlington Park located at 3860 Van Buren Boulevard. While speaking with these individuals, it was determined that the male, later identified as Dontae Hayes, would be handcuffed. As one of the officers attempted to make contact with the two individuals, Mr. Hayes pulled a handgun from the waistband of his pants and fired at the officers and an officer-involved shooting occurred. Personnel from the Riverside Fire Department and American Medical Response responded to the scene to render medical aid and pronounced Mr. Hayes deceased.

#### **Time Report:**

OID Occurred: December 31, 2013

### ***Vicente Robert Martinez***

On Tuesday, November 18, 2014, RPD's Narcotic Unit was conducting an investigation in the area of Bushnell Avenue and Keller Avenue. The PACT Team (Post-Release Accountability & Compliance Team) a multi-agency task force, was assigned to assist with the investigation. PACT Team Members attempted to stop the vehicle the suspect was driving. The driver, later identified as Vicente Martinez, did not initially stop his vehicle, but continued driving in the area. Martinez eventually stopped his vehicle in a driveway in the 5400 block of Bushnell Avenue. He exited his vehicle, but refused to follow the officers' directions and then fled on foot with the officers giving chase. Martinez ran into a backyard in the 10400 block of Keller Avenue followed by the officers. Martinez then turned and pointed a loaded firearm in the direction of the officers, which resulted in an officer-involved shooting. Martinez was struck several times and fell to the ground. The officers immediately requested medical aid and attempted to provide first aid to the suspect. Members of the Riverside Fire Department and AMR (American Medical Response) arrived and pronounced the suspect deceased.

#### **Time Report:**

OID Occurred: November 18, 2014

# Policy Recommendations

The following are recommendations that have been made to the RPD since 2011. The Commission keeps a record of all policy recommendations and tracks responses from RPD regarding those recommendations. Click "[Policy Recommendations](#)" to see this list in its entirety.

## 2014

The Commission made no Policy Recommendations in 2014.

## 2013

1. Modify RPD Policy 4.23, Domestic Violence Policy, Subsections E.1.a and E.f.(2) and (6) to have dispatch personnel check, confirm, and / or broadcast relevant offender information pertaining to location history and / or the criminal history of the offender.

*RPD declined to modify the policy.*

2. Modify RPD Policies

- 3.9 Required Equipment To Be Carried On Duty, Subsection A: adding Less Lethal Weapon Systems as No. 7
- 3.23 Sworn Personnel – Equipment: adding Less Lethal Weapons Systems as Subsection E
- 4.30 Use of Force Policy, Subsection H: adding language that Less Lethal Weapons be considered as a first option to officers.

*The recommendation was withdrawn as this issue was already being addressed by RPD .*

## 2012

The Commission made no Policy Recommendations in 2012.

## 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.

*RPD revised the policy.*

# *Historic Analysis*

**C**itizen complaints filed against sworn members of the Riverside Police Department totaled 39 in 2014. That number is slightly higher than the 34 filed in 2013, but is still significantly lower than 2007 when the total reached 81. In 2009, the number of complaints filed dropped to 56 and reached an all-time low of 27 in 2012. The Commission also reviewed 25 cases in 2013. Although the number of reviewed complaint cases was slightly higher than the 22 reviewed in 2013, that number still remains much lower than in years past. There were 49 separate allegations of misconduct within the 25 reviewed cases. Some complaints are also withdrawn, administratively closed, or reclassified as an Inquiry. An Inquiry is a complaint that questions the Policies and Procedures of the Department as opposed to the actions of the officer(s).

There were six (6) separate allegations of Excessive Force in 2014, all of which were deemed Unfounded. There were seven (7) allegations of Criminal Conduct where six (6) were deemed Unfounded and one (1) Not Sustained. Allegations of Criminal Conduct have consistently been low over the past five (5) years where none were filed in 2010 and 2012. There were 12 Criminal Conduct allegations in 2011 resulting from two separate incidents. In 2013, there were 11 such allegations contained in two complaints. One complaint contained 10 allegations with each allegation against a different officer. The other complaint contained two allegations against one officer, one of which was Criminal Conduct.

The Downtown neighborhood / area had the highest number of citizen complaints filed with seven (7) followed by the Eastside neighborhood / area with five (5). The Downtown neighborhood / area has been consistent with averaging a higher number of complaints. It is expected in the Downtown area since the daytime population runs much higher due to high-rise businesses, offices, and retail stores. It also has a much higher rate of transient foot traffic and certain homeless individuals that are chronic law offenders who draw police contact in both self-initiated activities by officers and calls for service from members of the public. However, as previously stated, the numbers continue to remain low when compared to the number of complaints filed in 2007.

Category 1 complaints consist of four categories of misconduct: 1) Excessive Force, 2) False Arrest, 3) Discrimination / Harassment, and 4) Criminal Conduct. Three out of the four categories resulted in complaints, the highest being seven (7) for Criminal Conduct, which has already been addressed. There were six (6) allegations for Excessive Force, all of which were deemed Unfounded. The other category, False Arrest, had one (1) allegation that was deemed Unfounded and was also discussed earlier. There were no complaints for Discrimination / Harassment. Category 1 complaints have remained low since 2009.

Category 2 complaints consist of six categories of misconduct: 1) Poor Service, 2) Discourtesy, 3) Improper Procedure, 4) Conduct Unbecoming an Officer, 5) Infractions, Traffic Violations and Riverside Municipal Code Violations, and 6) Other. Out of the six categories, only Discourtesy and Improper Procedure generated complaints in 2014. There were 28 total allegations for Improper Procedure, 24 of which were Unfounded, two (2) were Exonerated, one (1) Not Sustained, and one (1) Inquiry. There were no Improper Procedure allegations with a Sustained finding. There were seven (7) allegations of Discourtesy with four (4) Unfounded, one (1) Exonerated, and two (2) Sustained.

These two "Category 2" allegations, Discourtesy and Improper Procedure, have consistently resulted in the highest number of complaints. However, these types of complaints have declined each year with the majority of findings being Unfounded or Exonerated.

## *Historic Analysis – continued*

In our analysis and assessment of the statistical data discussed in this report, the Commission believes that the current RPD Command Staff and training standards established for all members of the Department has continued to contribute to the declines noted in both Category 1 and Category 2 complaints. In addition, the number of Sustained complaints against officers has continued to decline since 2009, with Unfounded and Exonerated having remained higher.

RPD officers are held accountable for their actions while performing their duties by the leadership of the organization. They appear better trained than in years past, particularly in areas of Critical Issues and Tactics where over a year ago the instruction focused on racial profiling and personal communications. The Department also added various components of the community to assist in better understanding the various cultures in Riverside. A greater focus of training has also been in the area of dealing with mental health issues, including that of children.

Discourtesy and Improper Procedure complaints are generally the result of miscommunication between officers and members of the community. The better the officers are trained in these areas, and the better community members understand how police officers must do their job, the better the relations between the two will exist. The Commission is in a position to help bridge the gap of understanding as well. Much of this is done through outreach efforts by Commissioners. Outreach by the Commission remains at a much higher level than in years past and since 2012, Commissioners have continued to excel in the variety of outreach events they have attended.



November 12, 2014

Commissioner Greg Smith being sworn in by Colleen Nicol, City Clerk



# Appendix

<b>City of Riverside Ordinance No. 6516</b>	<b>Section A</b>
<b>Charter Amendment – Section 810</b>	<b>Section B</b>
<b>CPRC By-Laws, Policies &amp; Procedures</b>	<b>Section C</b>
<b>RPD Policy &amp; Procedure 4.12</b>	<b>Section D</b>
<b>RPD Conduct &amp; Performance Manual Section 10: Administrative Investigation</b>	<b>Section E</b>



Commissioners at work during a CPRC Meeting  
Riverside City Council Chambers





# **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's first meeting to decide which members shall serve  
11 two, three and four year terms; three shall serve two year terms, three shall serve three year terms  
12 and three shall serve four year terms. The members first appointed to serve two year terms shall  
13 serve until March 1, 2002; the members first appointed to serve three year terms shall serve until  
14 March 1, 2003, and the members first appointed to serve four year terms shall serve until March 1,  
15 2004. No person shall serve more than two full terms. Serving more than one (1) year of an  
16 unexpired term shall be counted as service of one full term.

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

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

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

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

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

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

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

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

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

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

27 //

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

3 **Section 2.76.060 Confidentiality**

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

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

10 **Section 2.76.070 Severability**

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

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

19 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk  
20 this 11<sup>th</sup> 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**

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**BY-LAWS  
Amended March 13, 2013**

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**ARTICLE I  
DEFINITIONS**

- Section 1. As used in these By-Laws, unless a different meaning clearly appears from the context:
- A. "City" shall mean the City of Riverside.
  - B. "Commission" shall mean the City of Riverside Community Police Review Commission (CPRC).
  - C. "Commission Manager" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.
  - D. "Commissioners" shall mean the members of the Commission.
  - E. "Independent Investigator" shall mean the person(s) retained by the Commission Manager to receive, administer, or investigate, at the direction of the Commission, allegations of police misconduct or incidents where there has been an officer-involved death.
  - F. "Police Department" or "RPD" shall mean the Riverside Police Department.

**ARTICLE II  
COMMISSIONERS**

- Section 1. The Commission shall be comprised of nine (9) Commissioners 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 Commissioner must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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Section 4. Commissioners who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

### 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 Commissioner has not been appointed when the term of office of an incumbent Commissioner expires, the incumbent Commissioner may continue to serve until a replacement is appointed.

Section 3. Commissioners may be removed from the Commission by an affirmative vote by five (5) of the total eight (8) potential votes. Each of the seven (7) City Council members, plus the Mayor, are entitled to vote. A vote may be taken 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. Commissioners 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.



# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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## ARTICLE V COMMISSION 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 Commissioners, except the Chair shall not make or second a motion. The Chair shall have the right to vote on all matters. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission, and shall 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. The Chair shall also perform such other duties as may be prescribed by the City Council and Mayor, so far as the requested duties are within the purview of duties of the Commission as set forth in the Charter.
- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. Upon the Chair's unavailability, but only with the Chair's concurrence and approval, the Vice-Chair shall be authorized to speak to the media on behalf of the Commission. 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 Commissioners for a term of one year. An officer 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.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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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 for that given meeting.

### ARTICLE VI AUTHORITY, POWERS, DUTIES

Section 1. In accordance with Chapter 2.76 of the Riverside Municipal Code, the Commission shall have the power to:

- A. Advise the Mayor and City Council on all police/community- relations issues.
- B. Conduct public outreach to educate the community on the purpose of the Commission.
- C. Receive complaints of alleged police misconduct filed within six months of the date of the alleged misconduct against a sworn member of the Riverside Police Department, regarding use of 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) Commissioners.
- F. 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) Commissioners.
- G. 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.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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- 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. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.
- L. Advise the City Manager regarding the performance of said staff.
- M. 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.

### ARTICLE VII MEETINGS

Section 1. Regular meetings of the Commission shall be held on the fourth Wednesday of each month at 5:30 PM 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) Commissioners, the Chair shall be required to call a meeting of the Commission within one week. Commissioners 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 Commission meetings and standing committees meetings 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, officer-involved death (OID) case evaluations, or other time-sensitive Commission business. 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

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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to going into closed session. The public will be allowed to attend training sessions, annual officer elections, or officer-involved death (OID) case evaluations.

Section 5. A majority of all Commissioners shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the Commissioners present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.

Section 6. Business at Commission meetings may include, but is not limited to, the following:

- A. Roll Call
- B. Report of Commissioner Absences
- C. Public Comments
- D. Approval of Minutes
  
- E. Outreach Reports
- F. Case Review
- G. Officer-Involved Death Case Evaluations
- H. Old Business
- I. Committee Reports
- J. Staff Reports
- K. Commission Manager's Report
- L. New Business
- M. Commissioner Comments
- N. Items for Future Consideration
- O. Adjournment

The Commission Manager or any Commissioner shall have the right to place an item on the agenda of a future meeting.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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- 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 make such rules, regulations, policies, and procedures for its conduct, as it deems necessary, so long as said rules do not conflict with federal, state, or local law, City Charter, or the Commission's own By-Laws. Commission 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 first regular Commission meeting in March.
- 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 eight (8) hours of training annually.
- Section 14. Newly appointed Commissioners shall be required to attend an orientation meeting upon their appointment.
- Section 15. Newly appointed Commissioners are strongly encouraged to engage in ongoing outreach with their respective neighborhoods and Wards and with the RPD, so far as their time and circumstances allow. Commissioners are encouraged to attend community events on a regular basis and to schedule RPD ride-alongs on at least an annual basis. Newly appointed Commissioners are encouraged to schedule a RPD ride-along within the first ninety (90) days of their initial appointment and attend the Citizens' Police Academy.
- Section 16. Commissioners are strongly encouraged to undergo continuing education on issues relating to interactions between civilians and police officers. The Commission will endeavor to send at least one (1) Commissioner to the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference each year.

# **CITY OF RIVERSIDE**

## **COMMUNITY POLICE REVIEW COMMISSION**

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### **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 conducted by the Commission are two-fold: First, citizen complaint and administrative officer-involved death investigations are conducted by the Internal Affairs Division of the RPD and are reviewed by the Commission during closed session deliberations where findings are determined. In addition, criminal officer-involved death investigations are conducted by RPD Homicide Divisions and are reviewed by the Commission in open session where findings are determined. Secondly, there is an "investigative hearing" by the Commission held under special circumstances where witnesses may be called to testify and where a determination for further action may be recommended.
- Section 4. Investigations of any case having an officer-involved death will occur as soon as practicable.
- Section 5. 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. Electronic media, to the extent utilized by the Commission, shall also be kept by Commissioners in a secure location.

### **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

# **CITY OF RIVERSIDE**

## **COMMUNITY POLICE REVIEW COMMISSION**

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hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed.

Section 3. The elected Chair shall be an ex-officio member of all committees.

### **ARTICLE XI**

#### **REPORT TO THE CITY**

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

- A. The name of the Commission
- 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 Commissioners
- G. The amount of money expended in support of the Commission, to the extent such information is available
- H. A list of City personnel who regularly assist the Commission

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

Section 3. The Commission Chair may also advise the Mayor and City Council in a written or oral report on all pressing Commission or relevant community relations items.

### **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**

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**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  
Amended March 13, 2013

Respectfully Submitted,



---

Dale Roberts, Chair  
Community Police Review Commission

**MARCH 13, 2013**

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Date



**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

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**POLICIES AND PROCEDURES  
Amended October 24, 2012**

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**I. PURPOSE**

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

**II. SCOPE**

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

**III. AMENDMENT**

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

**IV. POLICY STATEMENT**

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

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

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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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.

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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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.

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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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

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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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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## COMMUNITY POLICE REVIEW COMMISSION

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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:

Commissioners will be advised when the synopsis, prepared by the Manager, is available electronically. This synopsis is **Confidential** and will be available to the commissioners no later than five (5) business days before the next scheduled case review meeting. It is the commissioner's obligation to review the case file prior to the meeting when deliberations 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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## COMMUNITY POLICE REVIEW COMMISSION

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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

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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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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COMMUNITY POLICE REVIEW COMMISSION**

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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**

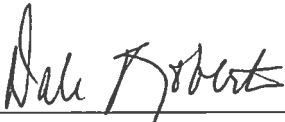
Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Amended: October 24, 2012

Respectfully Submitted,



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Dale Roberts, Chair  
Community Police Review Commission

*October 24, 2012*

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Date

# **Section D**



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