



## MINUTES

### COMMUNITY POLICE REVIEW COMMISSION City of Riverside April 23, 2001, 6 p.m. Art Pick Council Chambers

Present: Commissioners Brewer, Egson, Gardner, Goldware, Howe, Huerta, and Redsecker

Absent: Commissioners Garcia and Hendrick

Chairperson Howe called the meeting to order at 6:04 p.m.

Motion was made by Vice-Chair Brewer and seconded by Commissioner Gardner to approve both the minutes for the March 2001 monthly meeting and the following correction to the minutes of the February monthly meeting:

Absent: Commissioners ~~and~~ Huerta

The motion passed unanimously.

#### EXECUTIVE DIRECTOR'S REPORT / COMMENTS

Executive Director Williams

- said the May monthly meeting needs to be rescheduled since May 28<sup>th</sup>, the fourth Monday of the month, is Memorial Day. Mr. Williams advised the Commission of the five available dates and, after discussion and without formal motion, the Commission chose to hold the May monthly meeting on Wednesday, May 23, 2001 at 6 p.m. in the Mayor's Ceremonial Room.
- informed the commissioners of the Boards & Commissions Orientation Class that will be held Tuesday, May 8, 2001 at 5:30 p.m. in the Council Chambers. He also noted that they would be receiving a letter to advise them of this class.
- advised the Commission that a total of 57 citizen complaints have come to the CPRC office since the beginning of the year and that seven of these have been administratively closed. He also noted that of the remaining open cases, the Commission would be reviewing four that evening in closed session.

#### PUBLIC COMMENTS

Mary Shelton said that it is better to have independent oversight of an agency than to allow it to investigate itself. She stated that had she filed her "Commission complaint" with the RPD, "it would have fallen through the cracks somewhere." She then told of the incidents that led to the filing of each complaint.

Doug Leeper said he regretted the comments he made at the January meeting. He went on to say that he appreciated the courtesy and professionalism of a motor officer (Sgt. Taulli) when asked about an incident that was taking place in Mr. Leeper's neighborhood.

Charle E. Taylor spoke about a Tyisha Miller demonstration in November 1999 in which he participated. He said it's sad that he lives in a country that has now "militarized" the police. He voiced his concern about the way the police treated a Mr. Gallegos, one of the protestors, saying that it frightens him that a SWAT team can be used to issue jaywalking tickets because one hears of these things happening in China or Russia.

James Martin spoke about the November '99 Tyisha Miller demonstration and the treatment of a protestor by police officers in riot gear. Mr. Martin wants the particular officer held accountable for how he treats the public. He said the City of Riverside sent 12 – 14 SWAT officers in riot gear to issue a traffic citation when other cities use traffic officers. He said the officers came down there "...fully intent on starting a fight with this group..." He also said that the Commission needs to hold accountable the officers responsible for this incident.

Commissioner Howe asked Mr. Martin if the young man of whom he spoke had filed a complaint. Mr. Martin said that the young man had filed a complaint and that he (Mr. Martin) was listed as a witness in the complaint. He said that no one ever contacted him regarding the incident. Commissioner Howe asked when the incident occurred. Mr. Martin couldn't remember exactly, but said the incident was referred to earlier and was to be reviewed by the Commission that evening. Commissioner Brewer said the incident to which Mr. Martin referred took place in November 1999 and noted that it is out of the CPRC's scope of jurisdiction. Executive Director Williams confirmed this and noted that the case to be reviewed that evening was a complaint filed by Ms. Shelton regarding the handling of the investigation of the complaint to which Mr. Martin referred. Mr. Martin stated that the [original] complaint had been filed in a timely manner and also said that the disposition of the case by Internal Affairs was "that didn't happen."

Larry Halstead spoke about how, for almost a year up to November 15, 1999, peaceful demonstrations took place regarding the death of Tyisha Miller. He said that it was because of the Tyisha Miller Steering Committee, the Riverside Coalition for Public Accountability, and other civic leaders, that Riverside didn't experience the same problems that recently took place in Cincinnati. Mr. Halstead spoke about the freeway demonstration, saying that the police knew of this demonstration well in advance and were embarrassed that they hadn't taken a stronger stance. He said that was why, two weeks later, there was a flatbed truck with police officers waiting for the demonstrators along their demonstration route. He said that about 80% of the people who participated in the freeway incident were black. Of the twenty selected from that group for prosecution, 80% were white, and that those given jaywalking tickets were white. He stated that this is a "good ol' boy southern strategy to get white support out of the black movement, or what is perceived as the black movement." He said that the movement is police accountability. He also spoke about the complaint filed by Ms. Shelton and his concern over the fact that the officers investigating the complaint were the officers involved in the incident upon which the complaint was based.

Ralph Avila requested the resignation of "Mr. Gonzalez" (referring to Commissioner Garcia) "because of the racial overtones of this commission." Mr. Avila spoke about an incident that occurred at the Riverside Brewing Company in which he was "jumped by a gang of off-duty police officers." He said the incident was a "hate crime" and that it was "orchestrated and under the jurisdiction of a Riverside police officer." He said the Commission might want to look into the incident. He also said he would like to see the RICO Act brought to Riverside as it was with LAPD's Rampart Division.

Commissioner Howe asked Mr. Avila if he had filed a complaint. Mr. Avila said he hadn't because of the person recently appointed to head Internal Affairs, "Lt. Collins" (referring to Lt. Collopy). He said this was a point by which the RICO Act could be implemented. He also said that the incidents to which he referred are active cases and that the cases being older than six months does not disqualify them. Commissioner Howe asked Mr. Avila how he expected an incident to be investigated if a complaint isn't filed. Mr. Avila said the plan is to get private investigators to investigate the incidents.

## **PUBLIC COMMENTS AND COMMISSION ACTIONS ON CPRC BY-LAWS AND POLICIES & PROCEDURES**

Commissioner Howe noted that there were several requests to speak from the Riverside Coalition for Public Accountability (RCPA) and asked if there was any particular order in which they wanted to speak. The response was that there was no particular order in which they wished to speak.

Executive Director Williams asked to speak regarding some changes that had been made after the distribution of the April 10 drafts of the proposed CPRC By-Laws and Policies & Procedures. Commissioner Howe asked what prompted the changes. Mr. Williams said that Legal and other persons, who had been sent copies to review, had informed the CPRC office of these changes. Mr. Williams noted that there were no changes in the By-Laws and proceeded to go over the changes in the Policies & Procedures.

Chani Beeman handed out a letter regarding the RCPA's concerns over three items listed in City Ordinance No. 6516 that were not addressed in the proposed CPRC By-Laws. Ms. Beeman said that Item A, which deals with the advisory role of the Commission, and Item B, which tasks the Commission to conduct outreach to educate the public on the functions of the Commission, are critical to the work of the Commission and not to include them in the By-Laws is an "egregious oversight." She said they need to "make their way back into the By-Laws." She also said that Item D (to review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed) has not been included in the By-Laws. She said it is the opinion of the RCPA that Doug Jacobs' death falls under this item and that the omission of this item from the By-Laws is interpreted by the RCPA as the Commission "kneeling to the political interpretation of the ordinance language, which is quite explicit in its content." Ms. Beeman concluded by saying that it is understood that the Commission needs a period of time to "crawl before it can walk," but that the letter was to let the Commission know that it is expected "to eventually get off its knees." She said that the Commission needs to be strong and that the By-Laws in their current form do not reflect that strength.

Tanya Humphrey began by saying that there is a question in the community about how effective the Commission is going to be in being a voice for the community. She said that we live in a society that almost criminalizes poverty and those people are the most powerless and most victimized. She also said that people are no longer under the misconception that the police are always right. She stated that if the Commission is to be a voice for the voiceless, it needs to provide as much information as possible to assure the community "that this is not a 'good ol' boy' network or just a response to a tragedy..." She finished by saying that the Commission needs to look at things from all perspectives, not just what is politically expedient.

Michael Dunn introduced himself, saying that he is a member of the RCPA. He said that his concern is for public safety, not just of the citizens, but also of the police officers. He said he looks at the shooting of Doug Jacobs as a safety issue. He said there is a clear mandate for the Commission to investigate Officer Jacobs shooting. He requested the Commission to investigate the death from a safety standpoint.

Art Garcia thanked the commissioners for serving the citizens of Riverside. He said that he agrees with Ms. Beeman that Items A, B and D of the ordinance should be addressed in either the By-Laws or Policies & Procedures. He said that he thinks the By-Laws are well written, having extensive experience as a local union president for the past eight years and having served on City commissions and currently a County commission. Mr. Garcia also said that in his experience with various boards and commissions, the chairman has never voted (By-Laws - Article V, Section 2). He said that the chairman should remain impartial and, per parliamentary procedure, should only vote to break a tie. He also said that the executive director should be allowed to address the media if the chair is unavailable (By-Laws - Article V, Section 2). Mr. Garcia next referred to By-Laws Article VI, Section 1,

Item D, saying that audio and videotapes should be included as items the Commission can subpoena. Last, Mr. Garcia referred to By-Laws Article VII, Section 8, which states the CPRC's meetings "shall be conducted informally..." and questioned why the meetings would be conducted this way. He asked that the Commission consider the points he raised.

Commissioner Howe stated that the Commission would consider the points Mr. Garcia raised.

Deborah Wong thanked the Commission for including discussion of the By-Laws and Policies & Procedure in the agenda and also thanked them for the gender-neutral language in which they were written. She said that public outreach in the By-Laws is very important, saying that it is, essentially, education. She also said that public outreach and education is essential to the effectiveness of the Commission, and that its critical role is to reestablish community confidence in City government. Ms. Wong said that the RCPA could offer many ideas for creating a structure for public outreach. She said the commissioners should go out to the various community organizations and again noted that the RCPA could suggest ways in which this could be accomplished. She ended by urging the Commission to include an item in the By-Laws addressing public education.

Mary Shelton began by saying she thought the draft was a good one. She went on to talk about the shooting of Doug Jacobs. She said she knows that RPD has two categories of investigations, citizen complaints and internal investigations, and that officer-involved shootings fall under the later category. She asked where officer-involved investigations fell in terms of the Commission recommending safety policies. She voiced concern over the By-Laws section that states new commissioners be required to attend an orientation meeting (By-Laws – Article VII, Section 13). She noted that the current body had months of training and wondered how new commissioners would be "brought up to speed." She commented last on a section titled "Discrimination" (Policies & Procedures – Section V. Definitions, Item D). She said that economic status has not been included in this item, stating that some of the most vulnerable people in society are those who are poor or homeless. She closed by saying that economic status should be included in this item.

Commissioner Howe noted that all the CPRC's meetings have been videotaped, enabling commissioners to make up a missed meeting and that these videos will offer the same training to new commissioners as that received by the current commissioners.

Doug Leeper said that one thing missing from the By-Laws is mention of how a citizen can express gratitude to an officer or police employee for a doing good job. He said it is wrong to paint the whole police department as racist just as it is wrong to do that with a particular group of people based on race, religion or gender. He encouraged the Commission to include in its forms and on its website a place where citizens can express their gratitude as a balance to any negativity.

Commissioner Howe asked if any of the commissioners had any comments.

Commissioner Brewer stated that when the sub-committee put together the By-Laws, they felt that informal meetings would give everyone, including commissioners, the chance to say more and express their opinions without the strict structure of Robert's Rules.

Commissioner Gardner commented on his involvement in the sub-committee that formed the drafts. He said that he felt it was the intent of those in the sub-committee to be inclusive of all the Commission's assignments. He went on to say that he agreed with all that was said regarding the duties of the Commission as stated in the ordinance and said he believes it is the Commission's intent to do them. He noted that they might not have been articulated as well as they should have been, but that the points raised are valid and that perhaps language should be added to the drafts based on the duties of the Commission as stated in the ordinance.

Commissioner Huerta spoke next, agreeing with Commissioner Gardner's comments. She also was concerned that Item H of the ordinance ("To review and advise the Police Department in matters pertaining to police policies and practices.") had been left out of the drafts. She said that policies and practices would include both health and safety and public safety issues brought up by Doug Leeper. She asked if Mr. Garcia had any additional comments on the By-Laws as she found his comments informational. She asked Mr. Garcia if he had any other suggestions that he may not have been able to make due to lack of time.

Mr. Garcia responded to Commissioner Huerta's request, saying that he thinks the drafts are well written. He said he knows the Commission started from scratch, which isn't easy. He said that if he has any further suggestions, he would forward them to the Executive Director.

Commissioner Howe asked if there were any other comments. Commissioner Brewer recommended that the drafts be sent back to the sub-committee and that a cut-off date for suggestions from the public be established. Commissioner Howe agreed and established a sub-committee, chaired by Vice-Chairperson Brewer, and including two commissioners. Commissioners Gardner and Huerta volunteered.

Commissioner Huerta asked Mr. Williams to check on whether or not audio and video recordings were included in Article 6, Section D, noting that they could be vital pieces of evidence for the public or for the officers involved. Mr. Williams said that he would check on this and forward the information to the sub-committee. Commissioner Howe asked the sub-committee members to decide when they are going to meet and let Mr. Williams know so he can be available, if needed.

Commissioner Gardner said that MDT (mobile data terminal) and MDC (mobile date computer) transmissions might be potentially important. He said he was unsure how to write the subpoena policy so that it is broad enough to cover existing and future communications technology. Mr. Williams agreed that this should be addressed and that they would work on language to cover the rapidly changing technology. He also thanked the people who mentioned the subject.

Commissioner Howe thanked the public for their comments and suggestions.

After discussion and without formal motion, it was decided to make May 1, 2001 the cut-off date for additional public suggestions to the drafts of the CPRC's By-Laws and Policies & Procedures.

#### **CLOSED SESSION**

Commissioner Howe stated that the Commission would now go into closed session to review the four cases noted on the agenda. At 7:15 p.m., Commissioners and Executive Director recessed to the Council Chamber Board Room for a closed session pursuant to Government Code §54956.9.

The Commission adjourned at 9:35 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Administrative Clerk