



REGULAR MEETING MINUTES
for
Wednesday, October 22 2003
Council Chamber Boardroom – 4:00 P.M.
and
Art Pick Council Chambers – 5:30 P.M.
3900 Main Street, Riverside, CA

CASE REVIEW – 4:00 P.M.

Roll Call

Present: Commissioners Brewer, Garcia, Gardner, Huerta, and Ward

Absent: Commissioners Davidson, Howe, Percy, and O'Meara

Public Comment

There were no public comments on Closed Session items.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:12 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
02-124	P3-02-321-041
03-009	PC-03-049-169
03-044	PC-03-149-326
03-047	PC-03-170-235
03-049	PC-03-177-064
03-051	PC-03-199-126
03-055	PC-03-237-091
03-057	PC-03-200-139

The Commission recessed at 5:27 p.m. to reconvene in the Council Chambers at 5:39 p.m.

OPEN SESSION – 5:30 P.M.

**The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (909) 826-5509.**

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Roll Call

Present: Commissioners Brewer, Garcia, Gardner, Huerta, Percy, and Ward

Absent: Commissioners Davidson, Howe, and O'Meara

Approval of Minutes

Commissioner Huerta moved to approve the minutes for the September regular meeting. Commissioner Garcia seconded the motion. The motion passed unanimously.

Executive Director's Report & Comments

Mr. Williams advised the Commission that tentative dates of November 19 and December 17 had been set for the regular meetings for those months and asked how those dates worked for the commissioners. After a brief discussion, it was decided that November 12 and December 10 would best accommodate the majority of commissioners.

Commissioner's Comments

Commissioner Brewer said he would like information put together regarding CPRC findings vs. RPD findings and the final results from the City Manager. Chairman Gardner said there would be value in having the information included in the annual report. Mr. Williams asked what timeframes they wanted. Commissioner Brewer said he'd like information since beginning of the year while Chairman Gardner said he'd like cumulative to date.

Commissioner Percy said there is value in the telling public that the Commission is an independent review board and said he would like to explore the idea of a report giving the outcome of a case. He noted that bare stats only give no indication that the Commission is doing the job it's supposed to be doing.

Commissioner Percy also said he attended some forums for council candidates. He said it is becoming clearer to him that the Commission isn't doing a very good job in educating the public about the Commission. He said he feels there is misinformation and that there are misunderstandings about what the Commission is and what it does. He said the Commission probably needs "to be better advocates of understanding to the community" about what the commission does. He noted, that by the questions that were asked at the candidate forums, the Commission is not doing a good job of promoting itself. He invited his fellow commissioners and staff to have a special meeting go over strategies to review this issue and asked the Commission to consider a special meeting in January. He said he wants to build relationships and understandings before crises occur.

Public Comments

Ms. Brit Holmstrom

Ms. Holmstrom came before the Commission to express her extreme displeasure at the remuneration given to one of the police officers involved in the Miller incident. She said she was “outraged” by the fact that the officers involved in the Miller incident have been given medical settlements that she feels constitutes fraud on the part of the officers because they were employed with no medical restrictions prior to the incident.

She said she came to the Commission to learn what the Commission’s role was during the legal proceedings for the officers. She also asked who would be paying for the settlements and last, why were the officers on duty if they were disabled or were they actually disabled.

Chairman Gardner responded by telling Ms. Holmstrom that the Commission has no responsibility regarding the officers involved in the Miller incident. He said that when the Commission was created, the City Council put a beginning date on the complaints against officers that the Commission could review, which was after the Miller incident. He also informed Ms. Holmstrom that there was no Commission prior to the Miller incident.

Chairman Gardner advised that the Commission has no part in the discipline of officers. He said that the Commission’s role is to look at the facts of a case as presented and make a recommendation on those facts. He said a determination first has to be made as to whether an event took place and if it did, was it a violation of policy. He explained that the City Manager’s Office makes the final decision after reviewing the recommendations from the RPD and the CPRC. He noted that there are many people who are concerned about the fact that the officers involved in the Miller incident were terminated and are now receiving “disability payments basically.” He said that the decision regarding the officers’ settlements was made by the City Council.

Ms. Holmstrom said she would take up the issue with the City Council.

Commission Brewer also explained that the CPRC is a police review commission, not a police commission and does not have the authority of a police commission. The CPRC only reviews complaints made against police officers.

Ms. Sharon Tyrell

Ms. Tyrell spoke to the Commission regarding Measure G, a bond measure that will be on the November ballot. She said they want the citizens of the city, as informed voters, to look at Measure G. The measure, if passed, will provide for the construction of new fire stations, a new training facility, and an adequate Emergency Operations Center.

Ms. Mary Shelton

Ms. Shelton spoke about findings comparison stats that were in the 2002 Annual Report. She said the information in the report makes it seem like “they go along with Internal Affairs most of the time.” Ms. Shelton also agreed with Commissioner Percy regarding outreach. She said many people she speaks to with regard to filing complaints don’t know there is a police review commission.

Ms. Shelton again voiced her concern about subject officers having access to the complainant’s personal information via their copy of the complaint form. She said most of the time there won’t be a problem with

an officer having your personal information, but that “you never know.”

Chairman Gardner said he is also concerned about that issue and asked the Executive Director to see if there’s anything in the Police Officers’ Bill of Rights that entitles an officer to that information. He said he would like to see a recommendation from the Commission to change the process if the law doesn’t require the information to be there.

Mr. Williams said he would look into that. He also said he wanted to note that there were 15 times when there was a sustained finding, either by RPD or CPRC, and the other body didn’t agree with that finding.

Dr. Ron Bailey

Dr. Bailey began by saying that he had attended several commission meetings and that he also attended the NACOLE conference. He said that while he felt the commissioners were doing the best job they could, he felt the Commission “further bolsters officer insulation from accountability unless one on this committee has more authority of oversight into the issues of Internal Affairs, it is very unlikely that any change will be effected as relates to police accountability.”

Dr. Bailey said he spoke as both a physician and a victim of police brutality. He said he was beaten by Sheriffs’ deputies in 2000 and while this incident involved the Moreno Valley Police Department (Riverside County Sheriff), he said he felt there were similarities between his situation and situations that had come before the CPRC. He said that, as a physician, he’s seen “complicity between health care professionals and law enforcement to cover up severe cases of police brutality.” He said he has seen perjury by officers and fabrication and false reporting by officers. He said the likelihood someone of filing a criminal complaint against an officer in state court and winning is zero; the likelihood of someone filing a criminal complaint against an officer in federal court and winning is less than one percent.

He reiterated his feeling that oversight boards further insulate officers from accountability and said that “unless you have more authority of oversight, particularly of oversight of Internal Affairs, I doubt seriously that you’re going to be able to effect any change as relates to accountability issues only.”

Chairman Gardner noted that the City Council was responsible for giving the Commission the authority that it has. He asked Dr. Bailey to address the City Council about amending the ordinance to increase the authority of the Commission if it was something about which he felt strongly. He added that the Commission can’t expand or contract its authority – only the Council can do that.

Independent Investigations

Commissioner Ward said this issue had come up during discussions of the Workshop Committee. He said this item was put on the agenda so that the Commission could discuss whether or not it is satisfied with the current outside investigation process.

Chairman Gardner noted that about a year ago, a guideline had been established for outside investigations. He asked the Executive Director if there had been any cases that had warranted the “spot checks” as outlined in the guideline. Mr. Williams said there had only been one – an excessive use of force case – that had been of sufficient gravity to warrant the use of the investigator, but that the investigator was quite busy with the officer-involved shooting cases (four) that were still open.

Mr. Williams said he hadn’t seen a difference in what has been reported to the Commission by RPD and what the private investigator has reported in any of the instances where there have been parallel investigations.

Chairman Gardner asked that all commissioners be given a copy of the guidelines. Commissioner Huerta said her recollection of the committee discussions was that there was concern over the quality of the work and the lack of recommendations from the investigator. She said she would like to see itemized statements for each case.

Mr. Williams commented that initially the Commission wanted the investigator to be out as soon as possible after an officer-involved death incident interviewing witnesses. He said the reality is that “we can knock on doors and we can get witnesses, but that’s about as far as we can go without cooperation from the Police Department.” He suggested that another way to use the investigator’s expertise is to have him critique the investigation, looking for major holes or inconsistencies.

Commissioner Ward said he would like to have the investigator answer questions he might have regarding a case. He said he is no more informed after reading the investigator’s reports than he is after reading PD’s.

Commissioner Percy suggested crosschecking the quality of reports coming from RPD using the outside investigator.

Chairman Gardner said that there are enough divergent views among the commissioners to make it a workshop agenda topic.

Mary Shelton

Ms. Shelton said it’s hard to know how investigations compare if the Commission has no access to the police officers involved.

Committee Reports

Outreach Committee – Brian Percy, Committee Chair

Mary Shelton

Ms. Shelton had questions regarding the topics for the Workshop Committee. Chairman Gardner told her that the Commission would be discussing and then voting on those items.

Commissioner Percy said he would be contacting staff to set up a committee meeting as soon as possible.

Workshop Committee – Jim Ward, Committee Chair

Commissioner Ward said he felt that it had been shown that a workshop was needed. Commissioner Brewer moved to accept the proposed agenda with Commissioner Percy seconding. The proposed workshop agenda was accepted unanimously. There was some discussion regarding dates, but no decision.

The Commission adjourned at 7:51 p.m.

Respectfully submitted,

PHOEBE SHERRON
Sr. Office Specialist