



**REGULAR MEETING  
MINUTES  
for  
Wednesday, July 26, 2006  
5<sup>th</sup> Floor Large Conference Room  
Riverside City Hall, 3900 Main Street**

**The following proceedings have been digitally recorded.  
For copies, please call the CPRC office at (951) 826-5509.**

**Roll Call**

Brewer	Davidson	Garcia	Arreola	Ward	Pearcy	Corral	Castro	Quinto
✓	✓	A	✓	✓	A	✓	✓	✓

✓ = Present    A = Absent

Staff: Dr. Pedro Payne, Executive Director; Phoebe Sherron, Sr. Office Specialist

**Public Comments**

Ms. Mary Shelton spoke regarding postings to her website from a person claiming to be a retired RPD lieutenant.

Mr. Robert Melsh asked about the final disposition in the Summer Lane case. Exec. Dir. Payne said there was no disciplinary action taken. Capt. Pete Esquivel, RPD Liaison, confirmed this.

**Commissioner Comments**

Vice-Chair Ward said nothing happened as a result of the Commission's finding regarding the Summer Lane case, noting that it seems the decisions of the Commission are recognized only if they are in agreement with the City's.

**Argow Officer-Involved Death Case**

Commissioner Brewer recommended removal of the first paragraph in the conclusion, stating that it appears the Commission has already reached a conclusion in the case although the IA casebook hasn't been reviewed. Dr. Payne advised that the paragraph says "based on information received so far" so that the reader would know that only information made public so far has been used to reach that decision. Commissioner Brewer said it could be confusing if the Commission says that the officer's actions were within policy, yet made a different finding later on.

Dr. Payne said that his only argument for retaining the paragraph was if this information isn't given to the public in the public report, they will never know the Commission's finding. Ms. Sherron stated that, although the Commission can't make a public report once the IA report has been reviewed, the Commission's closed session finding as to whether or not the officer's actions were within policy, is posted on the CPRC website. Dr. Payne noted that the information is posted without names attached so members of the public would not know that it was the finding for the Argow case.

Chairman Davidson said the public needs to hear in detail from the Commission and that careful consideration be given to restricting that information.

Dr. Ron Bailey said that the report gives "just the facts," but suggested that, to bridge with the community, the Commission should include in the report something to the effect that the Commission recognizes that there have been a number of issues dealing with policing of medically, physically, and psychologically impaired individuals. He also recommended that officers be sensitized and merge with health care professionals "to discuss issues of this nature in an attempt to diminish the interaction, the bad interaction, and the bad press that they have had in dealing with patients who have issues like this."

Chairman Davidson asked Capt. Esquivel what training the officers received regarding someone who is out to kill himself by having an officer shoot them. Capt. Esquivel said that training for police officers in this area is minimal. He said that this issue has been addressed by the RPD and they are moving forward with a program called the Mental Health Response Team. He said training is scheduled for sometime in the fall. He noted that RPD staff would be attending the second annual Crises Intervention Team National Conference in September.

Chairman Davidson said he somewhat agreed with Dr. Bailey. He suggested adding a sentence to the conclusion of the public report addressing the issues raised by Dr. Bailey and noting RPD's efforts to get training for officers regarding their interaction with impaired persons. Capt. Esquivel noted that Dr. Bailey was on the mark in that this is an area of deficiency not only in the Riverside Police Department, but in law enforcement across the nation.

Vice-Chair Ward said he agreed with Commissioner Brewer that the paragraph discussed earlier has no place in the report. He said he also has a problem with Commission reports saying that an officer's actions were within policy, yet the case can still be troubling. Chairman Davidson said there are some cases where there are other issues, but not all. He said that he felt the wording was proper. Vice-Chair Ward voiced concern about the tactics used by RPD regarding the staging of the officers. His concern was that the involved officer, while not the one assigned to use lethal force, was the only officer in a position to see Mr. Argow coming out of the front door. Vice-Chair Ward said that, had the officers been in different positions, non-lethal force could possibly have been used resulting in a different outcome. Chairman Davidson said it's difficult to know whether or not the positioning of officers is the best positioning, but as the officer was fearing for his safety, he couldn't fault him for taking the action he did.

Dr. Payne suggested that verbiage be included in the report's conclusion to address the issues raised by Dr. Bailey. After discussion and other suggestions, the inserted verbiage read as follows:

"It has come to the attention of the Commission that the Riverside Police Department has identified an area of deficiency in regards to how officers confront individuals with mental, physical, emotional, and medical disabilities. The Commission is supportive of the Riverside Police Department's efforts to implement a special educational training component to address this deficiency."

At this time, Chairman Davidson asked for a show of hands to determine whether or not to keep the first paragraph. Vice-Chair Ward said he felt it should be removed because the Commission's public report is based on the criminal investigation and has nothing to do with policy, which is dealt with in the administrative investigation. He said that if the Commission says in the public report that the officer's actions were within policy, it will be difficult to "complain about the situation," noting that "you cannot give approval of something in this report, then disapprove it in the next report."

Chairman Davidson asked what the Commission would be able to say later should the paragraph be removed. Dr. Payne said a decision needed to be made as to what to say prior to reviewing the IA report, noting that whatever isn't said will remain unsaid.

Chairman Davidson again asked for a show-of-hands vote to determine whether or not to keep the first paragraph in the conclusion of the Argow OID Public Report. The vote was 5 for and 2 against keeping the first paragraph.

Chairman Davidson next asked for a show-of-hands vote to include in the report's conclusion the verbiage drafted by Dr. Payne at the suggestion of Dr. Bailey. The vote was unanimous to accept and include in the report's conclusion the verbiage, as noted above.

Chairman Davidson then asked for a final vote to approve the report.

Motion to Approve	Motion	Second	Approve	Oppose	Abstain
Approval of Argow OID Public Report	Brewer	Corral	7	0	0

**Rabb Officer-Involved Fatal Incident**

The Commission's outside investigator, Butch Warnberg of Baker Street Group, reported on his investigation of this incident. Please see Mr. Warnberg's report (attached) for detailed information.

Ms. Shelton said that, based on Mr. Warnberg's report, a good argument was made for the training noted by Capt. Esquivel. She noted that if a person is medically impaired but officers think the person is on drugs, the person would be viewed differently by the officers. She also noted that if the audio recording policy required all officer contacts to be recorded, there might be an answer to the question of whether or not one of the responding officers said Mr. Rabb was on drugs. Ms. Shelton expressed concern about how the pushing of Mr. Rabb's face into the couch cushions during a struggle with officers affected his ability to breathe and how long he was in that position. She noted that officers need to be trained to look at situations differently so that they have more options.

Dr. Bailey said that in his 30 years as a physician, he has never had to use handcuffs to restrain a diabetic patient. He also said that this case "showcases the need for the Riverside Police Department to become more sensitive in dealing with medical, psychiatric, emotional issues in detainees." Dr. Bailey had the following concerns regarding the case:

- ineffectual or non-training of law enforcement on issues of policing impaired detainees
- this case exemplifies "death while in custody" (use or attempted use of carotid restraint)
- obstruction of medical care (handcuffing of Mr. Rabb)
- complicity of law enforcement and health care officials to cover up consequences of police brutality

Commissioner Brewer said he'd read in the investigator's report that the handcuffs were removed from Mr. Rabb when he went into cardiac arrest. Mr. Warnberg verified this, noting that Mr. Rabb was cuffed for approximately three (3) minutes.

Chairman Davidson asked what triggered police takeover of the incident. Mr. Warnberg said it occurred while the paramedics were trying to get a blood sample from Mr. Rabb's foot.

Commissioner Arreola asked how much time passed from when the officers arrived to when Mr. Rabb stood on the couch. Mr. Warnberg said that the time frame for the entire incident, from the time of radio dispatch until Mr. Rabb was transported from the scene, was about seven minutes.

**RPD Policy Recommendation**

In reviewing a recent complaint, the Commission learned that, under current RPD policy, the owner of property being held by the Department for safekeeping is notified once, in writing. If the property is not claimed within 60 days, it is then disposed of in the manner prescribe by law.

The Commission recommended that, in the event the property owner is institutionalized, it would be helpful to make a second attempt to contact a family member of the owner of the unclaimed property via certified mail, giving an additional 30 days to retrieve the property prior to its disposal.

Motion to Approve	Motion	Second	Approve	Oppose	Abstain
Approve RPD Policy Recommendation	Castro	Ward	7	0	0

**Amendments to CPRC By-Laws**

The Commission voted to approve the following amendments to CPRC By-Laws:

- A) Discuss and vote to approve the following addition to Article III, Section 1 regarding the City's Code of Ethics:  
"Commissioners shall be subject to all applicable local, state, and federal laws and codes of ethics adopted by the City Council."

Motion to Approve	Motion	Second	Approve	Oppose	Abstain
Accept Proposed Amendment to CPRC By-Laws Article III, Section 1	Corral	Ward	7	0	0

- B) Discuss and vote to approve amending Article VII, Section 4, (second sentence) to read: "The only exceptions to this are when training is to be scheduled and annual officer elections."

After minimal discussion, CPRC By-Laws Article VIII, Section 4, was amended to read as follows:

Notwithstanding Section 3 above, the Commission will 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 and annual officer elections. The notice and agenda for such meetings shall be distributed in the same manner as the notice and agenda for all other Commission meetings. Case Review meetings will not be open to the public; however, public comments may be heard prior to going into closed session. The public will be allowed to attend training sessions. The Commission may, at its discretion, agendize training sessions and / or annual officer elections on the second Wednesday of the month.

Motion to Approve	Motion	Second	Approve	Oppose	Abstain
Accept Proposed Amendment to CPRC By-Laws Article VIII, Section 4, (as noted above)	Ward	Corral	7	0	0

**NACOLE 2006**

After some discussion, the Commission agreed to that, schedules allowing, Commission and Committee officers and the Executive Director should attend the 2006 Annual NACOLE Conference in Boise, Idaho.

**Approval of Minutes**

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
June 28 Regular Meeting	Brewer	Corral	7	0	0
July 12 Case Review Meeting	Brewer	Corral	7	0	0

**CPRC Survey Cover Letter**

After minimal discussion, the Commission, on a show-of-hands voted, unanimously approved the Survey Cover Letter.

**Executive Director's Report & Comments**

Executive Director Payne:

- Possible dates for tour of the Magnolia Police Facility are August 9 or September 13
  - Commissioners opted for September 13, 2006
- Outreach Opportunity – Back to School Rally on August 26, 2006 at Patterson Park
- Staff is in the process of converting the training videos to DVD format
- NACOLE Conference conflicts with the September 27 Regular Meeting date and will be held on September

13.

**Committee Reports**

- A) Outreach Committee – Brian Pearcy, Chair
  - No meeting
- B) Budget Committee – Bob Garcia, Chair
  - No meeting
- C) Policy & Procedure Review Committee – Jack Brewer, Chair
  - No Meeting
- D) Internal Evaluation Ad-hoc Committee – Jim Ward, Chair
  - Vice-Chair Ward reminded the Commission of the seminar on Friday, July 28, 2006

**Commissioner Comments**

Chairman Davidson, along with Vice-Chair Ward and Dr. Payne, met with Capt. Pete Esquivel and Lt. Blevins (IA) regarding allegation issues. He encouraged more of the face-to-face meetings.

**Items for Future Commission Consideration**

Vice-Chair Ward asked to agendize a discussion of the powers and duties of the Commission as noted City Charter, the ordinance, CPRC By-laws and Policies and Procedures, specifically as it relates to public reports and OIDs.

**Adjournment**

The Commission adjourned at 8:00 PM.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist