



**REGULAR MEETING  
MINUTES  
for  
Wednesday, September 13, 2006  
7<sup>th</sup> Floor Small Conference Room  
and  
Art Pick Council Chambers  
Riverside City Hall, 3900 Main Street**

**CASE REVIEW – 4:00 P.M.**

1) **Case Review 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

2) **Public Comment**

There were no public comments.

3) **Commissioner Comments**

There were no commissioner comments.

4) **Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<b>CPRC CASE NO.</b>	<b>RPD CASE NO.</b>
1)	06-029	PC-06-05-002
2)	06-033	PC-06-05-007
3)	06-015	PC-06-062-149
4)	06-023	PC-06-05-005

The Commission recessed at 5:00 P.M. to reconvene in the Council Chambers.

## OPEN SESSION – 5:30 P.M.

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

Chairman Davidson led in the Pledge of Allegiance.

### **REGULAR MEETING – ROLL CALL**

Chairman Davidson asked Ms. Sherron to confirm commissioner attendance.

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

#### **5) Public Comments**

There were no public comments at this time.

#### **6) Rabb Officer-Involved Fatal Incident**

Dr. Ron Bailey said he doesn't believe that the CPRC would want to "sweep" the Rabb case under the rug. Dr. Bailey raised the following points:

- 1) Why the delay in the Rabb case (was the case being held to insure that the year expired)
- 2) Death while in custody: whether carotid restraint was used inappropriately is irrelevant.
- 3) Obstruction of Medical Care: because Mr. Rabb was handcuffed, no matter how long, a critical time frame for treatment was breached.
- 4) Complicity of Law Enforcement and Health Care Professionals to cover up consequences of police brutality: Dr. Bailey said that RPD's statement that a paramedic assisted an officer in applying handcuffs did not "sit well" with him. He noted that "most medical professionals recognize that handcuffs are not to be used as restraints on patients...and if the patient was handcuffed, he would not be able to be transported to the hospital via ambulance."

Ms. Mary Shelton spoke regarding suits by the Riverside Police Officers' Association (RPOA). She said she thought it was strange that a finding would be appealed when there was no action taken against the involved officer. She said the RPOA has to realize that the CPRC is here; because the RPOA challenged the Summer Lane finding, it shows that the RPOA does recognize that the CPRC exists. She said she was disappointed by the latest development and feels it is wrong to "clamp down" on the Commission's ability to publicly voice its opinions. She noted that there needs to be more dialog regarding independent council for CPRC.

Vice-Chair Ward commented that he had stated at the last meeting that if the Rabb Public Report were approved, he would consider adding a "minority report" to the public report. At the request of the Commission, Commissioner Ward put his concerns in writing. As those concerns were distributed to the commissioners for their review and consideration for inclusion in the Rabb Public Report, Vice-Chair Ward asked for the other commissioners' response to his comments / concerns.

Chairman Davidson said that any addition to the report should note that the Commission concurs with the RPD in that more training is needed.

Commissioner Brewer said that while Vice-Chair Ward spent considerable time and study putting his comments together, but he said that he couldn't vote to add Vice-Chair Ward's comments to the report as being those of the Commission. Commissioner Brewer suggested that because the comments relate to RPD Policy & Procedure, they can be brought to Policy & Procedure Review Committee.

Commissioner Arreola said that he doesn't agree with or support Vice-Chair Ward's interpretation. He said that he's happy that RPD is moving forward with mental health training.

Commissioner Corral agreed with Commissioner Arreola. She said that the concerns were those of Vice-Chair Ward, not the Commission. She said that she was impressed that RPD has taken the action to provide more training and look into medical / mental needs and that she is supportive of the training.

Commissioner Castro said the report should be left as written. He said that he was glad that RPD is taking action to train officers regarding impaired individuals.

Commissioner Garcia supported adding Vice-Chair Ward's comments, but with some wordsmithing.

Chairman Davidson read an e-mail from Commissioner Quinto-MacCallum in which she expressed concern that some of Vice-Chair Ward's statements "'blanket' the work of all investigations as inadequate." She ended her comments by stating that "there would have to be considerable editing of his comments before I could include them in our report."

Ms. Mary Shelton said she supports RPD's training program. She asked if the issue regarding quality of investigation was addressed: what was going on in the officer's mind and was that addressed by investigator. Referring to prior officer-involved deaths (OID's), she said that RPD investigators didn't follow up on officers' frame of mind at the time of the incidents. She said that the CPRC is strongest when it can influence the quality of investigations.

Dr. Ron Bailey said that the training isn't meant to turn officers into paramedics. He said he was glad to hear about the training, but asked about the adequacy of the training. He said he agree with Vice-Chair Ward in that it will take many changes to effect the police department.

Mr. Ray Lewis noted that "tribunals" often give dissenting members the opportunity to put their comments on the public record.

Ms. Linda Dunn said she concurred with Mr. Lewis' point. She said that the labeling of a report as a "minority" report states that there is a different majority. She urged the Commission to recognize Vice-Chair Ward's statement.

Chairman Davidson said that he'd read Vice-Chair Ward's comments and noted that there were points he with which he concurred. While felt Vice-Chair Ward's concerns should be looked at, he believed the issues raised reach beyond the Rabb case.

Motion was made as follows:

MOTION	Motion	Second	Approve	Oppose	Abstain
Approval, as is, of the Public Report regarding the Rabb Officer-Involved Fatal Incident	Castro	Corral	5	2	0

Vice-Chair Ward asked that, since the Commission voted to not include his comments in the public report, his comments be presented with the public report as his personal opinion.

Executive Director Payne said that if a majority of the Commission is in favor of including a minority report, it would be included. He also noted that there is nothing in the Commission's By-Laws that says a minority report can or can't add to a public report.

Vice-Chair Ward said he didn't understand the concern, noting that minority reports are allowed in regular complaint cases and he didn't understand what was different with OID's.

Commissioner Brewer noted that minority reports have only been on closed session reports, not OID's.

Chairman Davidson said he didn't want to hold the report any longer and asked for a motion to include it as a minority report.

MOTION	Motion	Second	Approve	Oppose	Abstain
To accept Vice-Chair Ward's comments as a minority report and include them with the Public Report regarding the Rabb Officer-Involved Fatal Incident	Ward	Garcia	3	4	0

**7) Approval of Minutes**

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
July Regular Meeting	Brewer	Corral	6	0	1
August 23 Special Meeting	Brewer	Garcia	6	0	1

**8) Executive Director's Report & Comments**

Executive Director Payne:

- noted that the NACOLE Conference would be held in a couple weeks in Boise, Idaho;
- noted that August was semi-dark in that the only meeting held was a special meeting;
- noted that the Commission made a commitment to handle OIDs within 30 days of receiving the casebook from RPD;
  - noted that the Commission has been able to keep to that time frame so far;
  - time frame doesn't mean the case has been concluded within 30 days, but it has at least been opened for public discussion within 30 days.

**9) CPRC Committee Membership**

A) Outreach Committee – Brian Percy, Chair

- No Meeting
- Commissioner Arreola reported on the Back-to-School event he attended on August 26 at Patterson Park.

B) Budget Committee – Bob Garcia, Chair

- No Meeting
- Will meet after NACOLE Conference

C) Policy & Procedure Review Committee - Jack Brewer, Chair

- No Meeting – No Report

D) Internal Evaluation Ad-hoc Committee – Jim Ward, Chair

- No Meeting – No Report

**12) Commissioner Comments**

Commissioner Garcia noted that the Casa Blanca Community Action Group (CAG) would be meeting that evening at 7 PM.

**13) Items for Future Commission Consideration**

There were no items for future Commission consideration.

14) **Adjournment**

The Commission adjourned at 6:24 PM.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist