



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, August 25, 2010
5th Floor Large Conference Room
and
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:30 PM

Case Review Roll Call

| Rotker | Slawsby | Hubbard | Brandriff | Morales | Pearcy | Roberts | Santore | Beeman |
|--------|---------|---------|-----------|---------|--------|---------|---------|--------|
| ✓ | A | A | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

✓ = Present A = Absent L = Late LE = Left Early

STAFF: Kevin Rogan, CPRC Manager
Phoebe Sherron, Sr. Office Specialist (Absent)

Public Comment

There was no public comment.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 1:35 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

| | <u>CPRC CASE NO.</u> | <u>RPD CASE NO.</u> |
|----|----------------------|---------------------|
| 1) | 10-004 | PC-10-02010 |
| 2) | 10-010 | PC-10-03014 |

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

| Rotker | Slawsby | Hubbard | Brandriff | Morales | Pearcy | Roberts | Santore | Beeman |
|--------|---------|---------|-----------|---------|--------|---------|---------|--------|
| ✓ | A | A | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |

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STAFF: Kevin Rogan, CPRC Manager
Phoebe Sherron, Sr. Office Specialist (Absent)

Public Comments

Bill Howe said he was glad the Commission meetings had gone back to the evening time frame. He also asked if any CPRC commissioners were going to the NACOLE Conference in Seattle.

Deborah Wong welcomed the Commission back to the Council Chambers and the 5:30 meeting time. She also encouraged the Commission to try to find a way to send some members to the NACOLE Conference.

Mary Shelton said she was glad to see the Commission once again holding its meetings in compliance with its By-Laws.

Michael Dunn said he was glad the Commission was back to holding its meetings at 5:30. He also asked what the Commission was going to do regarding independent investigations for the pending OIDs.

Chairman Pearcy responded that due to the passage of time, the use of an investigator may or may not be beneficial. He said that should questions come up during the Commission's review of the pending OIDs, an investigator would be used to obtain answers to those questions.

Approval of Minutes

As some commissioners had not reviewed the modified version of the minutes that were up for approval, Commissioner Brandriff moved to hold the approval over to the next meeting. His motion died for lack of a second.

After further discussion, Commissioner Brandriff reiterated his motion to table approval of the July minutes until the next meeting.

| Minutes for Approval | Motion | Second | Approve | Oppose | Abstain |
|--|-----------|---------|--|--------|---------|
| Table approval of the July 28 Regular Meeting minutes until the next meeting | Brandriff | Roberts | Rotker Brandriff Morales Pearcy Roberts Santore | Beeman | 0 |

OLD BUSINESS

Quinonez Officer-Involved Death (OID) Evaluation Process

Continued discussion and action, if any, on the OID evaluation. The Commission may further discuss Stage VI (Writing Public Report).

Mary Shelton spoke regarding the current stage of the OID evaluation process and whether or not an independent investigation had been attempted regarding this case, noting that she hadn't seen and independent investigation conducted since the Hill OID.

After a brief break, Chairman Percy began to review the document.

- Table of Contents
 - No comments
- Page 1
 - Commissioner Brandriff asked about the wording in Section I "...and follow-up information from the Commission investigator," noting that he was unaware of a investigator working on this OID.
 - After some discussion, Chairman Percy suggested the wording be modified to "... "follow-up investigation by the Commission Staff Member," to which there were no objections.
- Page 2
 - Commissioner Roberts suggested that RPD employees have their rank shown prior to their name throughout the entire report.
 - Commissioner Beeman suggested that witnesses be handled with formality similar to the RPD employees
 - Chairman Percy responded that typically a person is identified with full name and rank, if applicable, but after that point, is referred to by last name or another identifier through the remainder of the report. This action was his recommendation.
- Page 3
 - Chairman Percy suggested parenthetical note regarding the sunset be changed to a footnote to allow for better flow of the paragraph.
- Page 4
 - No comments
- Page 5
 - Discussion took place regarding reference to US case law when it was not something that was discussed by the Commission during the evaluation process.

| Motion for Approval | Motion | Second | Approve | Oppose | Abstain |
|--|--------|---------|-------------------|---|---------|
| That Section VII, Applicable Case Law, be removed from the report. | Beeman | Morales | Morales Beeman | Rotker Brandriff Percy Roberts Santore | 0 |

After additional discussion, the following motion was made:

| Motion for Approval | Motion | Second | Approve | Oppose | Abstain |
|--|-----------|--------|------------------|--------|---------|
| That Section VII be moved to Section VIII as a subsection following the reference to RPD Policy & Procedures; Section VIII would then become Section VII | Brandriff | Rotker | Unanimous | 0 | 0 |

- Page 6
 - Vice-Chair Santore asked if RPD Policy 4.8 could be included in this section of the report.
 - Chairman Percy said referenced documents or those generated and used by the Commission during the evaluation process would be included in the report's appendix.
- Page 7
 - Commissioner Rotker noted that the first bullet point of Section X, reads "A possible attempt by to direct the..." and that "...by to..." should be corrected.
 - Commissioner Rotker referred to the unnecessary inclusion of "himself" in the last sentence in the last paragraph of Section X.
 - Chairman Percy said "himself" would be removed.

As no further comments were made, Chairman Percy advised that the report would come back to the Commission one last time for review and approval.

Outreach

Mr. Rogan spoke regarding City Attorney Priamos' recommended modifications to the "What to do When Stopped by the Police" PowerPoint presentation.

- regarding instances where citizens are advised to answer officer questions, add the word "truthfully."
- regarding instances where citizens are told they can file a complaint after a negative contact with an officer, add that a supervisor can be requested to respond to the scene rather than wait to file a complaint.
- regarding citizens being told they can deny an officer's request to enter their residence, CA Priamos advised that there are situations where an officer has a legal right to enter if
 - if it is determined, during the course of an investigation, that a resident in that location has a felony, no bail warrant for their arrest, the officer can legally enter the residence without a hardcopy of the warrant in hand.

Mary Shelton regarding citizens videotaping officer actions and the six-month window for complaints to be reviewed by the Commission.

Commissioner Morales commented on the advice that citizens should answer truthfully, saying that people may have a 5th Amendment right not to speak. Dep. CA Rahman Gerren advised that if an officer is conducting a criminal investigation and the person he's speaking to is a suspect, the person could plead the 5th as he might otherwise incriminate himself. He said however, as a general rule, telling a citizen to answer truthfully was probably the best advice.

Following additional discussion, Chairman Percy suggested that these areas be modified to read, "If you answer questions, do so truthfully."

Vice-Chair Santore requested removal of the paragraph beginning "This presentation is..." on Slide 2, in that the presentation's title page gives ownership of the presentation to the Commission and that this additional statement is redundant.

Discussion took place regarding this, ending with Chairman Percy's suggestion to include the word "our" between the words "including" and "service."

| Motion for Approval | Motion | Second | Approve | Oppose | Abstain |
|--|--------|-----------|------------------|--------|---------|
| That the presentation be accepted with the inclusion of the City Attorney's recommended modifications and the inclusion of "our" between the words "including" and "service" in the first paragraph, second slide. | Beeman | Brandriff | Unanimous | 0 | 0 |

NEW BUSINESS

Sanchez Officer-Involved Death (OID) Evaluation Process

First notice by Chair to Members that the completed police investigation report has been received from RPD. The Commission is expected to begin Stage I, Member Review, in preparation of beginning Stage II, Fact Finding & Certification Process, at the September Regular Meeting.

Chairman Percy gave the Commission official notice that the Sanchez OID would be the next OID case the Commission would evaluate.

Discussion took place as to whether or not an independent investigator would be assigned to review the case. Commissioner Beeman made a motion, with Commissioner Brandriff as second, to have the case assigned to one of the Commission's investigators. Continuing discussion garnered comment from Mr. Rogan who said that he didn't believe a vote was necessary as the Commission was acting within its purview to have the case investigated due to the City Council's recent decision that the Commission could begin its independent investigation 30 days after an OID incident. Based on this information, no votes were made.

Commissioner Beeman made another motion that the Commission suspend its discussion of the Sanchez case until the investigator had completed his review of the criminal casebook and submitted a report to the Commission. Chairman Percy said he felt no vote was necessary and that this item had actually been agendaized to give notice to commissioners that they could begin their review of the case files.

Training Presentation

RPD Staff will provide an update on developing a defined RPD training program covering policy, practice, and tactics.

Mr. Rogan noted that RPD personnel were unable to attend the meeting, but that the training would be given at a future meeting.

Commissioner Beeman asked about the Early Warning training that had been requested. Mr. Rogan said that he had asked, and would continue to ask, for that presentation to be a priority. He noted that it would, however, be dependent on RPD's ability to make that presentation as quickly as desired by the Commission.

Commissioner Brandriff asked if there was a schedule for training presentations or if the Commission could expect to see a training item in each agenda. Mr. Rogan said he didn't have a schedule but that he did have a list of topics he had given to Lt. Leach and that he had suggested to Lt. Leach the creation of a cyclical 24-month training calendar. This would mean that, generally speaking, each month's agenda would have a training item.

Staff Report

Mr. Rogan apologized to the Commission for having "missed" the section in the By-Laws relating to the Commission's meeting day and time. He said it is his responsibility to know these things and, in this case, he failed. He said that Commissioner Rotker had subsequently noted that the remainder of that section says "...unless otherwise agreed upon in advance by the Commission," and that discussion may still have occurred had the Commission been aware of the By-Laws. But as that was not the case, he again apologized for "...letting you down and not giving you better guidance about what your By-Laws say..."

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Beeman thanked community members for attending the meeting and stating their views during public comment.

Commissioner Morales said he volunteered for IELLA and asked if complaint forms could be placed at these facilities. Chairman Percy said yes, they can.

Commissioner Roberts thanked community members for attending and speaking to the Commission. She also said she had begun reviewing the Sanchez OID.

Commission Brandriff thanked community members for attending the meeting.

Chairman Percy said he'd made inquiries of Councilmember Gardner and the Mayor's Office regarding the possibility of sending some commissioners to NACOLE, but had no luck. He said that if any commissioners were interested in attending, staff could be asked to gather pertinent information and advise those who are interested.

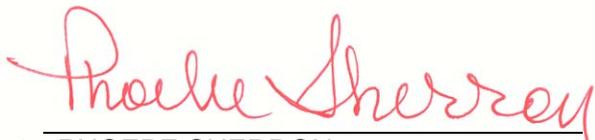
Items for Future Commission Consideration

Commissioner Rotker asked Chairman Percy when he would be making his report to Council. Chairman Percy advised that the report would be given at the Sept. 28 Council Meeting. Commissioner Rotker then noted that since that would occur after the Commission's next meeting, would commissioners be given an opportunity to review the report prior to the 28th. Chairman Percy said his intent was to work with Staff on drafting a report and that the draft would go to commissioners for the review and comments.

Adjournment

The Commission adjourned at 8:05 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist