# CITY OF RIVERSIDE
# COMMUNITY POLICE REVIEW COMMISSION

# BY-LAWS
# Amended February 22, 2017

## ARTICLE I
## DEFINITIONS

Section 1. As used in these By-Laws, unless a different meaning clearly appears from the context:

A. "City" shall mean the City of Riverside.

B. "Commission" or "CPRC" shall mean the City of Riverside's Community Police Review Commission.

C. "Commission Manager" or "CPRC Manager" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.

D. "Commissioners" shall mean the members of the Commission.

E. "Independent Investigator" shall mean the person(s) retained by the Commission Manager to receive, administer, or investigate, at the direction of the Commission, allegations of police misconduct or incidents where there has been an officer-involved death.

F. "Police Department" or "RPD" shall mean the Riverside Police Department.

## ARTICLE II
## COMMISSIONERS

Section 1. The Commission shall be comprised of nine (9) Commissioners appointed by the Mayor and the City Council, in accordance with City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.

Section 2. Appointments to fill unexpired terms on the Commission shall be filled in the same manner as original appointments.

Section 3. Each Commissioner must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.

Section 4. Commissioners who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

## ARTICLE III
## TERMS OF OFFICE

Section 1. The term of office shall be four (4) years. No member shall serve more than two (2) full consecutive terms. Serving less than one (1) year of an unexpired term shall not be counted as service of one term. Commissioners shall be subject to all applicable local, state, and federal laws and codes of ethics adopted by the City Council.

Section 2. In the event that a replacement Commissioner has not been appointed when the term of office of an incumbent Commissioner expires, the incumbent Commissioner may continue to serve until a replacement is appointed.

Section 3. A Commissioner's absence may be excused provided the Commissioner had good cause for the absence and provides reasonable notice.

"Good Cause" includes, but is not limited to, injury, illness, unavoidable conflict, or emergency.

Commissioners must advise Staff of an absence at the earliest reasonable opportunity, preferably prior to the meeting.

Section 4. Commissioners may be removed from the Commission by an affirmative vote of the City Council by five (5) of the total eight (8) potential votes. Each of the seven (7) City Council members, plus the Mayor, are entitled to vote. A vote may be taken for the following causes:

A. Absence from three consecutive regular meetings, unless by permission of the Commission expressed in the official minutes.

B. Incompetence, malfeasance, neglect of duty, or conviction of a crime involving moral turpitude.

C. Refusal to resign from the Commission when no longer a qualified elector of the City.

D. Failure to comply with the confidentiality requirements described in Section 2.76.060.

## ARTICLE IV
## COMPENSATION

Section 1. Commissioners shall serve without compensation for their services on the Commission but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

## ARTICLE V
## COMMISSION OFFICERS

Section 1. The Commission shall have at least two officers, Chair and Vice-Chair, and such other officers, as it deems necessary.

Section 2. The Chair shall preside over all meetings of the Commission and shall have the same rights as other Commissioners, except the Chair shall not make or second a motion. The Chair shall have the right to vote on all matters. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission, and shall perform such other duties and delegated responsibilities as may be imposed upon the Chair by the Commission. The Chair shall also speak to the media on behalf of the Commission on official actions of the Commission. The Chair shall also perform such other duties as may be prescribed by the City Council and Mayor, so far as the requested duties are within the purview of duties of the Commission as set forth in the Charter.

Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. Upon the Chair's unavailability, but only with the Chair's concurrence and approval, the Vice-Chair shall be authorized to speak to the media on behalf of the Commission. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.

Section 4. The election of officers shall be conducted annually at the first meeting in March.

Section 5. All officers shall be elected by the Commissioners for a term of one year. An officer may serve no more than two successive years in the same office. This article may be suspended by a majority vote of the Commission to allow any existing officer(s) to serve a term that is greater than two years based upon extenuating circumstances. The length of this term extension will be determined by the Commissioners on the day the vote is taken.

Section 6. Election of officers shall be conducted in a manner prescribed by the Commission.

Section 7. In the event of the resignation or removal of the Chair during the year, the Vice-Chair shall become the Chair and a new election shall be held for Vice-Chair. A mid-term Vice-Chair vacancy will be filled within sixty (60) days with the vacancy to be agendized until the position is filled. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.

Section 8. If the Chair and Vice-Chair are both absent at any meeting of the Commission, the Commission shall elect a Chair *Pro Tem* who shall perform all duties of the Chair for that given meeting.

## ARTICLE VI
## AUTHORITY, POWERS, DUTIES

Section 1. In accordance with Chapter 2.76 of the Riverside Municipal Code, the Commission shall have the power to:

A. Advise the Mayor and City Council on all police/community- relations issues.

B. Conduct public outreach to educate the community on the purpose of the Commission.

C. Receive complaints of alleged police misconduct filed with either the Commission or Police Department within six months of the date of the alleged misconduct against a sworn member of the Riverside Police Department, regarding use of excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or misconduct.

D. Review and investigate complaints of alleged police misconduct.

E. Conduct hearings into allegations of police misconduct upon the affirmative vote of five (5) Commissioners.

F. Subpoena and require the attendance of witnesses, the production of books, documents, papers, audio, video and any other electronic media pertinent to the investigation, upon the affirmative vote of six (6) Commissioners.

G. Review and advise the Police Department in matters pertaining to police policies and practices, including making formal recommendation for amendment to the Police Department's Policy and Procedures Manual and on Police Department proposed amendments to the Policy and Procedures Manual.

H. Administer oaths to witnesses and to take testimony, which will be recorded verbatim.

I. Submit written findings concerning allegations contained in the filed complaint to the City Manager and the Police Chief.

J. 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.

K. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.

L. Advise the City Manager regarding the performance of said staff.

M. Submit to the Mayor and City Council an annual written report of its activities during the past year.

Section 2. These By-Laws do not, and are not intended to, exceed the powers given to the Commission by the City Charter, City ordinances, or resolutions.

## ARTICLE VII
## MEETINGS

Section 1. Regular meetings of the Commission shall be held on the fourth Wednesday of each month at 5:30 PM in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission.

Section 2. Special meetings of the Commission may be convened at the call of the Chair, or of the Vice-Chair in the absence of the Chair. Upon petition of five (5) Commissioners, the Chair shall be required to call a meeting of the Commission within one week. Commissioners will be given at least 24 hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with Brown Act, §54950 et seq. of the California Government Code and any other notice law, including City ordinances.

Section 3. All Commission meetings and standing committees meetings shall be open to the public and, whenever possible, shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting in accordance with the Brown Act, §54950 et seq. of the California Government Code and any other notice law, including City ordinances.

Section 4. Notwithstanding Section 3 above, the Commission may 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, annual officer elections, officer-involved death (OID) case evaluations, or other time-sensitive Commission business. 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, annual officer elections, or officer-involved death (OID) case evaluations.

Section 5. A majority of all Commissioners shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the Commissioners present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.

Section 6. Business at Commission meetings may include, but is not limited to, the following:

A. Roll Call

B. Case Review

C. Public Comments

D. Approval of Minutes

E. Officer-Involved Death Case Evaluations

F. Training

G. Ongoing Commission Activities & Issues

H. Committee Reports

I. Outreach Reports

J. Meetings and Training Sessions

K. Staff Report

L. New Commission Activities & Issues

M. Commissioner Comments

N. Items for Future Consideration

O. Adjournment

The Commission Manager or any Commissioner shall have the right to place an item on the agenda of a future meeting.

Section 7. A Commission meeting may be cancelled by the Chair, due to a lack of a quorum or lack of sufficient agenda voting items.

Section 8. Minutes of each Commission meeting shall be kept on file in the Commission's offices, and copies sent to the Mayor, City Councilmembers and City Manager.

Section 9. The Commission may make such rules, regulations, policies, and procedures for its conduct, as it deems necessary, so long as said rules do not conflict with federal, state, or local law, City Charter, or the Commission's own By-Laws. Commission meetings shall be conducted informally.

Section 10. All adopted rules, regulations, policies, and procedures shall be promptly filed with the City Clerk, and shall bear the signature of the Chair and the date they were adopted.

Section 11. The annual meeting shall be the first regular Commission meeting in March.

Section 12. Special Commissioner training meetings shall be conducted at sites to be determined. Appropriate notices shall be posted in accordance with the Brown Act and any other notice law, including City ordinances.

Section 13. It is recommended that Commissioners attend at least eight (8) hours of training annually.

Section 14. Newly appointed Commissioners shall be required to attend an orientation meeting upon their appointment.

Section 15. Newly appointed Commissioners are strongly encouraged to engage in ongoing outreach with their respective neighborhoods and Wards and with the Police Department, so far as their time and circumstances allow. Commissioners are encouraged to attend community events on a regular basis and to schedule RPD ride-alongs on at least an annual basis. Newly appointed Commissioners are encouraged to schedule a RPD ride-along within the first ninety (90) days of their initial appointment and attend the Citizens' Police Academy.

Section 16. Commissioners are strongly encouraged to undergo continuing education on issues relating to interactions between civilians and police officers. The Commission will endeavor to send at least one (1) Commissioner to the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference each year.

## ARTICLE VIII
## INVESTIGATIONS AND HEARINGS

Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing officer-involved deaths (OIDs) and complaints against police officers, as adopted by the Commission.

Section 2. The hearing process shall be open to the public to the extent permitted by law and insofar as it does not conflict with state or federal law, as set forth in Section 2.76.060.

Section 3. Investigations conducted by the Commission are two-fold: First, citizen complaints and administrative officer-involved death investigations are conducted by the Internal Affairs Division of the Police Department and are reviewed by the Commission during closed session deliberations where findings are determined. In addition, criminal officer-involved death investigations are conducted by RPD Homicide Divisions and are reviewed by the Commission in open session where findings are determined. Second, there is an "investigative hearing" by the Commission held under special circumstances where witnesses may be called to testify and where a determination for further action may be recommended.

Section 4. Investigations of any case having an officer-involved death will occur as soon as practicable.

Section 5. Hearings shall be scheduled as needed.

## ARTICLE IX
## CONFIDENTIALITY

Section 1. All personnel records, investigative reports, documents generated within the Riverside Police Department, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential to the extent permitted by law. Electronic media, to the extent utilized by the Commission, shall also be kept by Commissioners in a secure location.

## ARTICLE X
## COMMITTEES

Section 1. The Chair may appoint standing committees, which shall consist of an appointed Chairperson and at least two other Commissioners.

Section 2. The Chair may appoint ad hoc committees as needed. Each shall consist of an appointed Chairperson and at least two other Commissioners. Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed.

Section 3. The elected Chair shall be an ex-officio member of all committees.

## ARTICLE XI
## REPORT TO THE CITY

Section 1. The Commission shall present an annual written report of its activities for the past year to the Mayor and City Council. It may also make appropriate recommendations. The report shall include the following:

A. The name of the Commission

B. The Commission's goals, objectives, and functions

C. Reference, by category, to all reports and recommendations presented to the City Manager

D. The number of meetings held

E. The number of hearings conducted

F. A list of City personnel who regularly assist the Commission

Section 2. The report should be submitted by March 31st of each year.

Section 3. The Commission Chair may also advise the Mayor and City Council in a written or oral report on all pressing Commission or relevant community relations items.

## ARTICLE XII
## AMENDMENT OF BY-LAWS

Section 1. These By-Laws may be amended at any regular meeting of the Commission by majority vote of the Commission, provided that notice of such amendment shall have been given at the previous regular meeting.

## CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001
Amended: September 24, 2001
Amended: February 26, 2003
Amended January 26, 2005
Amended July 27, 2005
Amended July 26, 2006
Amended April 22, 2009
Amended May 13, 2009
Amended December 9, 2009
Amended August 24, 2011
Amended December 14, 2011
Amended March 13, 2013
Amended August 24, 2016
Amended February 22, 2017

Respectfully Submitted,

Jane Adams, Chair
Community Police Review Commission

February 22, 2017
Date