

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

VI. OFFICER-INVOLVED DEATH (OID) CASE EVALUATIONS

The Community Police Review Commission shall review and investigate the death of any individual arising out of or in connection with the actions of a sworn police officer regardless of whether a complaint regarding such death has been filed. Upon receipt of the Criminal Casebook, all stages of the Commission's public review should be completed within nine months, or sooner, if practical.

Once an Officer-Involved Death (OID) incident occurs, RPD Command Staff notifies the CPRC Manager as soon as possible after the event. The Manager will then notify the Commissioners and the Commission's Independent Investigator, alerting them of the incident.

The Manager, with the Commission's Independent Investigator, will attend the Chief's Briefing of the incident once it is scheduled by RPD Command Staff.

RPD Command Staff will then provide an oral briefing to the Commission at its next Regular Meeting after the incident, unless there is insufficient time to do so between the incident and the Regular Meeting. Pursuant to the City Charter, the Commission's Independent Investigator will begin the investigation of the incident once the incident scene is released by RPD. The Independent Investigator will visit the OID scene, contact witnesses or involved parties, and photograph or in some way document the scene. The investigator will complete an initial written report and provide those findings to the Commission.

Upon completion of the Riverside District Attorney's review of RPD's investigation, RPD will notify the CPRC Manager when the redacted Criminal Casebook has been posted in Laserfiche. RPD will provide to the CPRC Staff with a CD containing the redacted Criminal Casebook which will then be uploaded to the CPRC website. Once uploaded, the OID case will be placed on the agenda and the Commission will begin its public review of the case. The Independent Investigator's responsibility is to assess that RPD conducted a thorough investigation. Upon completion of the review, the Investigator will complete a final written report. The Investigator will also be available to the Commission for further questions once Commissioners begin their public review of the OID.

The Commission's goal is to complete the public evaluation of the OID within nine months after receiving the Criminal Casebook from RPD and consists of the following seven stages.

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A. Stage I – Commissioner Review

1. Commissioners will review the OID investigation materials(s) after being notified by Staff that RPD has released the OID Criminal Casebook. Commissioners may review the casebook in Laserfiche or on the CPRC website.
2. The Manager will provide Commissioners with a Fact Sheet containing pertinent details.

Staff will also inform the Independent Investigator of the Criminal Casebook's availability to allow the Investigator to complete the investigation of the case. The Investigator will prepare a written report containing the investigative review, case evaluation, and expert opinion on the investigation conducted by RPD Homicide Detectives. The Commission's Independent Investigator may offer recommendations on any additional investigative work deemed important to aid the Commission in their assessment of the case. The Investigator will also provide the Commission with an oral presentation at a Commission meeting.

3. Commissioners and Staff will review the Criminal Casebook within 30 – 60 days after it has been provided to them.

B. Stage II – Fact Finding, Request for Training & Investigation

1. Commissioners identify and discuss important facts of the case at the first Regular Meeting 30 – 60 days after the Stage I review period expires. They have the opportunity to clarify relevant policies, practices and procedures and may request further investigation or training by an RPD Investigator, the RPD Training Lieutenant, the Commission's Independent Investigator or a subject matter expert.
2. The Manager will obtain requests for additional training and / or follow-up requests by Commissioners. The requested training and / or clarification of RPD Policies, Procedures, or Practice will be presented at the next Regular Meeting or, dependent on OID caseload, a Special Meeting. The Manager will provide a report to the Commission on the Investigator's work product, if this was requested.
3. Once the Commission has informed Staff that all factual questions have been answered and it is satisfied with supplied training or additional investigation, the Commission will close the fact finding, training, and additional investigation process by Commission consensus, or majority

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vote if necessary, and proceed to the next stage. The Commission should strive to complete this process within 60 days of receiving the Criminal Casebook from RPD.

The various aspects of Stage II will continue to occur until all factual questions have been answered, all means to gather that information have been exhausted, and requested training has been completed.

C. Stage III – Policies and Procedures Process

1. Commissioners and Staff identify and present all relevant RPD Policies and Procedures associated with the OID. Staff will also identify any other generally accepted law enforcement policies or procedures that may be applicable. The purpose is to identify areas that may give rise to Policy Recommendations.
2. Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical, or tactical issues, Commissioners will review all provided materials and prepare for further discussion. Commissioners will identify any new factual questions or issues raised through the review of policy, procedure, technical or tactical functions and, if necessary, request a follow-up response by the Independent Investigator.
3. The Manager will provide a follow-up report to the Commission on the Investigator's response to new factual questions that needed to be clarified or investigated.
4. The Commission will close the Stage III, Policies and Procedures Process by consensus or majority vote, if necessary. The Commission should strive to complete the Stage III, Policies and Procedures Process within 60 days of completing Stage II.

D. Stage IV – Deliberation and Finding Process

1. Immediately upon completion of Stage III, Policies and Procedures Process, the Chair gives notice to the Commission that each Commissioner is responsible to develop a rationale for a finding on whether the Involved Officer's actions were consistent with RPD policy.

Commissioners are encouraged to be specific in reference to facts and policy as a basis for a potential finding. Every rationale should rely solely on the facts of the case, investigation, and training, and Commissioners

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should be prepared to discuss their rationales for their findings. Commissioners will submit completed rationales to the Manager.

2. The Chair will call for all Commissioners to publicly offer their rationales and findings as a starting point for discussion. Commissioner rationales will be used to construct the Commission's summarized findings in the Commission's OID Public Report.
 3. Commissioners will commence discussion of rationales and findings upon conclusion of all of the above steps. Commissioners discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. Commissioners with dissenting points of view, if any, will articulate and discuss their specific areas of concern by identifying and applying facts from Stage III and IV using RPD policies in existence at the time of the OID. They then analyze, through Commission discussion, whether actions taken by any Involved Officer leading up to or causing the OID was within RPD policy.
 4. If any dissenting rationales are identified and developed, the Commission must determine by consensus, or majority vote if necessary, whether to include such rationales in the Commission's OID Public Report. Dissenting rationales will be considered at the conclusion of all discussion on a possible finding.
 5. After all rationales have been discussed, a Commissioner makes a motion as to whether the actions taken by the Involved Officers leading up to or causing the OID, were within RPD policy. The Commission should strive to complete Stage IV, Deliberation and Finding Process, within 60 days of completing Stage III, Policies and Procedures Process.
 6. The OID Public Report will be prepared based upon the input provided by Commissioners during discussions, deliberations, and the Commissioners' rationales and findings.
- E. Stage V – Policy Recommendation Process
1. The Policy Recommendation Process commences immediately upon completion of Stage IV, Deliberation and Finding Process. The Chair gives notice to the Commission that any Commissioner who has identified possible recommendations to RPD policies, practices, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion.

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The Staff prepares any recommendation documents based on the above guidelines and presents them to Commissioners for review and further discussion.

2. After presentation of any recommendations and subsequent discussion, if any, Commissioners will decide by general consensus or by majority vote, if necessary, whether to approve and submit the recommendations to RPD. The Commission should strive to complete the Stage V, Policy Recommendation Process within 30 days of completing the Stage IV, Deliberation and Finding Process.
- F. Stage VI – Officer-Involved Death Case Public Report
1. Upon completion of the preceding stages, the Commission shall direct the Manager to write a draft of the OID Public Report containing information, rationales, and findings from all of the above stages. The Manager will draft the report and distribute the completed draft to the Commissioners prior to the next Regular Meeting. Once Commissioners have addressed any changes and potential inclusion of dissenting opinions, the Manager will modify the draft and distribute to Commissioners for their final review.
 2. At the next Regular Meeting, the Chair calls for final discussion and a majority vote of approval of the Commission’s OID Public Report.
- G. Stage VII – Administrative Review
1. Once the Public Review of an OID is complete, and the final OID Public Report is posted on the CPRC website, the Commission is ready to begin the Administrative Case Review conducted in Closed Session.
 2. The Manager will inform RPD Internal Affairs that the Public Review of an OID is complete and will request that the Administrative Casebook and unredacted Criminal Casebook be placed on Laserfiche. Once there, Commissioners will have access to both casebooks and will begin the Administrative Review. When the Commission is prepared to conduct the Closed Session Administrative Review, the case will be placed on the Case Review agenda.
 3. To begin the Administrative Review, the Chair will open discussions in Closed Session. Although a finding or findings “Within Policy” or “Not Within Policy” have been previously rendered in the Public Review, Commissioners will be tasked with rendering a separate Administrative Finding. This new finding is based upon a full review of previously unseen

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administrative and unredacted information. This new Administrative Finding need not match the Public Finding.

Upon a majority vote, Commissioners may consider and recommend an addition or revision to the RPD Policy Manual. If a recommendation for a policy revision and / or training is made, Commissioners will draft the language and vote to finalize it.

4. The CPRC Manager will meet with the City Manager to review the case. Once the case has been reviewed, the findings of the Police Department and the Commission will be discussed. The final decision will be determined by the City Manager and provided to the Chief of Police and the Involved Officers.

If a Policy Recommendation has been approved by the Commission, the Manager will prepare a memorandum to the Chief of Police. The Chief of Police will review the recommendation and decide to adopt, modify, or decline the Policy Recommendation. The CPRC Manager will ensure a written or oral response is obtained from the Chief of Police.

5. No portion of the Administrative Review may be discussed outside of Closed Session. Administrative Findings and Recommendations may not be discussed in later Public Sessions.