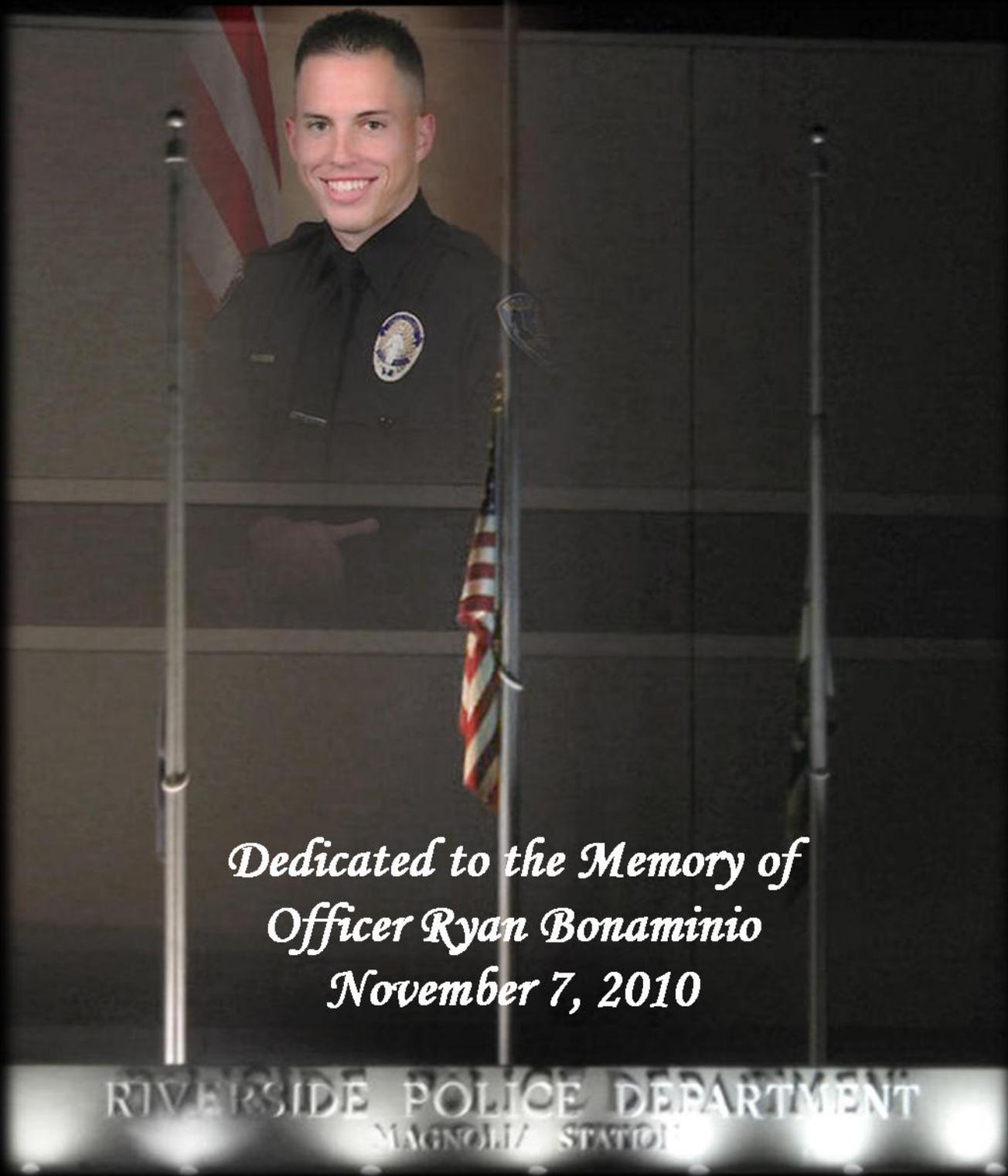


**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**  
**2010 ANNUAL REPORT**



*Dedicated to the Memory of  
Officer Ryan Bonaminio  
November 7, 2010*

**RIVERSIDE POLICE DEPARTMENT**  
**MAGNOLIA STATION**

**3900 MAIN STREET, 6<sup>TH</sup> FLOOR, RIVERSIDE, CALIFORNIA**  
**PHONE: 951.826.5509 / FAX: 951.826.2568**  
**WEBSITE [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)**





# COMMUNITY POLICE REVIEW COMMISSION

City of Riverside, California

*Celebrating  
10 Years of Service  
to  
Riverside and its citizens*

## Commission Members 2010

Brian Percy  
*Chair*

Art Santore  
*Vice-Chair*

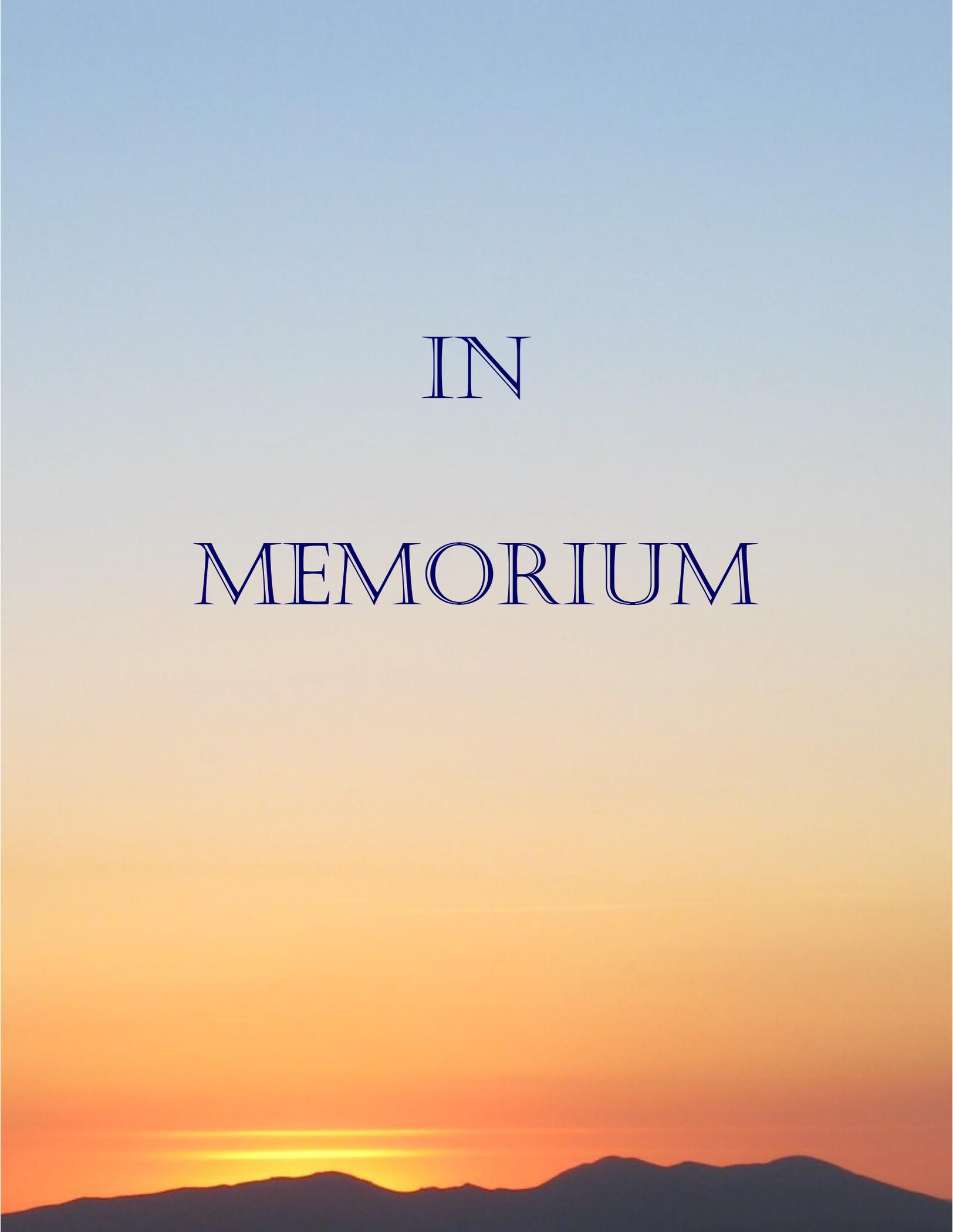
Ken Rotker  
Peter Hubbard  
Robert Slawsby  
John Brandriff  
Rogelio Morales  
Dale Roberts  
Chani Beeman

## Staff

Frank Hauptmann  
*CPRC Manager*

Phoebe Sherron  
*Sr. Office Specialist*



A vertical photograph of a sunset over a mountain range. The sky transitions from a pale blue at the top to a bright orange and yellow near the horizon. The silhouette of the mountains is visible at the bottom. The text 'IN MEMORIUM' is centered in a dark blue, serif font.

IN  
MEMORIUM



# IN MEMORY OF...

*Officer Ryan Bonaminio ~~~ Detective Doug Jacobs*  
*11/07/2010 01/13/2001*

*The Community Police Review Commission wishes to dedicate its  
2010 Annual Report in memory of  
Officer Ryan Bonaminio,  
who lost his life in the line of duty on November 7, 2010,  
while serving his beloved Riverside.*

*In addition, considering this being the 10th anniversary of the  
Commission, we felt it important to include  
Detective Doug Jacobs,  
who lost his life in the line of duty on January 13, 2001,  
the year the Commission opened its doors.*

*It is only fitting that these fine and noble police officers  
are honored by the Community Police Review Commission  
in our ten year anniversary report to the community,  
to ensure the Bonaminio and Jacobs families,  
the Riverside Police Department, and the Riverside Community,  
that the sacrifice made by these officers to the community they  
served is recognized and will never be forgotten.*

## Officer Ryan Bonaminio



Officer Ryan Bonaminio was born in Riverside, California on November 25, 1982, to Joseph and Geraldine Bonaminio. Along with brother, Christopher, and sister, Nicole, he was raised in Riverside, California, and he graduated in 2000 from Ramona High School, Riverside.

After high school, Ryan joined the United States Army. He completed his Army Basic training and Military Police training at Fort Leonard Wood, Missouri. Ryan served two tours in support of Operation Iraqi Freedom. As a military police officer with the 314<sup>th</sup> Military Police, his assignments included serving in Umm Qasr, Kuwait City, Bagdad, and Mosuc. He also served in the 282<sup>nd</sup> Base Support Battalion in Hohenfels, Germany. Officer Bonaminio served with honor and distinction. He was highly praised by his peers and superiors. He earned several medals including the Army Commendation Medal, National Defense Service Medal, Army Reserve Mobilization Medal, Global War on Terrorism Expeditionary Medal, Army Reserve Overseas Training Ribbon, Army Reserve Components Achievement Medal, and Expert Qualification Badge—9mm pistol.

Ryan transitioned from military service to law enforcement with the Riverside Police Department on July 7, 2006. He continued his commitment to the US Army Reserves. According to his US Army Military Police Reserve Sergeant Tamara Colosimo, "Ryan has always done what is morally right. He has integrity in everything that he does. Ryan would make a great police officer." Ryan graduated from the San Bernardino County Sheriff's Academy on December 21, 2006. Following his graduation from the Field Training Program, he was assigned to Field Operations, where he was very proactive in his favorite area of the city, the North Neighborhood Policing Center.

Ryan's core values resonated in his belief in service to the community. He actively connected with residents and always knew what was happening in his beat area. Ryan was always trying to better himself and had a terrific sense of humor reserved for his closest friends. Ryan was an avid Anaheim Ducks Professional Hockey Team fan and season ticket holder.

On the night of November 7, 2010, Officer Ryan Bonaminio was gunned down by an assailant following his traffic stop of a suspected hit and run driver. Riverside Police Department Chief of Police Sergio Diaz stated, "Officer Ryan Bonaminio's tragic death is a reminder to all of us in the law enforcement family that the supreme sacrifice of our service is also a cost borne by our loved ones, our families, and our community."



IN MEMORIAM

## Detective Doug Jacobs

On January 13, 2001, Detective Charles Douglas "Doug" Jacobs III, a five year veteran with the Riverside Police Department, was slain after responding to a report of loud music at 3140 Lemon Street.

Doug Jacobs was a life long resident of Riverside. In his youth, he attended St. Thomas Elementary School, Chemawa Middle School, and Arlington High School. He later attended Riverside Community College, the University of La Verne, and most recently, was enrolled in a Master of Arts program at Chapman University.



Doug's interest in law enforcement was sparked by his grandfather, George Boutin, a retired Riverside County Deputy Sheriff. Doug began as a Riverside County Sheriff's Explorer, where he attained the rank of Post Captain. In 1988, he was certified as Reserve Officer for the Los Angeles Police Department (LAPD). He remained there until being hired as a Deputy Sheriff by the Los Angeles County Sheriff's Office (LASO) in 1990. Doug distinguished himself early on as a Deputy by graduating number one in his academy class. He served in a variety of assignments, until leaving LASO in 1995 to work for the Riverside Police Department (RPD). After becoming a Riverside Officer, Doug was recognized for his outstanding effort and achievement. In 1998, he was honored as the Greater Riverside Chambers of Commerce "Officer of the Quarter."



Doug was promoted to the rank of Detective in March of 2000, and was awaiting reassignment from a field position to Investigations.

IN MEMORIAM

# Our Acknowledgment & Thanks to...

*The Riverside Police Department  
for the Photos and Biographies of  
Ryan Bonaminio and Doug Jacobs*

*Evelyn Ruedas,  
Former Executive Assistant to the  
Chief of Police, Maywood/Cudahy Police Department  
and  
Robin Jackson, CPRC Commissioner  
for their help with photographic artwork  
on the Annual Report cover*

*Brenda Flowers, Assistant to the Mayor  
Commissioner & Staff Photos*

*Phoebe Sherron, CPRC Staff  
Report Organizer,  
Coordinator, & Art Director;  
Photos of...*

*Dale Roberts & Frank Hauptmann,  
Riverside City Scenes, Backgrounds, and Cover:*

*'Half-Staff Flags – Magnolia Station'  
November 16, 2010*

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# THE ANNUAL REPORT

**T**his year, our report covers 2010. Charter Section 810 mandates that the CPRC prepare and submit an annual report to the Mayor and City Council on Commission activities.

The CPRC continues to focus on its mission of promoting public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department.

This Annual Report tracks "Trends and Patterns" (Page 31) and "Policy Recommendations" (Page 32).

If there are any questions, Commission staff can be contacted at (951) 826-5509 or via e-mail at [cprc@riversideca.gov](mailto:cprc@riversideca.gov). Also, many answers are available on our website at [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc).

## **About the Commission**

The Community Police Review Commission is one of 13 boards and commissions that have been set up by the City Council to provide citizen input into the decision-making process of various city departments.

The Community Police Review Commission was created with the passage of Ordinance No. 6516 in April 2000, which amended Title 2 of the Riverside Municipal Code by adding Chapter 2.76.

## **Mission**

The mission of the Community Police Review Commission is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department (RPD). This is done by independently reviewing citizen complaint investigations, recommending changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission, conducting an independent investigation of citizen complaints.

## **Purpose**

By ordinance, the purpose of the Community Police Review Commission is:

*"...to promote effective, efficient, trustworthy, and just law enforcement in the City of Riverside, and to bring to the attention of the City its findings and recommendations in regard to law enforcement policies and practices. Further, it is the purpose of this Ordinance to ensure good relations between those who enforce the laws and the diverse populace whom they serve so that the public will take pride in local law enforcement and those who enforce the laws will take pride in their service to the public."*

The Commission also serves the community by providing a forum whereby citizens can express their opinions regarding the Police Department, its operation, and personnel.

# *Message from the Chair*

by Brian Pearcy



**T**he theme of change and transition continued for the Commission in 2010. On balance, the Commission will be found to be stronger and provide even better service to the community.

One of the Commission's primary missions is to investigate and report its findings on officer-involved deaths (OIDs). The Commission diligently began processing two of the four outstanding OIDs from 2008 and 2009 that had finally worked their way to them for review.

The time taken processing these cases was markedly greater than in the past. There are many reasons contributing to this extended time period, the significant ones including: the City Manager's 2008 OID directive (which had the effect of delaying the Commission's preparatory and educational efforts until after the criminal casebook had been formally submitted to them, instead of accomplishing this work concurrently with RPD's investigation), the Commission's decision to reduce its meeting schedule (from twice a month to once a month), the time taken by the RPD to review and redact the case file (so it could now be posted online for the public's review), the increased time taken by the District Attorney's Office to complete their review, and the vacancy of the CPRC Manager's position for several months. As this is written, the Commission is nearing completion of the second OID.

Notably, in March 2010, the Riverside City Council voted to rescind its prior approval of the 2008 OID directive that the Commission could not dispatch its private investigator until after receipt of the criminal casebook. The Commission is now working under a revised directive that allows the Commission to deploy its private investigator once 30 days has elapsed after an OID. While the 2010 revised OID directive is a vast improvement over a process that delayed the Commission's deployment of its investigator 18 months or more, it was not a return to the Commission's original deployment practice. The two OIDs that remain for the Commission to review will be the last ones affected by the 2008 directive.

Based on the recent observations from the Commission's investigators about the need for timely contact with witnesses after an OID, the Commission was unable to independently verify all witness testimony due to witnesses no longer being in the area (or available) for interviews or having faded memories of the events surrounding the OID. At the time this is being written (March 2011), there have been no OIDs since January 2009. As a result, the Commission is unable to comment on the impact of the 30-day delay under the 2010 revised directive, but it will continue to monitor and report on this issue in the future.

2010 saw a change of staff leadership for the CPRC. The Commission lost Kevin Rogan, who departed in September 2010 for the bright lights of the big city to the west where he joined the LAPD Police Commission's Office of the Inspector General. While the Commission was saddened to see Kevin go, the City took its time and appears to have chosen well in selecting his replacement, Frank Hauptmann, who joined the Commission in January 2011. Frank brings over 35 years of law enforcement experience and insight to the Commission. He has worked in leadership positions at several departments, including the Internal Affairs division of Garden Grove PD, and as Chief of Police for the Maywood-Cudahy Police Department in southeast Los Angeles County. This change, in conjunction with the City's appointment last July of Sergio Diaz to lead the RPD as its new Chief (and his subsequent selection of a new command staff, including two very experienced outsiders), bodes well for a new era of positive and cooperative interaction between the RPD, the CPRC, and the community they both serve.

## *Message from the Chair—continued*

Other recent changes include the departure in February 2011 of three commissioners who completed their terms of service. I wish to acknowledge the hard work of Chani Beeman and Peter Hubbard, and thank them for their service and personal sacrifice for the benefit of the City these past four years. They know all too well the high level of energy, passion, and time it takes to serve in this position effectively.

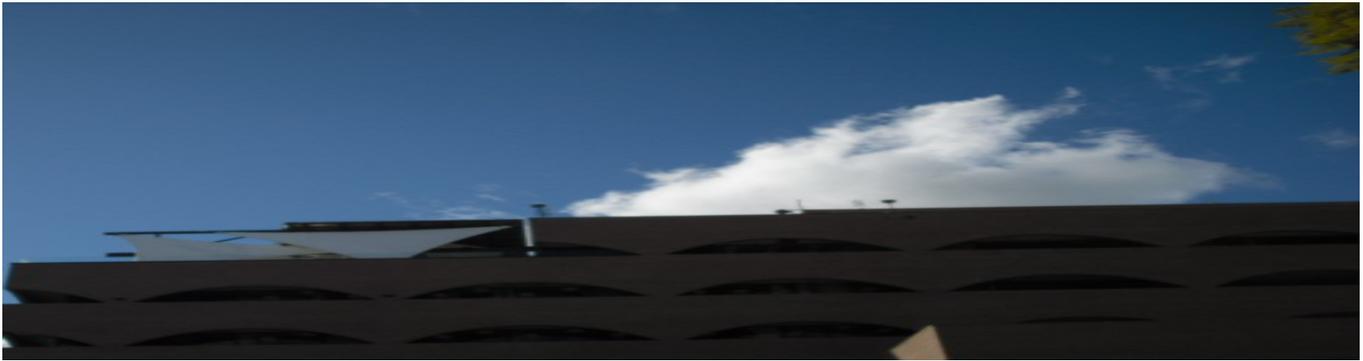
I also wish to convey my appreciation for the confidence of my fellow Commission Members who returned me to the Chair's position for a third time to lead them in my eighth and final year on the Commission. It truly has been an interesting journey and I have been honored to have the opportunity to serve.

Even with all these changes, the Commission continued to expand outreach efforts to the community. Following allegations of improper conduct by police officers in their interactions with homeless individuals, the Commission took steps to assure the complaint procedure was accessible from venues that provide support services for the homeless. In addition, the Commission finalized an outreach presentation on "What to Expect When Stopped by the Police." This presentation will be an important tool to help educate community members on proper police practices and how to respond to appropriately.

Heading into 2011, the Commission will have three new members: Ralph 'Jon' Johnson, Robin Jackson, and Jane Adams. While some have expressed concern about the Commission having more than half of its members serving with one year of experience or less, the change in composition should be considered as a positive opportunity to re-energize the Commission and reinstill in all of its members a higher level of civility and cooperation going forward. While it is true the Commission's new members, the new manager, and new RPD leadership will have a fairly steep learning curve to master in a short period of time together, the more seasoned members can and will provide a steady guiding hand. Additionally, they continue to have the one constant throughout all these years and a valuable institutional memory, Phoebe Sherron, who has worked for the Commission since its inception.

One additional point that should not be lost by the Commission and the community is that this year is the 10th year of the Commission's service to the City. The Commission started from absolutely nothing, and through the past decade has risen to a high level of professionalism that is a testament to the service of its past and present members. I hope the Commission, the City leadership, and the community will not let the anniversary be forgotten.

Finally, the Commission anticipates a productive year working with our community partners and the Commission invites you to come and watch our meetings in person. If you are unable to make the meeting, you are encouraged to listen to them online. All public portions of our meetings are audio recorded and archived for easy online access and can now be heard from the comfort of home on your computer at [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc). The Commission recognizes that community input is a key component to its success and your participation is welcomed.



## *Structure of the Commission*

**T**he Commission is made up of nine citizens of the City of Riverside who are appointed to four-year terms as Commission members by the City Council. There is at least one member from each ward in the City. The terms are staggered so that, except for one year, three Commission member terms expire each year. As with other commissions, members do not receive compensation. A Manager and Sr. Office Specialist are funded in the City Manager's Office to provide members of the Commission with all necessary staff support.

The Commission is independent in that it makes its findings and issues policy recommendations

independent of any outside influence. Other duties and responsibilities are guided by the Riverside City Charter, Section 810, the Riverside Municipal Code, Chapter 2.76, California Government Code 3300 et. Seq., and applicable Penal Code sections and case law and Peace Officer Standards Training (POST) guidelines and regulations.

The Community Police Review Commission's total budget appropriation approved by the City Council for FY 2009-2010 and FY 2010-2011 was \$266,753.

## *Who does the Commission Represent?*

**T**he Commission is designed to be able to carry out the charge "to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside." In other words, the Commission's primary function is to increase public trust towards the Riverside Police Department. It seeks to give the public the assurance that any allegations of misconduct lodged against a sworn officer will be fairly and thoroughly investigated. The Commission is not an adversarial body. It represents the community's perspective on the complaint investigation process -- hence its name, "Community Police Review Commission."

When the Commission receives the investigative report on a complaint, the CPRC Manager reviews it for thoroughness and writes an executive summary for the Commission members. The Commission then reviews the allegations in each case and makes a recommended finding to the City Manager. During this review process, the Commission also critiques the quality of the investigation and the investigative process. This review and comments by the Commission members gives City and Police



Department management the advantage of having a perspective that is not found in most communities.

In short, the Commission offers a community perspective of the Police Department that is available to the citizens of Riverside, the policy makers, City and Police Department managers, and line police personnel.

# Commission Outreach

**T**he Commission's outreach initiative consists of Commission members going into the community, telling the Commission's story, and informing the public of the independent complaint process. In 2010, Commission members and staff attended 21 community and business-related meetings. These included personal visits to groups and organizations such as:

- *The Group meetings*
- *2010 National Night Out*
- *Human Relations Commission*
- *Uptown Kiwanis*
- *Lincoln Park Neighborhood Group*
- *Eastside Neighborhood Group*
- *Chief Diaz' Welcome Reception and Swearing In*
- *Summer To-Do Festival*
- *West Area Command Meeting, Magnolia Station*
- *Officer Ryan Bonaminio's Candle-light Vigil; Funeral Services*
- *La Sierra Neighborhood Watch*
- *RCC Community Relations Classes*
- *Martin Luther King Walk-a-Thon*
- *Law Enforcement Appreciation Ceremony*
- *Riverside Coalition for Police Accountability*
- *Annual Community Fair & Spring Egg Hunt*
- *Riverside Neighborhood Conference*
- *Councilmember MacArthur's 4th Annual Constituent Appreciation BBQ*
- *Islamic Center of Riverside's Ramadan Iftar Dinner*
- *6th Annual Community Fair, Bryant Park*
- *182nd Basic Peace Officer Training Academy Graduation*

An announcement of the Commission's regular meetings is published in the Press Enterprise every month. CPRC brochures can be found in libraries and community centers, as well as other public buildings throughout the city. Finally, the Commission's website at ([www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)) offers valuable information about the Commission.

## *Did You Know?*



***You can arrange for a CPRC Commission Member to speak to your group or association by calling 951.826.5509***

# Commission Members

**Brian Percy**, has previously served two terms as Chair of the CPRC, one as Vice-Chair and two as Chair of its Outreach Committee. He has been a Riverside resident for over 30 years and is a graduate of UC Riverside. Brian is a business attorney who owns and runs his own law practice in downtown Riverside. He is a Past President of the Riverside County Bar Association (RCBA) and serves as a temporary Judge for the Riverside County Superior Court. He is also a mediator for the Riverside County Superior Court, the Fourth District Court of Appeals, and RCBA Dispute Resolution Services. Additionally, he handles private mediations and serves as an arbitrator for the Courts and the RCBA. He is a former member of Leo A. Deegan Inn of Court and founding member of the Southern California Chapter of the Badge and Gavel Society. He is active in the Greater Riverside Chambers of Commerce (past President of the Downtown Division) and Riverside Downtown Partnership (Past Chair). He served over eight years as a steering committee member for Project Bridge for the City of Riverside. Brian has over 20 years of law enforcement experience with the Los Angeles Police Department. **CPRC Chair. Term expires in March 2011\*.**



**Art Santore** is a Ward 6 resident, living in Riverside for nearly 40 years. He is a graduate of Riverside Community College. His wife of 30 years, Elizabeth "Betsy" Santore, is a teacher for Riverside County Office of Education. Art was sole owner of Z-Best Plumbing in Riverside for a number of years, as well as a plumber for the University of California, Riverside. He has worked for the International Union of Operating Engineers, Local 501, as a business representative. Art and Betsy have raised four children to maturity: Nicholas, Nicole, Beverly, and Art. He has also assisted Boy Scouts in completing their Plumbing and Fly-Fishing merit badges, as well as showing children fly-tying at the Riverside County Youth Fishing Day at Lake Skinner. Art has also volunteered in other special education events throughout the years. **CPRC Vice-Chair. Term expires in 2013\*.**

**Ken Rotker** is a 26-year resident of Riverside. He is a 1962 graduate of New York University and a 1982 graduate of the Air Force Air Command and staff College. Ken retired from the Air Force after completing 28 years of commissioned military service. He also is retired from federal civil service where he served in a variety of management and staff civilian personnel management positions with the Department of the Air Force. Ken and Katherine have been married for over 45 years and have two children and two grandchildren. Ken, a licensed amateur radio operator since 1956, is an active member of the Riverside County Amateur Radio Association and the Radio Amateur Civil Emergency Service (RACES). In this later capacity, he serves Riverside County as Assistant Station Manager, Radio Communications, in the county's Primary Emergency Operations Center (PEOC). His other hobbies include hunting, fishing, and target shooting. **Term expires in 2012.**



\*2nd Term

# Commission Members



**Peter Hubbard** has been a resident of Riverside for well over four decades. Peter has worked for his current employer, American Medical Response (AMR) since 1980. The majority of his first ten years were spent as a Paramedic in the City of Riverside.

Peter is very active in the community. He has served eight years on the Board of Public Utilities and is currently of a member of the Board of Directors of the Greater Riverside Chambers of Commerce, The Unforgettables Foundation, Trax Equestrian Center (equine-facilitated learning for children with neurological disabilities), the March Field Air Museum, and also serves on Riverside County's Emergency Medical Care Committee (advisory to the County Board of Supervisors). Peter is married to wife, Lisa, and has three children. **Term expires in 2011.**

**Robert Slawsby**, originally from Boston, Massachusetts, and settling in Southern California in 1992, has lived in Riverside for twelve years. Earning a Bachelor's Degree in Communications from the University of Rhode Island in 1991, he finished his schooling at Harvard University in 1992. His passion and joy for sports led him to a career in live broadcast sports television as a Producer and Associate Director. Robert has worked for such networks as ABC, ESPN, and Fox Sports. He is also a member of the Directors Guild of America with over 16 years of experience in all aspects of sports broadcasting, garnering him three Emmy Award nominations. Robert has been an active advocate for public safety and he supports the Special Olympics foundation. He has served on the Airport Commission and the Charter Cable Task Force, interpreting the City contract with its cable partner. Robert is married to Dana, a life-long Riverside resident, and together they have four children. **Term expires in March 2013.**



**John Brandriff** has lived in Riverside County for 29 years, residing in Riverside for close to 20 years. Active in both the City and the County, John is a former member of the Human Relations Commission and a current member of the County's Community Court Planning Committee. He is also the current coordinator for La Sierra Hills Neighborhood Watch. John has been employed by UPS for 25 years. He enjoys camping and boating on the Colorado River with his family. **Term expires in March 2012\*.**

\*2nd Term

# Commission Members

**Rogelio Morales** was born in Los Angeles, CA. and has lived in Riverside since 1987. Rogelio attended several schools in the Riverside, including Myra Lynn Elementary School, La Sierra Academy and La Sierra High School. In June 1995, Rogelio graduated from John W. North High School. Afterwards, Rogelio served honorably for four years in the United States Marine Corps. Rogelio currently holds an A.A. and an A.S. from Riverside Community College, a B.A. from U.C.L.A. and a Juris Doctorate from the University of Washington. **Term expires in March 2013.**



**Dale Roberts** has lived in Riverside County for close to 20 years and has been a resident of Riverside for over seven years. She graduated from San Diego State University and CSU, Dominguez Hills, earning degrees in Geology and Accounting respectively. She is employed at Jet Propulsion Laboratory in Pasadena, CA, and is passionate about earth sciences and technology, and in creating pathways for exposure in these fields, especially for disadvantaged youth. Dale enjoys hiking, scuba diving, and traveling. **Term expires in March 2012.**

**Chani Beeman** has an abiding connection to Riverside and is committed to creating a positive and inclusive community. Her passion about community involvement and civic responsibility is evident in her willingness to serve on various boards, commissions, and other groups. She was appointed to the Community Police Review Commission in September 2007 and previously served on the City's Human Relations Commission (HRC), chairing HRC from January 2003 to March 2004, and again from August 2006 to March 2007. Chani is a board member of the Western Inland Empire Coalition Against Hate (WIECAH) and served five years as Chair of the Citizen's Advisory Committee to the Riverside Chief of Police. She also provides leadership for the active neighborhood group, Downtown Area Neighborhood Alliance (DANA). Her commitment to the community has, through the years, included involvement in several grassroots community organizations. Her efforts have been recognized with the "Champions for Justice" award from the Fair Housing Council of Riverside County, Inc. in 2008, and "William (Bill) Howe" award from the Riverside Coalition for Police Accountability in 2009. Chani is currently the Director of Diversity, Equity and Compliance for Riverside Community College District. **Term expires in March 2011.**



\*2nd Term

# Commission Staff



**Frank Hauptmann**, CPRC Manager, comes to the Community Police Review Commission a seasoned professional with exposure and expertise in policing for 35 years. Mr. Hauptmann has been employed by the Glendale and Garden Grove Police Departments in Southern California. In his most recent position as Chief of Police for the former Maywood / Cudahy Police Department, he became a “change agent” in reforming the Department by developing new policies, practices and procedures. In addition, he restored public confidence and trust in the Police Department through enhancing community relations and outreach. His relevant expertise includes evaluating accountability processes, managing and directing staff, community policing strategies, budgeting, customer service, criminal investigations, internal investigations, developing policy and procedure, and terrorism threat assessments.

Mr. Hauptmann also served 15 years in the military reserves with the U.S. Naval Intelligence Command, possessing a Department of Justice Top Secret clearance and having worldwide intelligence experience in this position. Also in his capacity as a reservist, he spent 10 years as a federal credentialed agent with the U.S. Defense Intelligence Agency.

Mr. Hauptmann is currently an adjunct instructor in the Advanced Officer Training Program at California State University Long Beach. He has taught Internal Affairs Investigation in this program for the past 16 years, training over 3,000 police supervisors and managers throughout the State of California. He has also taught courses in criminal justice at local colleges. As a police executive, he attended the prestigious West Point Leadership Command Program at the Los Angeles Police Department, the Law Enforcement Executive Development course at the FBI National Academy in Quantico, Virginia, and another in San Francisco.

Mr. Hauptmann has lived in the Corona – Norco area for over 30 years and is familiar with the Inland Empire culture. He looks forward to using his experience, training, and education in serving the community of Riverside.

**Phoebe Sherron** began her employment with the City of Riverside through a temporary agency in October 1996. A vacancy was created in the Riverside Fire Department (RFD) Administration office when the position she temped in was filled. Phoebe was able to fill the RFD vacancy and was hired by the Fire Department in July 1997.

In 2000, Phoebe applied for a promotional position. One of the job openings for which she interviewed was the clerical position with the new Community Police Review Commission. Phoebe was the top applicant, accepted the job offer, and began working with the Commission in November 2000. The roots Phoebe has established as the longest-serving staff member of the CPRC has made her a valuable and cherished resource to the CPRC managers and commissioners who have served since its inception.



# Commission Relations

The Commission has a dual task of maintaining relations with both the community, to which the Commission members belong and serve, as well as with the Riverside Police Department. Maintaining relations with the Police can be particularly challenging because law enforcement is a highly structured enterprise, encompassing substantial rules, policies, procedures, training practices, and approaches. Learning the “landscape” can be difficult for Commission members.



Commissioners are also challenged to understand community relations that may not parallel their personal experiences with the police. The Commission endeavors to reach out into all segments of the community to listen for concerns and to provide information that will improve police and community relations. Commissioners are strongly encouraged to continue to attend community and neighborhood meetings and are available to make presentations to interested groups.

Concurrently, the police oversight function can create a response of wariness on the part of police. Most police officers do not have personal contact with Commission members and most members know only a few officers. Ride-alongs continue to be one of the most effective bridges in improving relations between police and the Commission. Commission members are strongly encouraged to participate on a ride-along in the first few months of Commission membership. The experience serves several purposes. Both the officer and the Commission member have the opportunity to personalize police review. Officers learn that members are generally empathetic, concerned, and open to learning and understanding. Commission members have a chance to see, first-hand, the demands on officers in their daily routines and to hear their concerns and views. Commission members have overwhelmingly reported with strong enthusiasm about their ride-along experiences.



2010 also saw a new Police Chief and Command staff at the Riverside Police Department. The City of Riverside welcomed newly appointed Chief of Police Sergio Diaz, (former Deputy Chief of the Los Angeles Police Department), Assistant Chief of Police, Christopher Vicino, (former Assistant Chief of the Pasadena Police Department) and Deputy Chief Jeff Greer (former Commander with the Los Angeles Police Department). In addition, Riverside PD Captain Mike Blakely was promoted to the position of Deputy Chief. The CPRC looks forward to a continuing partnership with the new Command Staff of the Police Department as we work toward enhancing police community relations.

Commission relations also benefit substantially from police-provided training. Commission members and interested community members learn the rules, policies, and procedures concerning specific topics. Recent training items have included Internal Affairs’ investigation process, as presented by Lt. Cook, who was assigned to the unit in 2009.

Commission relations improve with regular contact between the Commission, command officers in the Police Department, and public input at regular monthly meetings. The Commission is visited on a regular basis by command officers who sit in on Commission meetings, providing the opportunity for question and answer at the highest level. A member of the Police Department management staff is present at all Commission meetings.



# Understanding the Complaint Process

**T**he City of Riverside Community Police Review Commission is a hybrid of the Berkeley Police Review Commission and the Long Beach Citizen Police Complaint Commission.

The Community Police Review Commission was designed primarily as a “monitoring” model that also has the ability to conduct independent investigations. Plainly stated, after a complaint is received, either through the Commission or the Riverside Police Department, it is investigated through the Police Department (either by a sergeant working in Internal Affairs or by a field sergeant). Depending on the case, the Commission may choose to contract with a private investigator to seek additional information on the case.

After the complaint has been investigated and the Police Department has made its recommendations with regard to each allegation, the case is sent to the Commission. Each Commission member then reviews the case investigation and, as a group, the Commission makes its recommendations with regard to each allegation.

The complaint process is activated when someone files a complaint against a member of the Riverside Police Department (Figure 1). While the Department investigates all complaints, the Community Police Review Commission will only review complaints that are;

- filed against sworn RPD personnel;
- filed within six months of the incident on which the complaint is based.

Typically, all a person has to do to file a complaint is to contact the Commission by phone, by letter, or in person, or they can file directly with the Riverside Police Department. Either way, the complaint is logged in by both the Internal Affairs Unit and the Commission and the tracking process begins.

The Internal Affairs Unit categorizes complaints as Category I (usually the most serious complaints) or Category II (generally discourtesy and improper procedure complaints), then assigns it to an investigator. The sergeants in the Internal Affairs Unit handle most Category I complaints and a few Category II.

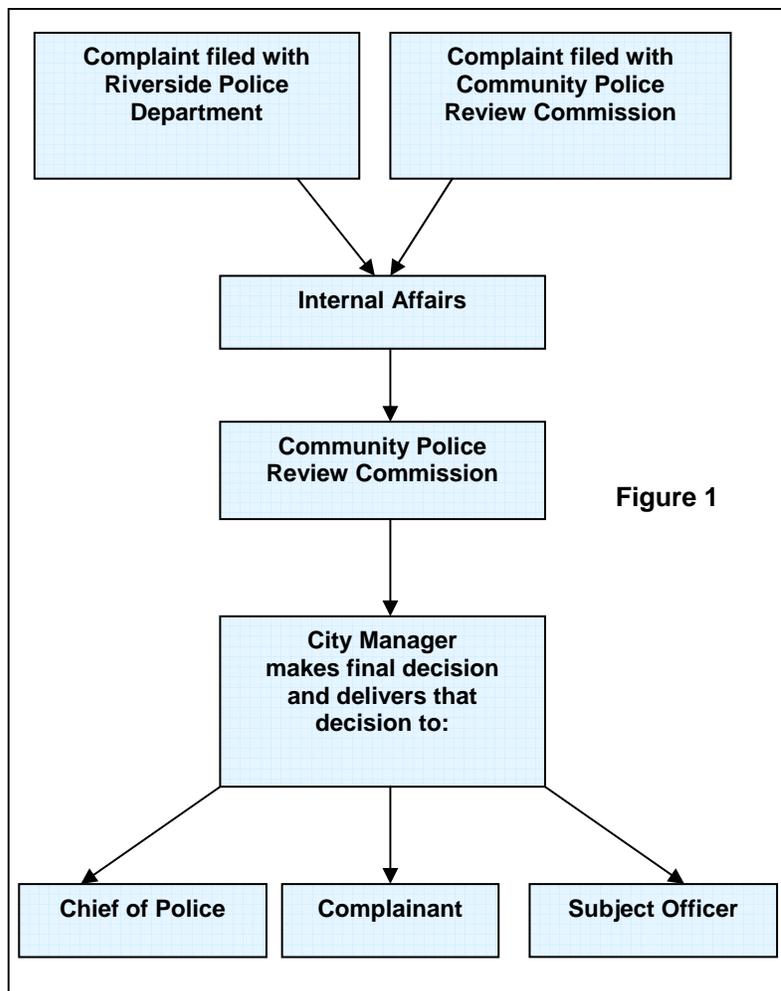


Figure 1

The vast majority of complaints investigated by the Department are Category II and are investigated by supervisors in the Field Operations or Investigations Divisions.

An important aspect of the process is that the Commission members are unaware of the findings made by the Police Department. The idea is for each body to look at the evidence contained in the investigative package independently and come to their own conclusion in the form of recommendations.

Following the Commission's decision, the CPRC Manager forwards both recommendations to the City Manager who, in turn, makes the final decision on each allegation. The Police Chief has the sole responsibility for discipline. Other than issuing a "Sustained" recommendation, the Commission has no role in the disciplinary process.

As part of their review process, the Commission members look at the policies and procedures that govern the officers' actions in the cases in question. Sometimes this review leads to a policy recommendation to the Police Department.

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## *Case Activity*

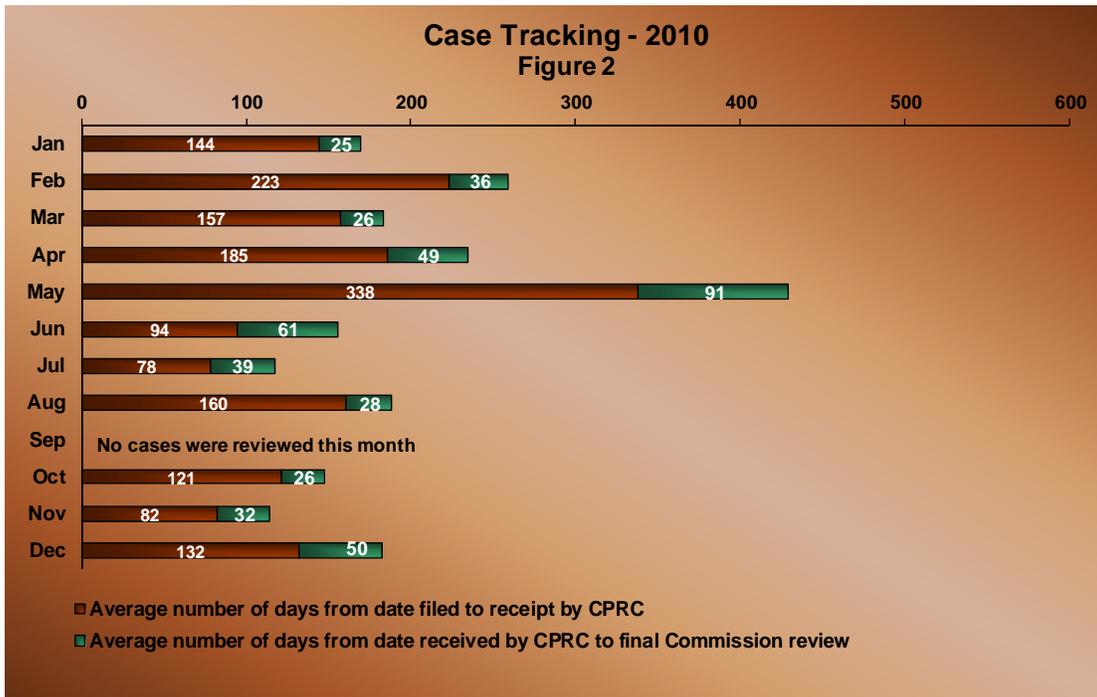
### **Case Tracking**

The Commission uses three relevant dates to track complaints:

- The date a complaint is entered into the CPRC tracking system. The Department's investigative process is monitored during this time period,
- The date the Commission receives the completed investigation from RPD, and
- The date the Commission completes its review of the case. This ensures a timely response to a community member's complaint, which is beneficial to both the community member and officer.

Figure 2 shows the average time cases spent in each process on a per month basis in 2010. When the Commission became operational in January 2001, a case tracking mechanism was instituted for the first time. That mechanism produced a monthly report, starting in March 2001, called the 30/60/90 Day List.

According to Riverside Police Department Policy and Procedure 4.12 D 5 & 6, the goal of completing investigations for Category I cases is 60 calendar days, plus five calendar days for administrative processing, and for Category II cases, 30 calendar days, plus five calendar days for processing.



## Case Dispositions

**T**he Commission reviewed 37 complaint cases containing 92 allegations in 2010. In addition, the Commission reviewed one officer-involved death case.

The following charts and graphs depict the Commission’s case activities in 2010. A case is considered “lodged” when a person notifies the Commission that they wish to file a complaint. The case is not considered “filed” until the completed complaint form is received in the Commission office.

The charts on the following page show the disposition of cases by the Commission in 2010 and case disposition comparisons with previous years. For example, in 2009, there was a decrease in the number of cases reviewed compared to 2008, and there was a decrease in the number of cases that were administratively closed.

“Inquiry” refers to cases that were ultimately determined to be questions of policy rather than accusations of misconduct against an officer. “Administratively Closed” refers to cases that were lodged, but not filed nor reviewed by the Commission.

## Analysis

In 2010, both the RPD and the Commission have continued their focus on improving the time from complaint to findings and the average time frame continues to show improvement.

## 2010 Case Dispositions

Figure 3

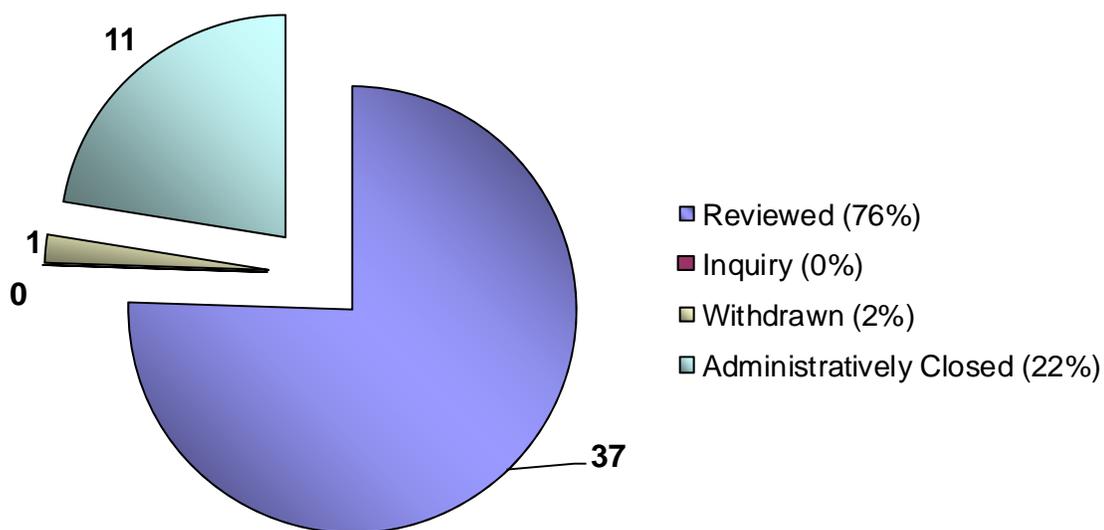
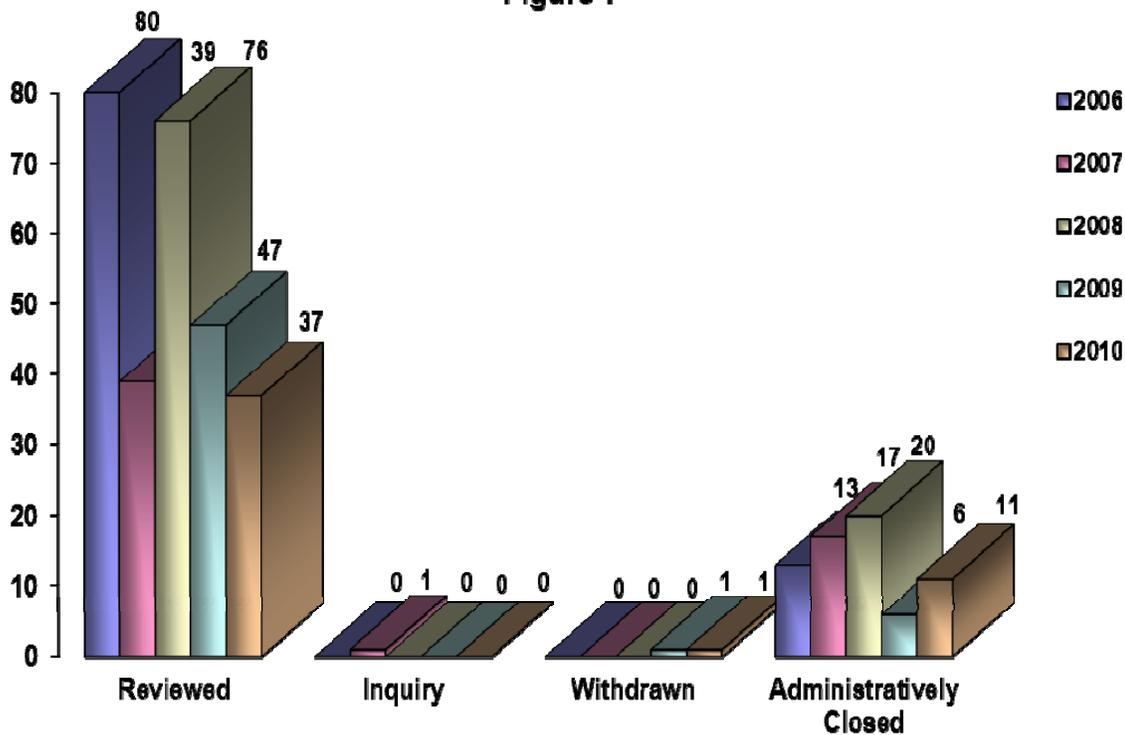


Figure 3 shows the disposition of cases by the Commission in 2010 and the manner in which they were disposed.

Figure 4 shows case disposition comparisons with previous years. For example, there was a decrease in the number of cases reviewed in 2009 (47) compared to 2008 (76).

## Case Disposition Comparisons: 2006 - 2010

Figure 4



**Figure 4a**

	2006		2007		2008		2009		2010	
<b>Reviewed</b>	80	86%	39	68%	76	79%	47	87%	37	76%
<b>Inquiry</b>	0	0%	1	2%	0	0%	0	0%	0	0%
<b>Withdrawn</b>	0	0%	0	0%	0	0%	1	2%	1	2%
<b>Administratively Closed</b>	13	14%	17	30%	20	21%	6	11%	11	22%
	93	100%	57	100%	96	100%	54	100%	49	100%

Figure 4a shows case disposition comparisons in numbers and percentages.

**Cases Lodged vs. Cases Lodged and Filed – 2010**  
**Figure 5**

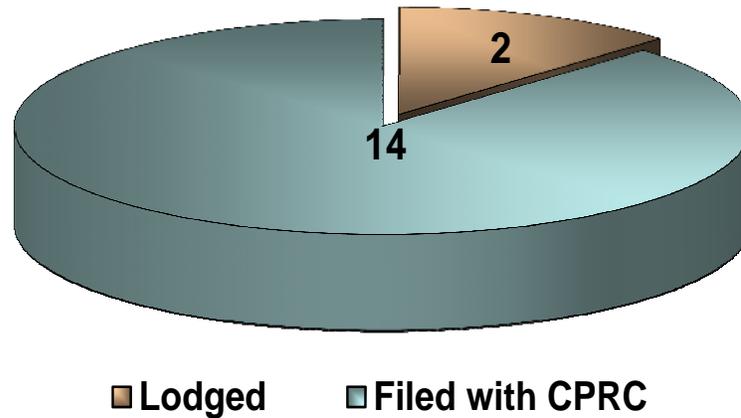


Figure 5 shows the cases lodged directly with the Commission. In 2010, 16 cases were lodged directly with the Commission. Of these 16 cases, 14 were filed as complaints. In the other 2 cases, the complainants did not give us enough information over the phone to forward to Internal Affairs for an investigation or they did not return the completed forms.

# Community Police Review Commission's 2010 Caseload by Neighborhood

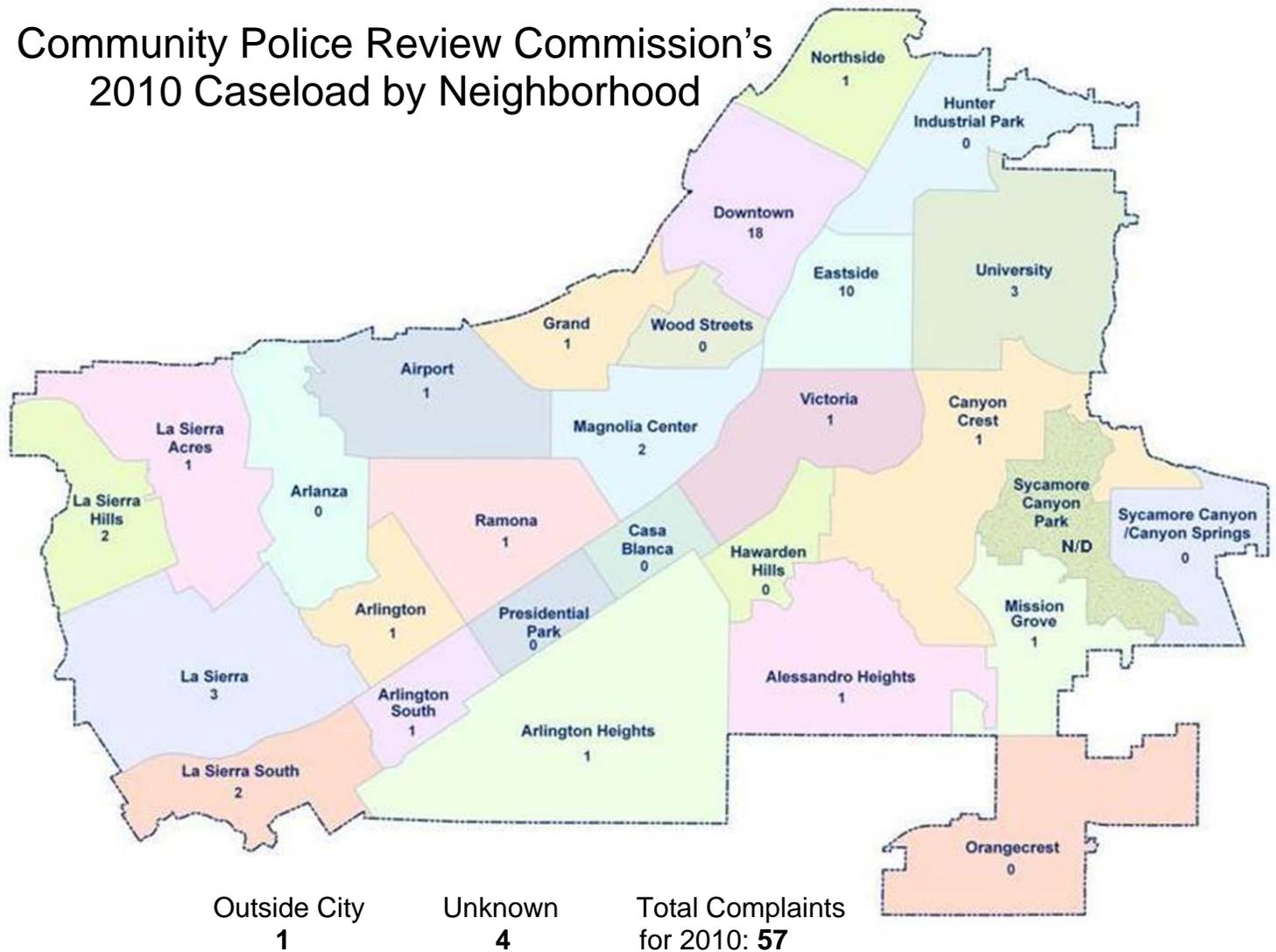


Figure 6

## *Caseload Data by Neighborhood*

Figure 6 above shows the number of cases, by neighborhood, in 2010. Figure 7, on the following page, compares the Commission's caseload by neighborhood from 2006 through 2010.

### *Analysis*

The Downtown area has generally been the area with the greatest number of citizen complaints. This may be due to factors related to relative population density, but could also be due to the level of citizen activity in this area. In 2009, RPD's Internal Affairs Unit relocated to the Downtown neighborhood, partly in an effort to improve police-community contact in the neighborhood. Future complaint numbers may signal whether a positive affect occurred.

**Caseload Comparisons by Neighborhood: 2006 - 2010**  
**Figure 7**



# *Allegations and Findings*

## *Definitions for the Findings*

**Unfounded** = The alleged act did not occur.

**Exonerated** = The alleged act occurred but was justified, legal, and proper.

**Not Sustained** = The investigation produced insufficient information to prove or disprove the allegation.

**Sustained** = The Department member committed all or part of the alleged acts of misconduct or poor service.

**Inquiry** = During the process of the investigation, it was determined that the member of the public was only requesting clarification of a policy or procedure.

**No Finding** = There is no policy regarding the specific allegation made.

## *Misconduct Noted*

During Investigations of alleged misconduct, all aspects of an officer's actions are inspected. When a policy violation is discovered beyond that alleged by the complainant, it is classified as "Misconduct Noted" and, by definition, is a "Sustained" finding.

Of the cases reviewed in 2010, there were four (4) instances of "Misconduct Noted, one (1) of which was a violation of RPD's Audio Recording Policy 4.60.



Figure 8 shows the allegations and Commission findings for cases reviewed in 2010. Below are the definitions for those findings.

**FIGURE 8**

2010 ALLEGATIONS	COMMISSION FINDINGS							TOTALS
	<i>Unfounded</i>	<i>Exonerated</i>	<i>Not Sustained</i>	<i>Sustained</i>	<i>Inquiry</i>	<i>Withdrawn</i>	<i>No Finding</i>	
Excessive Use of Force	6	0	3	0	0	0	0	9
False Arrest	2	0	0	0	0	0	0	2
Discrimination / Harassment	9	0	0	0	0	0	0	9
Criminal Conduct	0	0	0	0	0	0	0	0
<b>Category 1 Subtotal</b>	<b>17</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>
Poor Service	0	0	0	0	0	0	0	0
Discourtesy	9	0	6	4	0	0	0	19
Improper Procedure	45	1	1	4	0	0	0	51
Conduct Unbecoming an Officer	1	0	0	0	0	0	0	1
Infractions, Traffic Violations, and Riverside Municipal Code Violations	0	0	0	0	0	0	0	0
Other	0	0	0	0	1	0	0	0
<b>Category 2 Subtotal</b>	<b>55</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>72</b>
<b>TOTALS</b>	<b>72</b>	<b>1</b>	<b>10</b>	<b>8</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>92</b>

FIGURE 9	CALENDAR YEAR				
	2006	2007	2008	2009	2010
<b>ALLEGATION</b>					
Excessive Use of Force	12	8	17	22	9
Discrimination / Harassment	12	3	5	16	9
False Arrest	0	2	1	9	2
Criminal Conduct	6	3	7	18	0
<b>Category 1 Subtotal</b>	<b>30</b>	<b>16</b>	<b>30</b>	<b>65</b>	<b>20</b>
Poor Service	5	3	5	3	0
Discourtesy	47	20	31	22	19
Improper Procedure	81	39	109	57	51
Conduct Unbecoming an Officer	3	5	1	3	1
Infractions, Traffic Violations, and Riverside Municipal Code Violations	0	0	1	0	0
Other	0	0	0	0	1
<b>Category 2 Subtotal</b>	<b>136</b>	<b>67</b>	<b>147</b>	<b>85</b>	<b>72</b>
<b>Misconduct Noted</b>	<b>7</b>	<b>NA*</b>	<b>NA*</b>	<b>NA*</b>	<b>NA*</b>
<b>TOTALS</b>	<b>173</b>	<b>83</b>	<b>177</b>	<b>150</b>	<b>92</b>

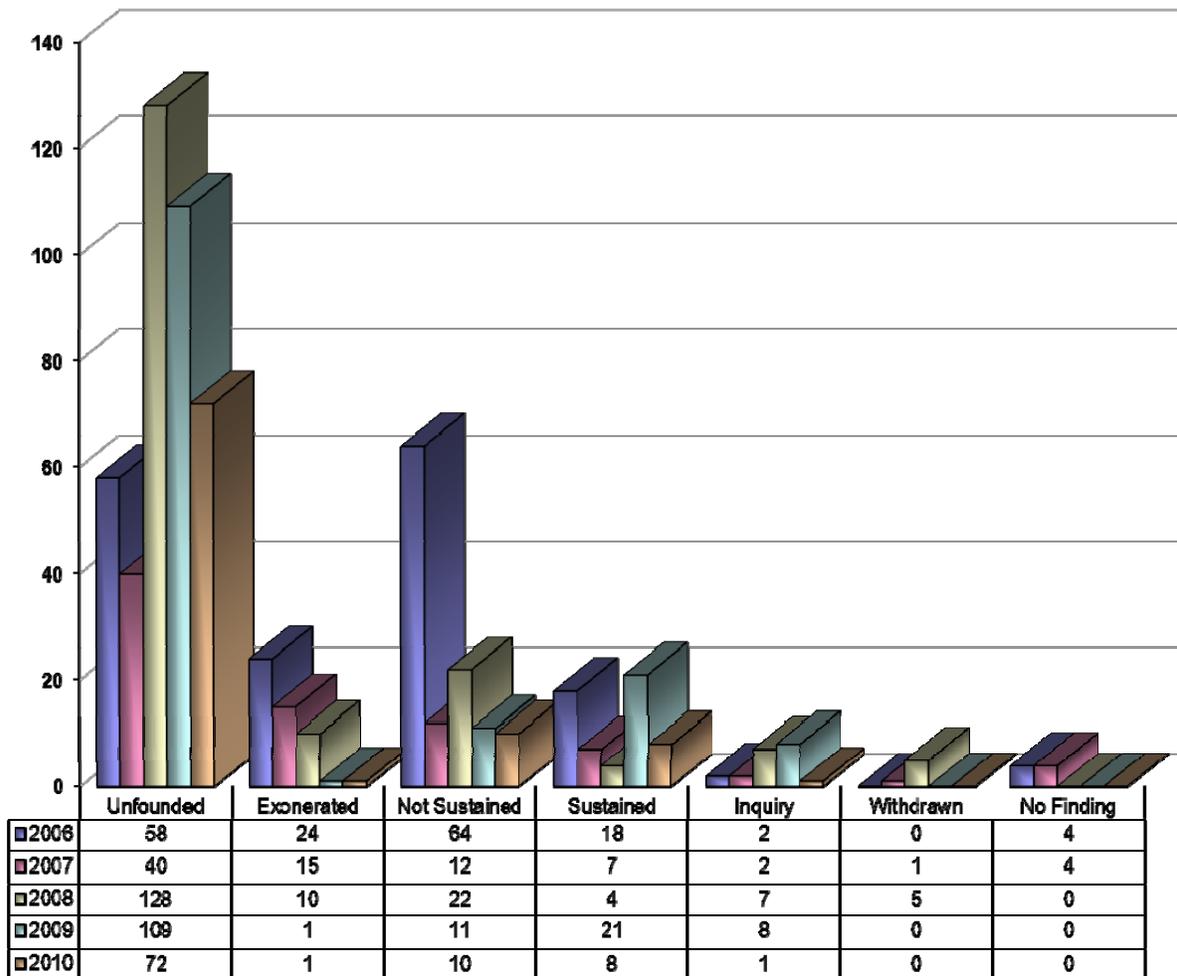
Figure 9 shows comparison data for 2006 through 2010. These figures do not include the results of Officer-Involved Death investigations (discussed in a separate section of this report). In 2006, allegation types were modified to reflect Category 1 and Category 2 type complaints as noted in RPD's Policies and Procedures Manual.

\* Misconduct Noted will no longer be listed with complainant allegations or findings, but will be reported separately.

# Findings Comparisons

Figure 10 compares the Commission's findings for cases reviewed in 2006 through 2010. These figures do not include the results of Officer-Involved Death investigations, which are discussed in a separate section of this report.

**CPRC Findings Comparisons: 2006 - 2010**  
Figure 10



**Comparisons of 2010 CPRC Findings with those of the  
Riverside Police Department (RPD) and the City Manager's Office (CMO)**

The following tables below provide data comparing the complaint case findings of the CPRC, RPD, and the City Manager's Office (CMO). Each of the three entities independently comes to a finding on allegations (as described in the section entitled "Understanding the Complaint Process" on Page 10).

Table 1 presents the data in terms of "definitions of findings" (see Page 18).

<b>Findings</b>	<b>RPD</b>	<b>CPRC</b>	<b>CMO</b>
Unfounded	64	68	69
Exonerated	2	2	0
Not Sustained	11	13	12
Sustained	14	8	10
Inquiry	1	1	1
<b>Total Findings:</b>	<b>92</b>	<b>92</b>	<b>92</b>

Table 2 presents the data based on the definitions, but grouped more generally as to whether or not an officer's actions were within policy.

<b>2010 Findings</b>	<b>RPD</b>		<b>CPRC</b>		<b>CMO</b>	
	<b>Count</b>	<b>%</b>	<b>Count</b>	<b>%</b>	<b>Count</b>	<b>%</b>
<b>a) Officer's actions were out of policy (Sustained)</b>	14	15%	8	9%	10	11%
<b>b) All other findings. (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding)</b>	78	85%	84	91%	82	89%
<b>Total Findings:</b>	<b>92</b>	<b>100%</b>	<b>92</b>	<b>100%</b>	<b>92</b>	<b>100%</b>

**Comparisons of 2010 CPRC Findings with those of the  
Riverside Police Department (RPD) and the City Manager’s Office (CMO) - Cont.**

Tables 3 and 4 compare how frequently the RPD and CPRC agreed or disagreed in finding a policy violation.

<b>Table 3</b>	<b>2010</b>	
	<b>Count</b>	<b>%</b>
<b>RPD &amp; CPRC Findings Comparison</b>		
Agencies <b>agreed</b> that either:		
<b>a)</b> Officer’s actions were out of policy (Sustained)	8	
<b>b)</b> All other findings (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding)	63	
<b>Sub-total Agreed</b>	<b>71</b>	<b>77%</b>
Agencies <b>disagreed</b> whether or not a policy violation occurred	21	
<b>Sub-total Disagreed</b>	<b>21</b>	<b>23%</b>
<b>Total Findings:</b>	<b>92</b>	<b>100%</b>

<b>Table 4</b>	<b>2010</b>	
	<b>Count</b>	<b>%</b>
<b>RPD &amp; CPRC Findings Comparison</b>		
Agencies <b>agreed</b> that the investigation of the allegation revealed that the officer’s actions were either		
<b>a)</b> out of policy: or,	71	77%
<b>b)</b> within policy or could not be substantiated.		
Agencies <b>disagreed</b> whether or not the officer’s actions were within or out of policy	21	23%
<b>Total Findings:</b>	<b>92</b>	<b>100%</b>

***Did You Know...***

*...you can read the results of cases reviewed by the CPRC online at [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc) by clicking on the “FINDINGS” link?*



**Comparisons of 2010 CPRC Findings with those of the  
Riverside Police Department (RPD) and the City Manager's Office (CMO) - Cont.**

Tables 5 and 6 (following page) compare how frequently the CMO and CPRC agreed or disagreed in finding a policy violation.

<b>Table 5</b>	<b>2010</b>	
	<b>Count</b>	<b>%</b>
<b>CPRC &amp; CMO Findings Comparison</b>		
Agencies <b>agreed</b> that either:		
<b>a)</b> Officer's actions were out of policy (Sustained)	8	
<b>b)</b> All other findings (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding)	78	
<b>Sub-total Agreed</b>	<b>86</b>	<b>93%</b>
Agencies <b>disagreed</b> whether or not a policy violation occurred	6	
<b>Sub-total Disagreed</b>	<b>6</b>	<b>7%</b>
<b>Total Findings:</b>	<b>92</b>	<b>100%</b>

<b>Table 6</b>	<b>2010</b>	
	<b>Count</b>	<b>%</b>
<b>CPRC &amp; CMO Findings Comparison</b>		
Agencies <b>agreed</b> that the investigation of the allegation revealed that the officer's actions were either		
<b>a)</b> out of policy, or	86	93%
<b>b)</b> within policy or could not be substantiated.		
Agencies <b>disagreed</b> whether or not the officer's actions were within or out of policy	6	7%
<b>Total Findings:</b>	<b>92</b>	<b>100%</b>

*Officer Commendation*

The Commission commended an officer for his courteous and professional conduct during a traffic stop. That the complainant's allegation of Discrimination was Unfounded was based in large part on the officer's audio recording of the stop as it provided the Commission with irrefutable proof that the officer's actions during the stop were not discriminatory.

# *Officer-Involved Deaths*

**T**he Riverside City Charter defines the ability of the Community Police Review Commission (“the Commission”) to review and investigate officer-involved deaths. Charter Section 810, Subsection D, empowers the Commission “to 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.”

## ***The Officer-Involved Death Evaluation Process***

**I**mmediately upon the death of a person arising out of or in connection with the actions of a sworn police officer, a criminal investigation commences. The Riverside Police Department (“RPD”) conducts the criminal investigation, which includes gathering physical evidence, obtaining statements from involved parties and witnesses, and gathering reports from all involved officers.

Thirty (30) days after the officer-involved death occurs, the Commission authorizes a private investigator to begin a parallel private investigation. The private investigator usually conducts interviews, and may also take photographs and create diagrams as needed to provide information about the incident and location.

All police reports are submitted with the report from the Riverside County Coroner to the Riverside County District Attorney’s Office for review and consideration of criminal filing. The District Attorney’s Office ultimately determines whether to file criminal charges or to close the criminal investigation. When the District Attorney closes their case, they notify RPD that the criminal investigation is closed.

Upon close of the criminal investigation, the RPD provides a “public book” of the criminal investigation to the Commission. This public book contains all police reports that have passed review by the RPD Custodian of Records, clearing documents for public release.

The Commission then conducts a public evaluation of the incident, using the investigations from both the private investigator and the RPD. A multi-stage process is employed to certify facts, identify applicable policy, procedure, and case law, and to obtain any necessary training. The Commission ultimately takes a public vote on a finding of whether or not the use of force was consistent with policy, based on all the publicly-available information. The finding is advisory to RPD. The Commission also may identify advisory recommendations concerning the incident. The Commission then completes a public report, which is posted on the Commission’s website.

Last, the Commission conducts a confidential, closed-door review of the incident, including deliberation of information from the Police Department’s internal Administrative Review. After additional evaluation, the Commission then takes a confidential advisory vote on a finding of whether or not the use of force was consistent with policy, based on all available information. Additional advisory recommendations may be identified. The case is then deemed closed.

## *Officer-Involved Death Evaluations Completed*

**D**uring 2010, the Commission conducted review and investigation of one (1) officer-involved death. This investigation was fully completed. Details of the cases and the deliberation process are recounted below.

### *Carlos Quinonez*

On September 1, 2008, Carlos Quinonez attended a family party at 5807 Yarborough Drive. Quinonez drank alcoholic beverages, and subsequently began fighting with his adult son. Family members were initially unable to restrain Quinonez, and they phoned police for help. Quinonez agreed to leave the location, and took a concealed shotgun from the garage just before leaving. As Quinonez walked to the street toward a vehicle, 2 RPD police officers approached and ordered Quinonez to put down the bag he was carrying. Quinonez pulled the shotgun from the bag, racked it, and raised it toward the officers. The officers subsequently shot and killed Quinonez.

On October 16, 2009, the Riverside County District Attorney's Office notified the RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review:  
411 days = 1 year, 1 month, 16 days

On December 9, 2009, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

- Time lapse from DA review to completed RPD privacy review:  
55 days = 1 month 24 days

On January 27, 2010, the Commission placed the OID on public agenda, but tabled the public evaluation of the incident, pending revision to the Evaluation Process.

On March 24, 2010, the Commission commenced public evaluation of the incident.

- Time lapse from receipt of report to commencing evaluation:  
106 days = 3 months, 16 days

On May 19, 2010, by a vote of 7 to 0 (2 absent), the Commission found that the officers' use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.



# *Officer-Involved Death Evaluations in Progress*

## **Fernando Sanchez**

On September 12, 2008, a RPD officer stopped a vehicle at a gas station near Van Buren Boulevard and Wells Avenue. During the stop, Fernando Sanchez exited a nearby store, exchanged words with the RPD officer, then fled on foot. The officer pursued and caught Sanchez. During the ensuing struggle, Sanchez tried to pull his hand from his pocket, and the officer grabbed the outside of the pocket and felt a handgun. Sanchez ignored commands, and continued to try to pull his hand from the pocket. The officer subsequently shot and killed Sanchez.

On January 15, 2010, the Riverside county District Attorney's Office notified the RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review: 491 days = 1 year, 4 months, 4 days

On **August 3, 2010**, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

- Time lapse from DA review to completed RPD privacy review:  
201 days = 6 months 20 days

On August 25, 2010, the Commission placed the OID on the public agenda and commenced public evaluation of the incident.

The Commission evaluation is continuing.



# *Officer-Involved Death Evaluations Pending*

## **Marlin Acevedo**

On October 31, 2008, RPD officers responded to a call that Marlin Acevedo was standing in the roadway in the 7800 block of Cypress Avenue, screaming at passing motorists. When RPD officers arrived, Acevedo became agitated, refused to comply with directions, and then became combative with officers. Acevedo was subdued, arrested, and transported to a local hospital where he died a short time later.

On November 5, 2009, the Riverside county District Attorney's Office notified the RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review: 371 days = 1 year, 6 days

On December 10, 2009, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

- Time lapse from DA review to completed RPD privacy review:  
36 days = 1 month 5 days

The Commission will begin its review of this case upon completion of the Sanchez OID.

## **Russell Hyatt**

On January 17, 2009, RPD responded to a call that an adult male was involved in a disturbance with family members, and that the man had left the location with a loaded handgun. A short time later, RPD Dispatch received calls that a man with similar description, including the gun, had entered a home in the 2800 block of Mulberry Street. The first officer who arrived on Mulberry found Russell Hyatt in a dirt lot, holding a handgun. Hyatt pointed the handgun at the officer, who subsequently shot and killed Hyatt.

On March 18, 2010, the Riverside county District Attorney's Office notified the RPD that the criminal investigation was closed, with no criminal charges filed against the involved police officers.

- Time lapse from incident to completed DA review: 426 days = 1 year, 2 months, 2 day

On October 4, 2010, the RPD completed review of the report for compliance with privacy protection, and the Commission received the completed criminal investigation casebook.

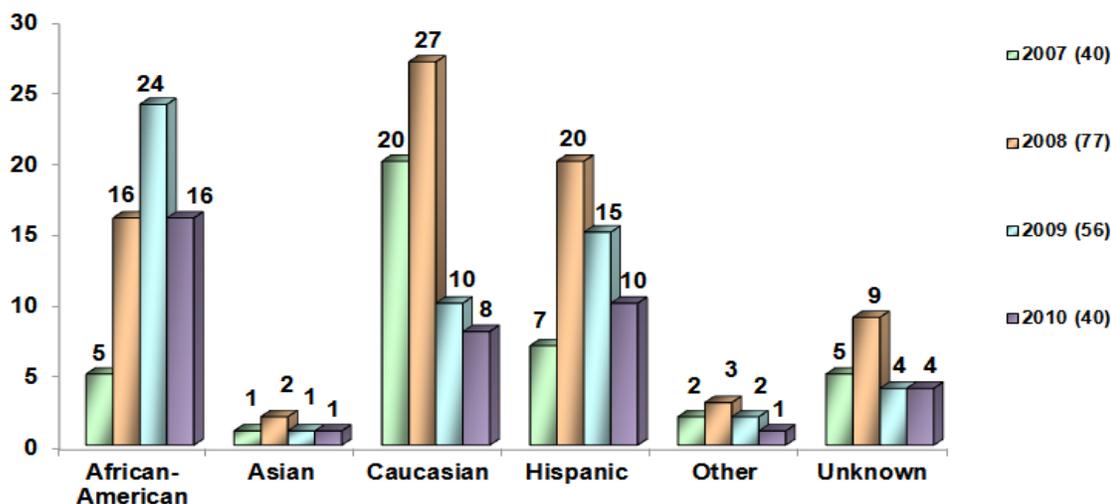
- Time lapse from DA review to completed RPD privacy review:  
201 days = 6 months 17 days

The Commission will begin its review of this case upon completion of the Acevedo OID.

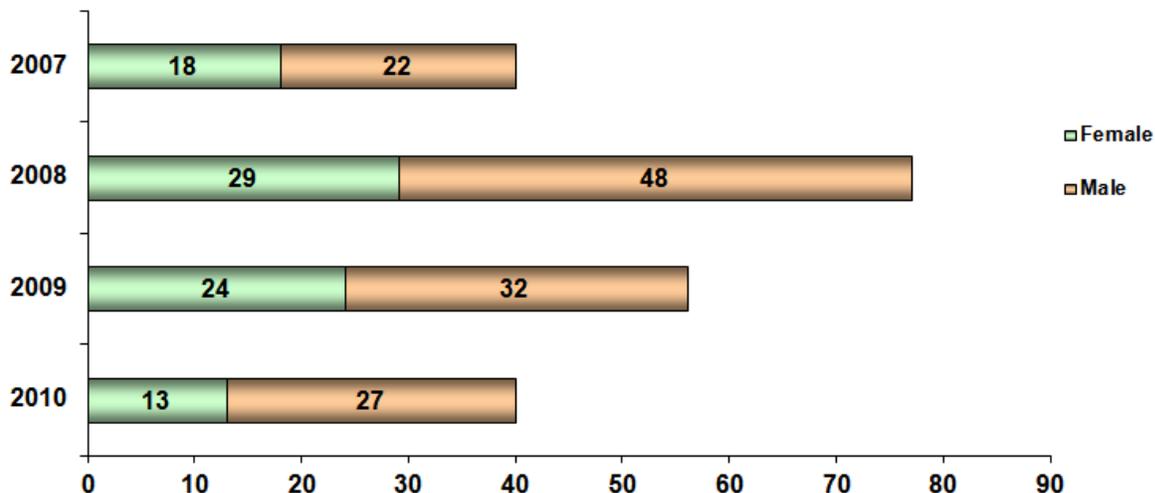
# Demographic & Other Data

The following demographic data is based on the number of cases reviewed by the Commission from 2007 through 2010. The Commission determines a complainant's race based on self-identification by the complainant as well as the Police Officer's identification. The charts below note the race and gender of **all** complainants. As the Commission reviewed 37 cases in 2010, three of which have two complainants, the numbers in each chart total 40.

**Complainant Race:  
Cases Reviewed in 2007 - 2010**  
Figure 11



**Complainant Gender:  
Cases Reviewed in 2007 - 2010**  
Figure 12



## Demographic & Other Data – continued

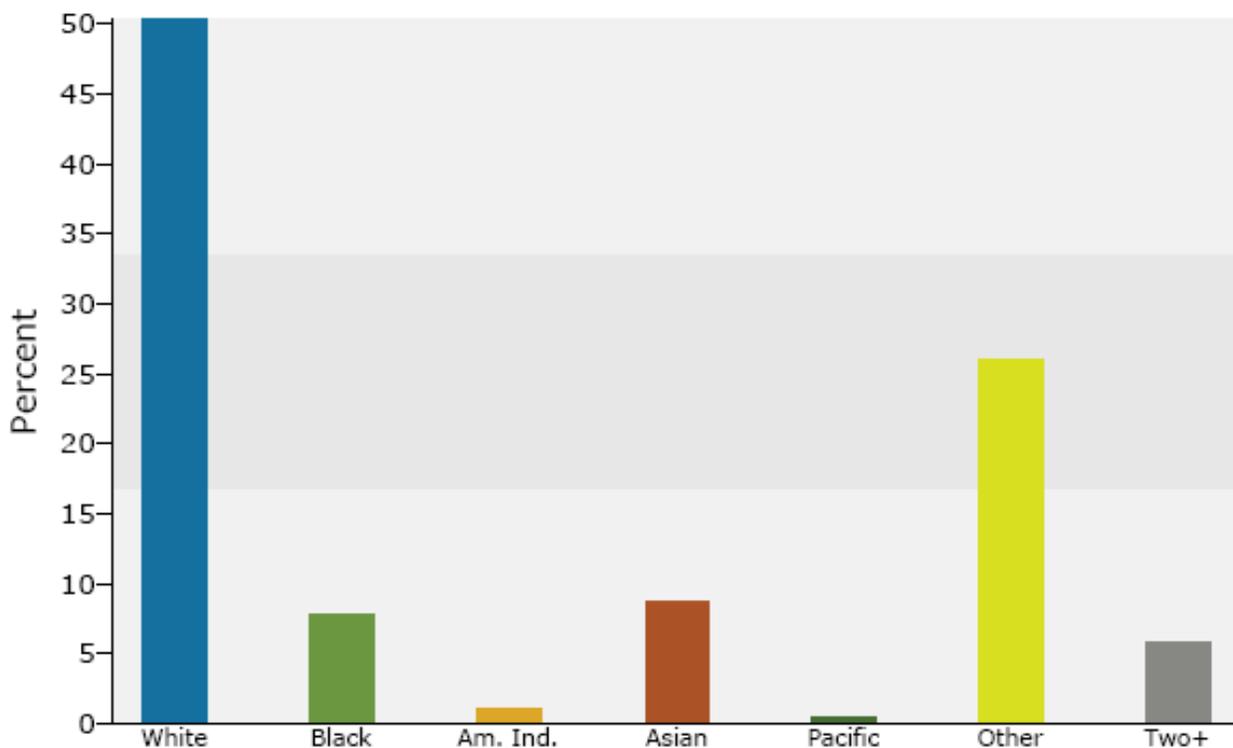
To expand on the demographic data regarding the complaints reviewed by the Commission in 2010, the City of Riverside’s demographic forecast, as provided by Environmental Research Systems Institute, Inc., or Esri, is shown in the table and chart below. Please note that, per Esri, race and those of Hispanic origin are separate categories and are calculated separately.

Also, the Commission determines a complainant’s race based on self-identification by the complainant as well as racial identification by the Police Officer. Based on that method of racial determination, the Commission’s racial categories are somewhat different than those shown below.

▶ White alone	50.20%	▶ Pacific Islander alone	0.50%
▶ Black alone	7.70%	▶ Some other race alone	26.00%
▶ American Indian alone	1.00%	▶ Two or more races	5.80%
▶ Asian alone	8.70%	▶ Hispanic origin*	47.00%

\*Per Esri, race and Hispanic origin are separate categories

2010 Population by Race



2010 Percent Hispanic Origin: 47.0%

## **Comparing Complaints to Number of Employees and Employee Contacts**

When examining data concerning citizen complaints of alleged misconduct by sworn police officers, it is useful to consider the total number of sworn police officers in employment.

**Figure 13**

**As of December 2010**

Number of sworn officers (as of year's end)	356
Number of complaint cases reviewed	37
Number of sworn employees named in complaints	41
Number of total allegations involved	92

The Commission tracks officers who are named in multiple incidents and multiple allegations. It is, however, not unusual for an officer to be the subject of multiple allegations arising from a single incident. The Commission does advise RPD if an officer appears to be involved in or developing a pattern of re-occurrence as the subject of citizen complaints.

Another useful comparison to take into consideration is the number of citizen complaints filed versus the number of possible police contacts between sworn police officers and citizens. The Police Department's "Computer-Aided-Dispatch" (CAD) system captures and stores data concerning all known contacts between police officers and citizens. These contacts are generally referred to as an "incident." An "incident" is an event that produces a police report.

### **CAD Data for 2010:**

#### **186,425 Incidents**

The majority of incidents (but not all) involve some form of contact between a police officer and at least one citizen, and sometimes with multiple citizens. CAD data cannot identify precisely how many police-citizen contacts actually occurred during an incident, but the data would reflect that the number easily exceeds 100,000 by looking at the above number of incidents recorded in 2010. The CPRC received a total of 57 complaints in 2010 that fit the review requirements as noted below.

**NOTE: *The number of complaints noted in the CPRC Annual Report reflect ONLY those complaints that are filed against sworn members of the Riverside Police Department and filed within six months of the incident on which the complaint is based. They do not reflect the TOTAL number of complaints filed against members of the Riverside Police Department.***

# Trends and Patterns

## Digital Audio Recording

The Commission has noted RPD's transition from audio only to video and audio as in-car camera systems go online. The Commission appreciates and values the additional information and continues to express the view that digital recording works to protect police officers and the community from false accusations. There continues to be occasional equipment failures that result in loss of data, but no specific trend or pattern can be connected to these occurrences. The Commission continues to encourage the voluntary use of the audio recorder as it is a valuable tool in the review of cases.

### Did You Know...

*...that there are several ways by which a complaint may be filed?  
These include:*



**By phone at  
(951) 826-5509**



**Through the mail or in  
person at the CPRC Office,  
3900 Main Street, 6<sup>th</sup> Floor,  
Riverside, CA 92522**



**Downtown Police Station at  
4102 Orange Street or any  
police station in the City**

**By e-mail at [cprc@riversideca.gov](mailto:cprc@riversideca.gov)  
or online at  
[www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)**



# *Policy Recommendations*

**T**he following recommendations have been made to the RPD since the Commission's inception in 2001. The Commission keeps record of all Policy Recommendations and tracks responses from RPD that concern the Recommendations. The Commission re-visits all recommendations twice yearly to consider whether updates or revisions are appropriate. There was one recommendation made in 2010.

## *2010*

1. *Modify RPD Policy Section 2.23, Rules of Conduct, Subsection (P), to include wording to address intentional omissions in reporting.*  
Received.

## *2008*

1. *Consider whether the digital audio recorder unit can be carried in a location to prevent accidental turn-off.*  
Officers are allowed discretion in determining how to carry the unit, due to differing officer sizes, and preference in accessing officer gear.
2. *Suggested providing blank business cards to uniformed officers.*  
RPD had also identified this as worthwhile, and had implemented policy and practice of providing cards.
3. *Suggested more strict compliance with RPD Recording policy.*  
Compliance with the policy is continually monitored by supervisors, but officers are given some discretion in determining the exact moment when the recording device is activated, in order to allow officer safety to be the predominate concern.

## *2006*

1. *The RPD Property Unit should mail 2 certified letters of notice to owners of property held in safekeeping.*  
RPD instituted the mailing of one letter, but not the follow-up letter.

## *2005*

1. *Re-draft Policy Section 4.39, Response to Loud Parties, to give officers flexibility to contact the complaining party.*  
RPD revised the policy.

# *Policy Recommendations*

## *2004*

1. *Modify complaint forms so that the officer's copy has only the complainant and witness information required by law.*

RPD declined to modify the form.

2. *Modify Policy Section 4.31, Searching, to direct that officers request by radio when possible a same-sex officer for searching suspects, and that complain investigations concerning allegations of opposite-sex searches document whether same-sex officers were available.*

RPD declined to modify the policy, and responded that existing policy covered the issues.

## *2003*

1. *Modify Policy to require that all citizen contacts be recorded.*

RPD declined to modify the policy.

2. *Modify Policy regarding shooting at a moving vehicle.*

Added language that generally, officer should not shoot at moving vehicles, unless in necessary defense of self or others.

## *2002*

1. *That the Riverside Police Department adopt a policy whereby P.O.P. project proposals are submitted, in writing, and are given supervisory approval before being initiated.*

RPD revised the policy.

2. *Modify all existing policies that pertain to interviewing victims or witnesses or photographing them to remind officers that, whenever possible, they should have another officer or a family member present to avoid being placed in a compromising situation.*

RPD revised the policy.

## *2001*

1. *That the Riverside Police Department review the criteria for assigning Internal Affairs investigations outside of the Internal Affairs Unit so that the IA Unit investigates a greater number of complaints;*

*That the Riverside Police Department develop a written policy regarding the selecting of field supervisors to investigate complaints. It is further recommended that the policy include language that states that supervisors directly involved in the actions under question not be assigned as the investigator.*

RPD declined to modify the policy.

# *Policy Recommendations*

## *2001 – continued*

- 2. Revision of Policy 4.14 to include explicit instructions on what officers should do when a recovered stolen vehicle is judged to be unsafe to drive. It also recommends that the victim of an auto theft be given a reasonable time, as defined by RPD, to make their own towing / storage arrangements.*

RPD revised the policy.

- 3. Modify RPD Policy and Procedures Section 4.15 to reflect that a report will be written in all cases where child abuse and/or neglect are alleged.*

RPD revised the policy.

- 4. Modify RPD Policy and Procedures 4.23.E.f to ensure that all calls relating to domestic violence are reported.*

RPD declined to modify the policy.

- 5. Modify RPD Policy and Procedures 6.3 regarding non-injury accidents so that officers are required to run a drivers license check and, as much as practical, check for a valid insurance policy on the parties involved as part of the protocol;*

*That the Police Department should develop cards or pamphlets that officers can give to citizens involved in non-reportable accidents that explain the RPD policy with regard to non-reportable accidents.*

RPD revised the policy.

- 6. Modify RPD Policy and Procedure 4.17 to include proper, acceptable responses to other than Code 3 calls. The modified policy should define what type of calls are considered Code 1 and Code 2 calls and what is an appropriate response to each.*

RPD declined to modify the policy.

- 7. That the RPD develop a policy that requires officers to give receipts when they take property from anyone. The policy should be broad enough to cover all property seizure circumstances.*

RPD revised the policy.

- 8. That RPD Policy & Procedure 9.1 be modified so that “harmless” errors, while not acceptable, are not treated in the discipline system unless they are persistent.*

RPD declined to modify the policy.

# *OID Policy Recommendations*

## *Quinonez OID*

1. *Recommend continuous effort to review and improve witness interview techniques.*  
Received.
2. *Recommend that audio recorders be recovered from involved officers at soonest possible opportunity.*  
Received.
3. *Recommendation that, whenever possible, if involved officers must take part in the recovery of possible suspect weapons, that the weapons be turned over to uninvolved personnel for securing.*  
Received.

## *Cloud OID*

1. *Create a training opportunity from the Cloud OID.*  
Received. All OIDs are routinely subject to internal after-analysis, and training scenarios are developed as necessary to address any identified concerns.

## *Brown OID*

1. *Routinely dispatch supervisor to potentially volatile calls.*  
Received. Routine practice, and was done in Brown incident.
2. *Train first-arriving officers to await the arrival of back-up before contacting a potentially confrontational subject whenever possible.*  
Received. Included in officer safety training, balanced against first-arriving officer's judgment as to necessity to intervene before assistance arrives.
3. *Develop additional methods for dealing with mentally ill.*  
Received. RPD already had begun a cooperative approach involving County mental health professionals in providing in-field response to mentally ill by trained medical personnel.
4. *Disengage and reassess when initial tactics do not create the desired result, when possible.*  
Received. Included in tactical training, balanced against the on-scene officers' judgment as to whether to continue or disengage.
5. *Redeploy out of danger range when possible.*  
Received. Included in tactical training.

# *OID Policy Recommendations*

## *Brown OID – continued*

6. *Affect a team take down of the suspect.*  
Received. Included in safety and tactical training.
7. *Purchase and deploy yellow Tasers.*  
Received. Not implemented due to tactical value to officers of deploying a weapon that suspect may believe is a firearm, in certain circumstances.
8. *Incorporate Tasers into existing “gun take away” training.*  
Received. Included in defense training.
9. *Develop a structured method for DNA swabbing of evidence.*  
Received. Included in methods training.
10. *Improve response time by hiring more police officers.*  
Received. Implemented by City Council.

## *Did You Know...*

*... most complaints can be avoided through the use of common courtesy?*





# *Appendix*

**City of Riverside Ordinance No. 6516** **Section A**

**Charter Amendment – Section 810** **Section B**

**CPRC By-Laws, Policies & Procedures** **Section C**

**RPD Policy & Procedure 4.12** **Section D**

**RPD Conduct & Performance Manual** **Section E**  
**Section 10: Administrative Investigation**





# **Section A**





1 the Commission and be responsible for maintaining all records and minutes.

2 **Section 2.76.040 Membership and Terms of Community Police Review**

3 **Commission.**

4 The Community Police Review Commission shall consist of nine (9) members appointed  
5 by the Mayor and City Council. Members shall be removed from the Commission by five (5)  
6 affirmative votes of the Mayor and City Council for incompetence, malfeasance, misfeasance,  
7 nonfeasance or neglect of duty.

8 The term of each member of the Commission shall be for four years; provided, however,  
9 the initial appointments of the first nine members after the effective date of this Chapter, shall be  
10 determined by a drawing at the Commissions's first meeting to decide which members shall serve  
11 two, three and four year terms; three shall serve two year terms, three shall serve three year terms  
12 and three shall serve four year terms. The members first appointed to serve two year terms shall  
13 serve until March 1, 2002; the members first appointed to serve three year terms shall serve until  
14 March 1, 2003, and the members first appointed to serve four year terms shall serve until March 1,  
15 2004. No person shall serve more than two full terms. Serving more than one (1) year of an  
16 unexpired term shall be counted as service of one full term.

17 **Section 2.76.050 Powers, Duties and Functions**

18 The powers, duties and functions of the Community Police Review Commission are as  
19 follows:

- 20 A. To advise the Mayor and City Council on all police/community relations issues.  
21 B. To conduct public outreach to educate the community on the purpose of the  
22 Commission.  
23 C. To receive, and in its discretion, review and investigate, through the Executive  
24 Director, complaints filed within six (6) months of the date of the alleged police  
25 employee misconduct, in writing with the Commission or any other City office,  
26 which allege persons employed by the Riverside Police Department in a sworn  
27 capacity with, but not limited to (a) use of excessive force, (b) discrimination or

1 sexual harassment in respect to members of the public, (c) the improper discharge  
2 of firearms, (d) illegal search or seizure, (e) false arrest, (f) false reporting, (g)  
3 criminal conduct, (h) misconduct. "Misconduct" is defined to mean and include  
4 any alleged improper or illegal acts, omissions or decisions directly affecting the  
5 person or property of a specific community member by reason of:

- 6 1. Alleged violation of any general, standing or special orders or guidelines of  
7 the Riverside Police Department, or
- 8 2. An alleged violation of any state or federal law that occur in the course and  
9 scope of employment, or
- 10 3. Any act otherwise evidencing improper or unbecoming conduct by a sworn  
11 police officer employed by the Riverside Police Department.

12 D. To review and investigate the death of any individual arising out of or in  
13 connection with actions of a sworn police officer, regardless of whether a  
14 complaint regarding such death has been filed.

15 E. To conduct a hearing on filed complaints or Commission initiated investigations  
16 when such hearing, in the discretion of the Commission, will facilitate the fact  
17 finding process.

18 F. To the extent permissible by law, exercise the power of subpoena to require the  
19 attendance of witnesses, including persons employed by the City of Riverside, and  
20 the production of books and papers pertinent to the investigation and to administer  
21 oaths to such witnesses and to take testimony. Subpoenas shall only be issued by  
22 the Commission upon the affirmative vote of six (6) Commission members.

23 G. To make findings concerning allegations contained in the filed complaint to the  
24 City Manager and Police Chief.

25 H. To review and advise the Police Department in matters pertaining to police  
26 policies and practices.

27 //

1 I. To prepare and submit an annual report to the Mayor and City Council on  
2 Commission activities.

3 **Section 2.76.060 Confidentiality**

4 All personnel records, investigative reports, documents generated within the City of  
5 Riverside Police Department, information relating to closed session deliberations of the  
6 Commission, and any other privileged matters, shall be kept confidential to the extent permitted by  
7 law.

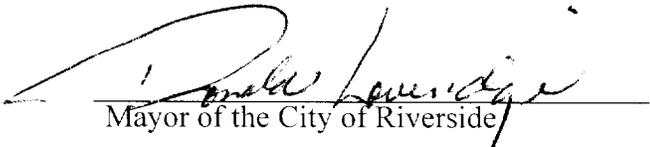
8 The hearing process shall be open to the public to the extent legally permissible and  
9 insofar as it does not conflict with state or federal law.

10 **Section 2.76.070 Severability**

11 If any provision of this Ordinance or its application is held invalid by a court of  
12 competent jurisdiction, such invalidity shall not affect other provisions, sections, or application of  
13 the Ordinance which can be given effect without the invalid provisions or applications, and to this  
14 end any phrase, section, sentence, or word is declared severable.

15 Section 2: The City Clerk shall certify to the adoption of this ordinance and cause  
16 publication once in a newspaper of general circulation in accordance with Section 414 of the  
17 Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the  
18 date of its adoption.

19 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk  
20 this 11<sup>th</sup> day of April, 2000.

21  
22   
23 Mayor of the City of Riverside

24 Attest:

25  
26   
27 City Clerk of the City of Riverside

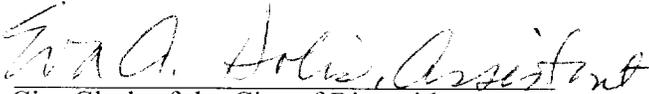
1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 4th  
3 day of March, 2000, and that thereafter the said ordinance was duly and regularly adopted at a  
4 meeting of the City Council on the 11th day of April, 2000, by the following vote, to wit:

5 Ayes: Councilmembers Beaty, Moore, Defenbaugh, Kane, Adkison,  
6 Thompson and Pearson.

7 Noes: None.

8 Absent: None.

9 IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the  
10 City of Riverside, California, this 11th day of April, 2000.

11   
12 Eva A. Dolin, Assistant  
13 City Clerk of the City of Riverside

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27 [ORD/00049001.SY]



# **Section B**



## RIVERSIDE CITY CHARTER

### **Sec. 807. Human resources board--Composition.**

There shall be a human resources board, which shall have the power and duty to:

(a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.

(b) Act in an advisory capacity to the City Council on matters concerning personnel administration. (Effective 12/27/1995)

### **Sec. 808. Board of library trustees.**

There shall be a board of library trustees, which shall have the power and duty to:

(a) Have charge of the administration of City libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.

(b) Designate its own secretary.

(c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.

(e) Approve or disapprove the appointment, suspension or removal of the librarian, who shall be the department head.

(f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.

(g) Contract with schools, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council. (Effective 12/27/1995)

### **Sec. 809. Park and recreation commission.**

There shall be a park and recreation commission which shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees.

(b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.

(c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council. (Effective 12/27/1995)

### **Sec. 810. Community police review commission.**

There shall be a community police review commission which shall have the power and duty to:

(a) Advise the Mayor and City Council on all police/community relations issues.

## RIVERSIDE CITY CHARTER

(b) Conduct public outreach to educate the community on the purpose of the commission.

(c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the commission or any other City office as established by ordinance of the City Council.

(d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.

(e) Conduct a hearing on filed complaints or commissions-initiated investigations when such hearing, in the discretion of the commission, will facilitate the fact finding process.

(f) Exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible by law. Subpoenas shall only be issued by the commission upon the affirmative vote of six commission members.

(g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.

(h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.

(i) Prepare and submit an annual report to the Mayor and City Council on commission activities.

### **ARTICLE IX. PERSONNEL MERIT SYSTEM.**

#### **Sec. 900. Generally.**

The City Council shall by ordinance establish a personnel merit system for the selection, employment, compensation/classification, promotion, discipline and separation of those appointive officers and employees who shall be included in the system. (Effective 12/27/1995)

### **ARTICLE X. RETIREMENT.**

#### **Sec. 1000. Authority to continue under State system.**

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement System, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate any contract with the board of administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.)

### **ARTICLE XI. FISCAL ADMINISTRATION.**

#### **Sec. 1100. Fiscal year.**

The fiscal year of the City government shall be established by ordinance.

# **Section C**



**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

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**BY-LAWS  
Amended December 9, 2009**

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**ARTICLE I  
DEFINITION**

- Section 1. As used in these by-laws, unless a different meaning clearly appears from the context:
- A. "Commission" shall mean the City of Riverside Community Police Review Commission (CPRC).
  - B. "Commissioners" shall mean the members of the Commission.
  - C. "Manager" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.
  - D. "Independent Investigator" shall mean the person(s) retained by the Manager to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.
  - E. "City" shall mean the City of Riverside.

**ARTICLE II  
MEMBERS**

- Section 1. The Commission shall be comprised of nine (9) members 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 member must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.
- Section 4. Members who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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**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 member has not been appointed when the term of office of an incumbent member expires, the incumbent member may continue to serve until a replacement is appointed.
- Section 3. Members may be removed from the Commission by an affirmative vote of five (5) members of the City Council, with the Mayor entitled to a vote, 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, misfeasance, nonfeasance, 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. Members 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**  
**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 members, 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

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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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.

- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. 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 members for a term of one year. A member 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.

### 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.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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- C. Receive complaints of alleged police misconduct filed 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) Commission members.
- F. The extent permissible by law, 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) Commission members.
- G. To 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. Review and advise the Police Department in matters pertaining to police policies and practices.
- L. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.
- M. Advise the City Manager regarding the performance of said staff.
- N. 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.

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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**ARTICLE VII**  
**MEETINGS**

- Section 1. Regular meetings of the Commission shall be held on the fourth Wednesday of each month at 5:30 p.m. 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) members of the Commission, the Chair shall be required to call a meeting of the Commission within one week. Members 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.
- Section 3. All meetings of the Commission and its standing committees 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.
- Section 4. 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.
- Section 5. A majority of all members of the Commission shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.
- Section 6. A quorum being present, the order of business at the meetings of the Commission may include the following:
- A. Roll Call and Report of Commissioner Absences
  - B. Minutes of Previous Meeting
  - C. Manager's Report

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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- D. Commissioner Comments
- E. Committee Reports
- F. Public Comment
- G. Unfinished Business
- H. New Business
- I. Next Meeting
- J. Recess to personnel or closed session if required
- K. Adjournment

The 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 promulgate such rules, regulations, policies, and procedures for its conduct, as it deems necessary. 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 March meeting.

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.

Section 13. It is recommended that Commissioners attend at least one training day every other year as needed.

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

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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- Section 15. Newly appointed Commissioners are strongly urged to schedule one ride-along with the RPD during their first 90 days following their initial appointment to the Commission. Additionally, all Commissioners are urged and encouraged to participate in additional ride-alongs and sit-alongs throughout their tenure on the Commission as their time and circumstances allow.
- Section 16. Newly appointed Commissioners are strongly urged to schedule attendance and participate in community and neighborhood meetings.

**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 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 and hearings shall be conducted to determine facts and to make recommendations to the City Manager and Police Chief.
- Section 4. 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.

**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.

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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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. Attendance records of all members
- G. The amount of money expended in support of the Commission, if known
- H. A list of City personnel who regularly assist the Commission

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

**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.

**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

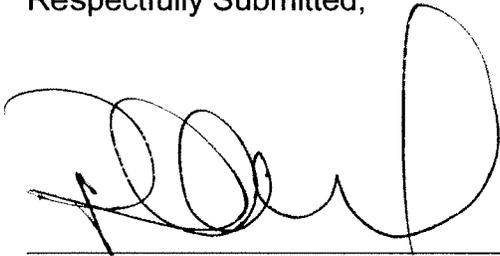
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**CHRONOLOGY OF AMENDMENTS AND ADOPTIONS**

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

Respectfully Submitted,



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Peter Hubbard, Chair  
Community Police Review Commission

*December 9, 2009*

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Date

**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

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**POLICIES AND PROCEDURES  
Amended November 18, 2009**

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**I. PURPOSE**

To establish guidelines for the receipt and processing of allegations of sworn police employee misconduct in compliance with Chapter 2.76 of the Riverside Municipal Code.

**II. SCOPE**

These guidelines are applicable in addressing allegations of misconduct by sworn employees of the Riverside Police Department. Complaints must have been filed on or after January 1, 2001, in writing, and within six (6) months of the date of the incident that gave rise to the complaint.

**III. AMENDMENT**

These Policies and Procedures may be amended by a majority vote of the Commission at a regularly scheduled Commission meeting where the item appears on the published agenda for discussion and/or action.

**IV. POLICY STATEMENT**

The Community Police Review Commission shall receive, review and investigate allegations of misconduct by sworn Police Department employees 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. When necessary, the Commission will conduct hearings and subpoena witnesses and records to facilitate the fact-finding process. The Commission shall make recommendations to the City Manager and Police Chief and develop appropriate procedures to implement this policy.

The Community, sworn police employees, and staff are urged to give their support, to the extent permitted by law, to ensure the effective implementation of this Policy and these Procedures.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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### V. DEFINITIONS

The following definitions shall apply to this policy:

A. Commission:

Community Police Review Commission (CPRC)

B. Complaint:

Allegation(s) of misconduct against a sworn employee of the Riverside Police Department.

C. Complainant:

The person filing the complaint.

D. Discrimination:

An act or omission made on the basis of race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex or sexual orientation.

E. Sexual Harassment:

Engaging in any act of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

F. Employee of the Riverside Police Department:

Any employee of the Riverside Police Department who is a sworn peace officer.

G. Manager:

The staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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- H. Excessive Force:  
Unreasonable force used by a sworn employee of the Riverside Police Department against a person or persons.
  
- I. False Arrest:  
Arrest made without probable cause that a crime has been committed and that the person in question has committed that crime.
  
- J. Independent Investigator:  
The person(s) retained by the Manager to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.
  
- K. Misconduct:  
An allegation against a sworn employee of the Riverside Police Department, which if true, may constitute a violation of a law, rule or regulation.
  
- L. Probable Cause:  
A condition where facts and circumstances known to the officer warrant a reasonable person to believe that the arrested person has committed a crime.
  
- M. Subject officer:  
A sworn employee of the Riverside Police Department against whom a complaint is filed.
  
- N. Witness:  
Any person who has information relevant to the complaint.

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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**VI. COMMISSION ORGANIZATION**

A. Commission:

The Commission is an ordinance-mandated body of nine citizens, which receives, and through the Manager, reviews and investigates allegations of misconduct filed against sworn employees of the Riverside Police Department and other functions as defined in City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.

B. Resignation – Replacement:

1. In the event of the resignation or removal of a Commission member(s) during the year, the replacement Commissioner shall serve the remaining term of said Commissioner.
2. 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.

C. Agenda Format

The agenda for the Regular Meeting will include, at least, the following sections:

1. Staff Reports
2. Old Business
3. New Business

**VII. RECEIVING AND PROCESSING COMPLAINTS**

A. Where to File:

Complaints of sworn police employee misconduct may be filed with the CPRC Office, the Riverside Police Department, or any other agency so designated by the CPRC.

B. How to File:

Only complaints of sworn police employee misconduct made in writing will be subject to review by the Commission. The CPRC Manager, if

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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appropriate, will complete a complaint control form in order to initiate an investigation.

C. Time Element:

Only complaints filed on or after January 1, 2001 and within six months of the date of the alleged sworn police employee misconduct will be investigated by the Commission.

D. Receiving and Forwarding:

Complaints of misconduct, received by the CPRC, the RPD or any other agency so designated by the CPRC, and which have been investigated, shall be forwarded by the Manager to the Commission for review and disposition as soon as practical.

E. Complaint File:

The Commission shall maintain a confidential central register of all complaints filed with the CPRC.

### VIII. INVESTIGATIONS

A. Investigations:

Investigation by the Commission will be conducted by the Manager or the Manager's designee. Assistance may be sought from the Internal Affairs Unit as appropriate in the judgment of the Manager or the Manager's designee.

B. Review:

After the initial investigation and review by the Riverside Police Department the investigative file along with the investigative report will be forwarded to the Manager for review. If the Manager determines that the investigation is incomplete, the case will be sent back to the Police Chief with a written explanation. If the investigation is determined to be

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## COMMUNITY POLICE REVIEW COMMISSION

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complete the Manager will write a summary of the case and place the case on the next available agenda.

C. Commissioner Notification:

Each commissioner will be provided a copy of the synopsis prepared by the Manager. This synopsis is **Confidential** and will be provided to the commissioners no later than ten (10) days before the next scheduled meeting. It is the commissioner's obligation to come into the CPRC office and review the case file prior to the meeting when deliberations will take place.

D. Deliberation:

Each case will be placed on the agenda of the earliest possible regularly scheduled monthly meeting. The case deliberations will occur in closed session. The Commission may decide to send the case back to the Police Department for further investigation, may have a contract investigator hired by the CPRC conduct a further investigation, may submit a recommended finding to the City Manager and Police Chief or delay a decision for a future meeting.

E. CPRC Investigations:

1. All investigations conducted by the CPRC will be done through the Manager.
2. The Manager, or the Manager's designee, may interview the Complainant, Subject officer(s), and Witness(es), and should collect all relevant information, including all documentation available relative to the investigation.
3. The investigation shall be conducted in a fair, ethical and objective manner. The Manager is an agent of the Commission and personal opinions shall not be contained in the report.

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## COMMUNITY POLICE REVIEW COMMISSION

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4. The Manager, or designee, may take a statement from the Complainant, the accused, witnesses, or any other person.

F. Preservation of Records/Evidence:

All files, documents, and related materials shall be kept and preserved for a period of five (5) years after the complaint was filed with the CPRC, the RPD, or any other agency so designated by the CPRC.

G. Investigation Timetable and Report:

To the greatest extent possible, the investigative report should be completed within 60 calendar days after the filing of the complaint.

The investigative report should include the initial complaint and police report, if applicable, and the Manager's summaries of the complaint, statements of witness(es), and evidence. The Manager shall have available all materials relevant to the case for review by the Commission.

H. Commission Review, Findings & Recommendations:

The complaint, with the stated allegations of police misconduct and the investigative data, shall be submitted to the Commission for its review. The Commission, in Closed Session, deliberates and determines an appropriate finding for each allegation. Its findings are forwarded to the City Manager for final disposition. The Commission may direct the staff to reopen the investigation for additional information or evidence. The Manager, or the Manager's designee, shall be present to respond to questions from members of the Commission.

With five affirmative votes, the Commission may elect to hold a hearing. The full Commission will conduct this hearing. The Commission may request or subpoena the complaining parties, witnesses, and involved

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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sworn Police Department employees to appear before it to answer questions or provide information.

The Commission findings shall be referred to the City Manager for final disposition. The Complainant and Subject officer shall be notified of the final disposition by the City Manager.

### IX. HEARINGS

#### A. Conducting the Hearing:

The hearing shall be open to the extent permissible by law. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints. Citizen or Police Department employee witnesses shall be questioned by the Commission or staff only. There shall be no cross-examination by sworn Police Department employees, citizen witnesses, the Complainant, or their respective counsel.

All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state and local law and applicable contractual agreements.

#### B. Subpoenas:

Subpoenas shall be issued by the Commission upon the affirmative vote of six (6) Commissioners and shall be served by the Manager or designee.

#### C. Recommendations / Findings:

The Commission shall make its findings, which may include, but not be limited to, the following:

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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1. Unfounded:  
The alleged act did not occur.
  
2. Exonerated:  
The alleged act occurred but was justified, legal and proper.
  
3. Not Sustained:  
The investigation produced insufficient information to prove or disprove the allegation.
  
4. Sustained:  
The Department member committed all or part of the alleged acts of misconduct or poor service.
  
5. Misconduct Noted:  
The Department member violated a section of the Department Policies, Rules or regulations not originally alleged in the complaint.
  
6. Inquiry:  
If, during the investigation, it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an Inquiry.

NOTE: If, in the course of Commission deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commission may refer such suggestions to the Police Chief and City Manager.

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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**X. DISTRIBUTION OF RECOMMENDATIONS / FINDINGS**

The Commission shall send its findings to the City Manager and the Police Chief.

**XI. CONFIDENTIALITY**

A. Commissioner Limitation:

All matters shall be kept confidential as required by law.

B. Penalty for Violation:

Failure to comply with this regulation shall be grounds for removing a Commissioner from the Commission.

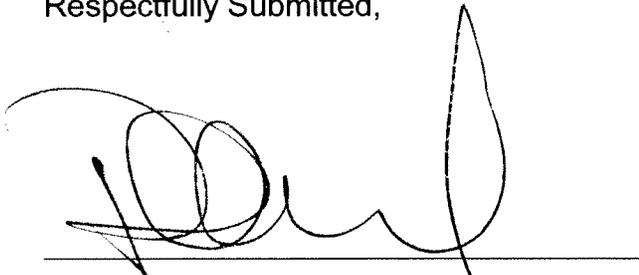
**CHRONOLOGY OF AMENDMENTS AND ADOPTIONS**

Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Respectfully Submitted,



Peter Hubbard, Chair  
Community Police Review Commission

*November 18, 2009*

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Date



# **Section D**



**4.12 PERSONNEL COMPLAINT POLICY:**

**A. PURPOSE:**

To establish a sound procedure to investigate complaints of poor service or misconduct against members of the Department. The investigation must be thorough and impartial in order to protect the rights of the employee and maintain the Department's high level of integrity and efficiency.

**B. DEFINITIONS:**

- Complaint:** Any allegation of poor service or misconduct made by a member of the public or employee against a member of the Department is a complaint. Complaints of misconduct must allege a violation of Federal, State or local law, or Riverside Police Department policy or procedure.

Complaints lodged by members of the public will be classified as EXTERNAL COMPLAINTS. Complaints lodged by employees will be classified as INTERNAL INVESTIGATIONS/COMPLAINTS.

- CATEGORY 1 Complaints:** All complaints which involve:

- Excessive Force
- False Arrest
- Discrimination/Harassment
- Criminal Conduct

- CATEGORY 2 Complaints:** All complaints which involve:

- Poor Service
- Discourtesy
- Improper Procedure
- Conduct Unbecoming (CUBO)
- Infractions, Traffic Violations, and Riverside Municipal Code Violations
- Other

- Findings:** Each allegation in a complaint shall have one of the following findings:

- **Unfounded:** The alleged act did not occur.
- **Exonerated:** The alleged act occurred but was justified, legal and proper.
- **Not Sustained:** The investigation produced insufficient information to prove or disprove the allegation.
- **Sustained:** The Department member committed all or part of the alleged acts of misconduct or poor service.
- **Misconduct Noted:** The Department member violated a section of the Department policies, rules or regulations not originally alleged in the complaint.

5. **Inquiry:** If, during the investigation, it is determined that a member of the public is merely requesting clarification of a policy or procedure, that complaint, with the approval of the investigating supervisor's commanding officer and concurrence of the Support Services Captain or Internal Affairs Lieutenant, may be considered an **Inquiry**. The inquiry box on the Complaint Control Form shall only be checked by the Support Services Captain or Internal Affairs Lieutenant, and will be accompanied by his/her signature.

**C. COMPLAINT RECEPTION AND ROUTING:**

1. The commander, or designee, of each Department facility open to the public shall ensure that Personnel Conduct Reporting Procedure Brochures and Complaint Control Forms are available to the public in that facility.
2. Every employee has a duty to refer members of the public to open police facilities so that they can obtain Personnel Conduct Reporting Procedure brochures and Complaint Control Forms upon request. Employees on-duty in those facilities shall assist members of the public in obtaining those documents upon request.
3. External complaints may be filed with any supervisory member of the Department or directly with the Community Police Review Commission.
4. Non-supervisory employees shall immediately refer complainants to an on-duty supervisor. Whenever possible, civilian supervisors shall refer complaints against sworn personnel to an on-duty sworn supervisor. Supervisors shall accept complaints in writing, in person, by telephone, or from anonymous persons. The purpose for this is to encourage members of the public or employees to bring forward legitimate grievances regarding poor police service or misconduct by Department members. Members of the public and members of the Department shall not be dissuaded in any manner from making a complaint.
5. Supervisors shall immediately record complaints sufficiently serious to warrant investigation on a Complaint Control Form (Appendix A) and obtain a case number.
6. Only one subject employee and the allegations against that employee shall be listed on each Complaint Control Form. The same case number shall be used on multiple Complaint Control Forms arising out of the same incident. In cases where there are multiple Complaint Control Forms arising from the same incident, redundant information need not be repeated on each of them.
7. The supervisor accepting an external complaint shall give the blue copy of the Complaint Control Form to the complainant, if present, and immediately fax a copy of the Complaint Control Form to the Office of Internal Affairs. The supervisor shall forward all remaining copies of the Complaint Control Form to Internal Affairs by the next business day.

NOTE: In the case of an internal investigation the supervisor shall forward all copies of the Complaint Control Form to Internal Affairs.

8. Case numbers will be generated by Internal Affairs. Supervisors taking a complaint will contact Internal Affairs for the case number. In the event that a case number request is outside of normal business hours, Internal Affairs will advise the requesting supervisor of the case number the next business day. Case numbers are deciphered as follows:

- PC Indicates External Personnel Complaint
- PA Indicates Internal Complaint / Investigation
- 01 Year (First two numerical digits, i.e., "01")
- 001 Report File Number (Last three numerical digits, i.e., "001")

9. Internal Affairs shall log all complaints by the assigned number and complainant's name and track them. For all external complaints, Internal Affairs shall forward copies of the Complaint Control Forms to the Executive Director of the Community Police Review Commission.
10. Internal Affairs shall determine whether an external complaint is to be investigated as a complaint or inquiry, and will normally be responsible for assignment of Category 1 complaints for investigation. Category 2 complaints will generally be handled at the division level, but may be handled by Internal Affairs.
11. Internal Affairs shall retain the original copy of the Complaint Control Form for tracking purposes. Two copies of the Complaint Control Form will be forwarded to the captain of the command assigned to investigate the complaint. One copy shall be a working copy to be used by the investigating supervisor. The second copy is to be given to the subject employee, except in cases of internal complaints or when such notification would compromise the investigation.
12. If an external complaint is taken by telephone, the complainant shall be advised that they will receive a copy of the complaint in the mail. The routing procedure will remain the same.
13. Upon receipt of the Complaint Control Form, Internal Affairs will notify the external complainant, in writing, that the complaint has been received and that an investigation has been initiated. A copy of the Complaint Control Form will also be included, as well as a stamped self-addressed envelope for the complainant to return additional information, if needed.
14. Completed complaint investigations shall be forwarded through the chain of command to Internal Affairs.

**D. COMPLAINT INVESTIGATION:**

1. The supervisor accepting the complaint shall be responsible for accurately and fully completing the Complaint Control Form. The supervisor shall obtain preliminary statements from the complainant and any immediately available witnesses. When practicable to do so, all interviews will be tape recorded. If an interview is not tape recorded, the supervisor must provide a written explanation. Additionally, the supervisor shall collect and preserve any physical evidence that is readily available or may be time or weather sensitive.
2. The supervisor accepting the complaint must clearly, accurately and completely document each allegation made by the complainant on the Complaint Control Form. It is essential that the specifics (date, time, location) of the allegation(s) are obtained and included on the Complaint Control Form. If additional space is required, supervisors shall use a continuation page(s).
3. Internal Affairs shall be responsible for overseeing all external and internal complaint investigations and ensuring that they are completed in a thorough and timely manner. The Support Services Captain and Internal Affairs Lieutenant shall have the authority to assign investigations to other divisions or to assign Internal Affairs personnel to conduct investigations.
4. The supervisor first becoming aware of allegations of criminal conduct by a Department member shall initiate appropriate police action to ensure the safety of the Department member and the public and shall immediately notify his/her Watch Commander. The Watch Commander will then make the appropriate notifications.

5. The Department has established a goal of completing Category 2 complaint investigations within thirty (30) calendar days from the date assigned. The Division Commander then has five (5) calendar days to submit the completed investigation with a Memorandum of Finding to Internal Affairs. If additional time is required, the Division Commander will request approval for an extension from the Personnel Services/Internal Affairs Commander.
6. The Department has established a goal of completing Category 1 complaint investigations within sixty (60) calendar days from the date assigned. The Division Commander then has five (5) calendar days to submit the completed investigation with a Memorandum of Finding to Internal Affairs. If additional time is required, the Division Commander will request approval for an extension from the Internal Affairs Lieutenant. .
7. All recognized investigative methods for determining the facts surrounding a complaint will be used. Tape recorded interviews will be conducted with the complainant, employee(s), and all witnesses when practicable. If an interview is not tape recorded, the supervisor must provide a written explanation. To avoid having to interview the Department member against whom the complaint is lodged more than once, it is recommended the employee be the last person interviewed.
8. Investigating supervisors shall separately set forth and address each issue raised in the complaint and specify the applicable policy sections.
9. Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint.
10. When applicable, investigating supervisors shall make credibility determinations on the complainant(s), each witness, and subject employee(s) and expressly set forth the rationale for those determinations in their investigative report. If such credibility determinations are not applicable, the investigating supervisor shall explain why in his/her investigative report.
11. The subject employee's personnel history, including their existing record of complaints, shall be considered in making a determination of their credibility. A copy of the employee's Internal Affairs complaint history summary shall be included as an attachment to the investigative report.

**E. COMPLAINT INVESTIGATION FINDINGS, REVIEW AND APPROVAL:**

1. Investigating supervisors shall not make findings in their investigative report as to the complaint allegations.
2. Lieutenants/managers charged with reviewing investigations conducted by sergeants/supervisors shall make findings and explain their rationale as to each of the complaint allegations. The specific policies applicable to each of the complaint allegations must be listed and addressed. They will submit those findings and rationale on a Memorandum of Findings which will accompany all completed complaint investigations.
3. In cases of sustained allegations, administrative insight will be included in the Memorandum of Findings.
4. Completed complaint investigations will be routed through the chain of command to Internal Affairs. Each level of management shall review the completed investigation for objectivity, thoroughness, timeliness, and compliance with Department policies and procedures.

5. Each command officer responsible for reviewing the investigation shall provide a written statement of concurrence or disagreement with the conclusions and findings of the investigation. If there is a disagreement, a full written explanation of the reason(s) for the disagreement shall be provided.
6. Command Personnel charged with reviewing investigations conducted by sergeants/supervisors who directly supervise the employees that are the subject of a complaint shall review the investigation to ensure that a fair, unbiased, and thorough investigation was conducted.
7. Internal Affairs shall obtain final approval of the complaint investigation from the Chief of Police or designee.
8. Investigating supervisors and reviewing managers shall only discuss or disclose investigative information with superior officers or members currently assigned to Internal Affairs.
9. Once the completed investigation is approved, in external complaint cases where the subject employee(s) is a sworn officer, Internal Affairs will forward the investigative report to the Executive Director of the Community Police Review Commission for their review as per Chapter 2.76 of the Riverside Municipal Code.
10. Upon receipt of a finding from the City Manager's Office in cases where the subject employee(s) is a sworn officer, the subject employee's commanding officer, or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.
11. The City Manager will be responsible for notifying the external complainant, in writing by certified mail, within thirty (30) days of the disposition of the complaint. Additionally, Internal Affairs will notify, in writing, the Department member against whom the complaint was lodged and the member's commanding officer of the disposition of the complaint upon receipt of the finding from the City Manager.
12. In cases of internal investigations or external complaints where the subject employee(s) is a civilian, the completed investigative report will be forwarded through the chain of command to the Chief's Office via Internal Affairs and the Support Services Captain.  
  
The subject civilian employee's commanding officer, or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.
13. If a Department member disagrees with the disposition or finding(s) of the investigation, he/she may submit a written rebuttal within thirty (30) days to the Support Services Captain. The Department member's written rebuttal will be filed with the completed investigation.

**F. COMPLAINT INVESTIGATION FILES:**

Internal Affairs will be responsible for maintaining a comprehensive file of all complaints and inquiries received by the Department for a period of five (5) years.

**G. PITCHESS MOTION:**

A Pitchess Motion is a motion for discovery of peace officer personnel records where the defense counsel is attempting to establish a custom, habit or practice of excessive force, untruthfulness or false arrest against an arresting officer. Pitchess Motions generally are filed in cases where the defendant is charged with violating Penal Code sections 148, 241, 243, 245, or similar statutes.

1. Internal Affairs will handle all Pitchess Motions.
2. Upon the filing of a Pitchess Motion, Internal Affairs will promptly notify, in writing, the Department member whose records are being sought for discovery. Internal Affairs will also notify the involved officer(s) what information, if any, was ordered released. The Department member(s) whose file was the subject of a Pitchess Motion will be given the opportunity to review the information which was released, prior to testifying.
3. If the affidavit filed by the defense attorney is found by the judge to fulfill certain legal requirements, the judge will review the records requested which include complaint investigations "in camera" (judge's chambers).
4. In those cases where the judge feels that one or more of the complaints are relevant to the case in question, the judge may order the release of the names, addresses and telephone numbers of the complainants and any witnesses identified in those investigations, as well as the disposition of the complaint.

**H. COMPLAINT PROCEDURE COMPLIANCE AUDIT:**

Internal Affairs will be responsible for conducting random testing at least three times a year to ensure compliance with the Personnel Complaint Policy.

1. The Internal Affairs Lieutenant may solicit the cooperation of any person to act on behalf of the Department posing as a member of the public requesting to file a personnel complaint or requesting information on the complaint procedure. The details of the fictitious complaint shall be sufficiently serious to cause a supervisor to complete the Complaint Control Form.
2. Upon receipt of the completed Complaint Control Form, Internal Affairs will immediately make the necessary changes to the Complaint Control Log to reflect the complaint as an audit.
3. The Internal Affairs Lieutenant will review the audit complaint for completeness, accuracy, and compliance with the complaint policy and procedure. A report summarizing the results of the audit will be prepared and forwarded to the Chief of Police.
4. Failure of any supervisor to follow the complaint procedure shall be referred to that supervisor's Division Commander for appropriate action. This section shall also apply during any testing or audit exercise.

**RIVERSIDE POLICE DEPARTMENT  
COMPLAINT CONTROL FORM**

**Complaint File Number:** \_\_\_\_\_  
**Police Report/Cite Number:** \_\_\_\_\_

Location of Incident: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Routed to: \_\_\_\_\_

Subject Employee: \_\_\_\_\_ ID# \_\_\_\_\_

Complainant: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

Witness: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

Witness: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

**Complaint:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of Complainant (Optional):** \_\_\_\_\_

POLICE DEPARTMENT USE ONLY				
<b>Nature of Complaint:</b>	<input type="checkbox"/> External	<input type="checkbox"/> Internal	<input type="checkbox"/> <b>Inquiry :</b>	_____
				<i>Internal Affairs</i>
<b>Complaint Received:</b>	<input type="checkbox"/> In Person	<input type="checkbox"/> Telephone	<input type="checkbox"/> Letter	<input type="checkbox"/> Other
<b>Complaint Result of:</b>	<input type="checkbox"/> Radio Call	<input type="checkbox"/> Traffic Stop	<input type="checkbox"/> Arrest	<input type="checkbox"/> Investigation <input type="checkbox"/> Other
<b>Copy of Complaint Received by Complainant?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If "No," explain: _____	
<b>Category I:</b>	_____	<b>Category II:</b>	_____	
	_____		_____	
	Specify the allegation		Specify the allegation	

Copy of Complaint Received by Employee: \_\_\_\_\_

Complainant Notified of Results by: \_\_\_\_\_ Date: \_\_\_\_\_ Method: \_\_\_\_\_

Employee Notified of Results by: \_\_\_\_\_ Date: \_\_\_\_\_ Method: \_\_\_\_\_



# **Section E**



## **ADMINISTRATIVE INVESTIGATION**

This guide was prepared by the Office of Internal Affairs to assist supervisors investigating complaints of misconduct. However, there are differences in each complaint, investigation and employee which prohibits a strict protocol. Therefore, this guide serves only as a source of direction.

In all cases, however, the investigating supervisor must be unbiased and objective. Having an open mind, a desire to seek only the truth, the ability to ask the “tough” questions and the perseverance to answer all of the questions are some attributes you must possess to successfully investigate an incident. An incomplete investigation is not only a disservice to the community and the Department, but it can disassociate the employee who will no longer have any trust or faith in the system.

Your opinion of the lack of seriousness of the investigation will often be completely opposite to the employee’s concern. Some employees will dwell upon a complaint to the point that it will affect performance. The Department has set goals for the timeliness of completing the investigation. It is incumbent upon you to meet those time demands without sacrificing or compromising your investigation.

Many supervisors are unfamiliar with the administrative system and they can jeopardize the Department’s ability to resolve an investigation through a careless approach. If you have any questions about any administrative issue that is not addressed in this text, contact the Office of Internal Affairs.

Remember, the burden of proof in an administrative investigation is a **preponderance** of the evidence and not beyond a reasonable doubt as in a criminal case.

## **PREPARATION**

The first step in any complaint investigation is to evaluate the complaint. There are several issues to consider:

- Determine the issues to be addressed.
- Motive of the complainant.
- What evidence exists?
- What is the time required to complete the investigation?

**ORGANIZING THE INVESTIGATION**

Once you have an initial understanding of the complaint, it is time to organize your investigation. By outlining some brief steps, you will have an investigative path to follow. Some of the steps are:

- Review the complaint. Contact the accepting supervisor if the complaint is not clear.
- What are the specific allegations? Is there criminal conduct?
- Verify the existence of the policy or rule in question.
- Review the associated police investigation and related documents such as the communications printout.
- Identify any discrepancies in the complaint and the reports.
- Analyze the evidence, lack of evidence or seek evidence that was not secured.
- Who should be questioned and in what priority?
- What questions should be asked?
- Who are the witnesses, where are they and are they available? Do they have any motive?
- Visit the scene. All too often witness statements are taken without the investigator having any knowledge of obstructions or surroundings. Was weather or lighting a factor? Consider photographs of the scene if none were taken.
- Prepare a photo line-up if the identity of the employee is unknown.

**PREPARING FOR THE INTERVIEWS**

The most important and often the most under prepared part of the investigation is the interview.

It is also the most time consuming. Never schedule yourself to have to end an interview. You should be mentally prepared to remain in the interview at least twice as long as you think it will take.

Before you interview anyone involved in the complaint, you must be thoroughly prepared. That means that you have a thorough understanding of the complaint, have an above average knowledge of administrative procedures, specifically the Peace Officer's Bill of Rights, and have reviewed the questions that you have outlined. By outlining the questions that pertain to the complaint, you will not be as likely to forget an issue if the involved employee turns the interview in a completely unforeseen direction.

Know the history of the complainant, the witnesses, involved employees and the accused employee. While this does not diminish their credibility, it can assist you in determining motive and provide a direction and method to be used during the interview.

Remember that the interview can be stressful for an employee or a witness and having to reschedule subsequent interviews because you overlooked an issue or were unprepared is unprofessional.

Generally, the proper sequence for interviewing is:

- Complainant.
- Civilian witnesses.
- Other agency employees.
- Other involved agency employees.
- The accused employee.

#### WITNESSES AND COMPLAINANTS

Every reasonable effort should be made to ensure that all witnesses to the incident and allegation are located and interviewed. It is also equally important to rule out persons who may come forward later and purport themselves to be witnesses.

Some sources for witnesses are:

- The complainant. If arrested, the associates.
- Police reports, communications records, audiotapes, and digital recordings.
- Canvassing the area. Include any associated but unrelated areas in the canvass. Examine booking logs, hospital rosters or duty rosters for personnel who may have been in the area but who have not come forward.

- Security videotapes.

Document all your successful or unsuccessful attempts to locate and contact any witnesses.

Research all the witnesses. Not only is this helpful in planning an approach, but it can give you an indication for any possible motives.

At the very least, you should examine:

- Criminal and driving records. Since the investigation is administrative, it excludes any CII inquiry.
- Relationship to the complainant or other witnesses.
- Relationship to the employee.
- Medical or psychological history if appropriate.

Obtain photographs of witnesses and the complainant if the investigation is complex and involved and identification is essential. Drivers' license photos are the best source, however, booking photos can be used with due caution not to prejudice the viewer.

### **CONDUCTING THE INTERVIEWS**

As stated, the interview is the most essential part of the administrative investigation. Results from the interview are indicative of the skill, professionalism and preparation of the investigator. It can also be a reflection of the investigator's biased, slanted and opinionated orientation.

There are two keys to remember - civilian witnesses are unaware of the skills and techniques of a trained investigator and knowledgeable agency employees can be compelled to give complete and truthful statements.

The interview is too important to "wing it" without a plan. First, you must determine the objectives of the interview. Obviously, it is to get the facts of the allegation. Second, you must standardize your questions to address the following factors:

- The specific details of each allegation.
- Identify each person involved and their specific role or degree of participation.

- Resolve any inconsistencies, discrepancies or conflicts with statements and physical evidence.
- Uncover underlying motives or reasons for filing the complaint, not being truthful, or backing away from full cooperation with the investigation.

By preparing a list of standard questions to ask each person, you can avoid the issue of not being fair and objective.

Normally interviews can be conducted by one person. This is particularly true if the interview is taped. However, there are some instances when a second investigator should be involved:

- As a monitor for a criminal interview.
- Politically sensitive or potentially explosive interviews.
- In matters involving sexual improprieties, minor children or domestic violence.

Remember, if more than one investigator is present during an interview, one must be the lead with the roles clearly defined prior to entering the room.

Schedule the witness interviews at a time and place similar with the allegation. If the violation is occurring at the same time as the complaint, an immediate unscheduled interview would be necessary. However, most can be scheduled in advance and should be conducted in person.

Record all interviews, including those conducted by telephone or videotape. Avoid any unexplained breaks, identify all persons present, identify normal breaks and avoid off recording conversations.

Each subject employee is entitled to a representative during the interview. The role of the representative is to be an observer and an advocate. Representatives or attorneys should not be allowed to answer the “tough” questions for the employee. To limit their active involvement your questions should avoid the following:

- Questions that are compounded or confusing.
- Questions which may constitute an unwarranted intrusion into the employee’s right of privacy such as medical records or tax returns.
- Questions which do not pertain directly, or sometimes even indirectly, to the allegations which are the subject of the interrogation.

- Questions that intrude into privileged areas such as conversations the employee may have had with his/her spouse, counselor, clergyman, attorney, therapist or the employee's representative.
- Questions which would tend to mislead the employee by misrepresenting prior facts or circumstances, or statements of other persons or prior statements by the employee.
- Questions which are argumentative.
- Questions which call for guesswork, surmise or conjecture on the part of the employee.

### **INTERVIEW FORMAT**

All administrative interviews shall use the following introductory format:

- Date, time and location of the interview.
- Note that the interview is being recorded.
- Who is conducting the interview and his/ her current assignment.
- Persons present during the interview.
- Purpose of the interview.
- Nature of the investigation.
- That the employee is ordered to answer questions truthfully, honestly and completely.

### **INTERVIEW TECHNIQUES**

#### **General**

- Identify any physiological or psychological limitations on the witnesses' ability to perceive events or give a reasonable statement.
- At the beginning of the interview, allow witnesses to explain the entire incident in their own words without interruption. You can revisit specific areas in conjunction with your preplanned questions.

- It's very difficult to describe or capture physical actions on a tape. If witnesses are describing an area or location, they should use a sheet of paper. If they are describing a physical hold, position of other witnesses or actions of any involved participant, consider videotaping the interview.
- You must ask the right question to get the right answer. They must be specific and direct. Do not ask general questions for specific allegations.
- Interviews are not always congenial as the person may be extremely emotional. They may be uncomfortable being with a member of the agency against whom they are making a complaint. If there is conflict, consider rescheduling the interview, recap the statement as a method for a break or break to allow the person to regain their composure.
- Make note of body language, pauses, looking from side to side or other indicators.
- At the conclusion, ask the interviewee if they have any additional information or questions that were not covered.

#### Some Common Pitfalls

- Leading questions.
- Failure to verify answers.
- Refreshing a witness' memory.
- Badgering the interviewee.
- Failure to record every witness.
- Calling a person a liar.
- Engaging in a confrontation with the witness or employee.
- Helping a witness to speedup an interview.
- Failure to reenact the alleged misconduct with each witness at the scene.

## **THE INTERVIEW**

### **Complainant**

Interviewing the complainant is not any different from interviewing any other person involved in the investigation. Read the complainant's statement to him and ensure that it is accurate and complete. Conduct your interview using the questions you have developed as a road map.

Before concluding the interview, request the following if they are warranted and have not already been obtained:

- Photographs of the alleged injury whether or not any is visible.
- Medical release.
- Additional witnesses.
- Reason for any significant time delay in making any complaint.
- Availability for follow-up.

### **Agency employees who are not accused.**

When employees who are not being accused of misconduct are being interviewed, the ground rules and procedures are the same as any witness. Agency employees, however, should be allowed to review their own reports prepared in conjunction with the incident giving rise to the allegation. These employees do not have the same rights as accused employees in regard to disclosure of investigative materials. They should be reminded of their obligation to fully and truthfully respond to questioning and that their failure to do so could be deemed insubordination and result in administrative discipline.

If the employee being interviewed makes a self-incriminating statement regarding a criminal offense or a statement, which may lead to disciplinary action, the interview should be terminated. The employee should be advised why the interview is being stopped and advised of possible further actions. At this time, the investigator should follow the guidelines for an accused employee.

At the conclusion, the investigator must inform the employee that the interview is confidential and admonish the employee not to discuss the interview with anyone except a representative or attorney if appropriate.

If the employee is believed to have given a false or a deliberately misleading statement during the interview to obstruct the administrative investigation, a new internal investigation should be

initiated. This can normally be eliminated or minimized through skillful interview techniques and challenging obviously evasive and avoidance methods. You must confront employees with obvious discrepancies or contradictions.

### Accused Employee

This interview is the most critical. It should be the last interview of the investigation and should be designed to answer or respond to all of the allegations. It is important that you limit the necessity to conduct any follow-up interviews with the accused employee which is often interpreted as intimidating or harassing.

By this time in the investigation you should be familiar with the accused employee's personnel file, reputation, assignment history, training or qualification records if appropriate and prior discipline. You must be familiar with the employee's contractual, statutory and constitutional rights. There is no excuse for testifying later at arbitration that you did not know what *LYBARGER* means.

You should notify the employee of your intention to interview him/her, the allegation and a time and place for the interview. If the employee requests representation, the interview should be scheduled to accommodate that request. However, serious allegations may require that the employee be interviewed as soon as practical and not as a matter of mutual convenience.

## **INVESTIGATION BIFURCATION - CRIMINAL OR ADMINISTRATIVE**

If the complaint is both an allegation that the Department rules were violated and an allegation of criminal conduct, the investigation must be bifurcated. The underlying facts in each case must be evaluated to determine the procedure to follow and for purposes of making a decision on the use of an administrative investigation or criminal investigation or both.

Cases involving allegations of criminal misconduct will first be investigated by the Investigations Division or the appropriate outside law enforcement agency. Internal Affairs will monitor these investigations and obtain copies of all criminal reports.

Criminal investigations will always have priority over administrative investigations. Once the criminal investigation is completed, it will be incorporated into the administrative investigation.

The goal of the criminal investigation is the prosecution of appropriate cases on behalf of the People. The goal of the administrative investigation is to determine whether a department rule has been violated and whether the employee committed the violation.

ADMINISTRATION AND CRIMINAL INVESTIGATION ELEMENTS:

<u>Administrative</u>	<u>Criminal</u>
No right to silence	Right to silence
IA investigation	Criminal investigation
Confidential pursuant to PC 832.7	May not be confidential
Department disciplines	DA may prosecute
Right to criminal report	No right to administrative investigation or report

LYBARGER AND MIRANDA

Most of the investigations that you will conduct will not require a *MIRANDA* admonishment. Those Category 1 investigations, excessive force, false arrest, discrimination/harassment, and criminal conduct, are normally conducted by Internal Affairs in conjunction with a detective from General Investigations. However, if you are assigned an investigation that may be construed as a potential criminal allegation, you should proceed cautiously when it comes to admonishing an accused employee of his/her rights. However, police employees are very familiar with these admonishments and they will probably demand both *MIRANDA* and *LYBARGER*. Therefore, prior to conducting any interview with an accused employee, the investigator must be sure of the direction of the investigation.

If the decision has been made by the Chief's Office or the Office of Internal Affairs to investigate the allegation as administrative, the investigator will admonish the employee of both *MIRANDA* and *LYBARGER* rights from the Admonition of Rights form. This should be done on tape and the employee asked to sign the form and verbally acknowledge his/her rights. The form will become part of the permanent package.

If the employee refuses to cooperate during the interview after being advised of the *LYBARGER* admonishment, he/she should be reminded of their obligation to fully and truthfully respond to questioning and that their failure to do so could be deemed insubordination and result in administrative discipline. If the employee continues to refuse to cooperate, you should request that the employee's commanding officer admonish him/her.

Remember, if the employee is compelled to give a statement, the criminal investigator shall not be present during the interview nor can he/she become aware of any information obtained during the interview.

If you are assigned to investigate only a criminal allegation, you should proceed as you would with any other criminal investigation dependent upon the response to *MIRANDA*.

If you are assigned to investigate only a violation of Department policy or procedure, you may *LYBARGER* the employee if he/she declines to respond during the interview.

The admonition of rights and the appropriate time to do so cause the most confusion for supervisors and investigators. That is why it is important to have preplanned your interview. You can be sure that if the employee is accompanied by an attorney or representative, they will demand both *MIRANDA* and *LYBARGER*. However, you should not automatically shield the employee by *LYBARGER* if he/she waives *MIRANDA* or declines to respond. If you have any doubt, you should seek advice from a superior or the Office of Internal Affairs.

### **PROCEDURAL BILL OF RIGHTS REVIEW**

#### When does it apply?

- Applies to a public safety officer who is under investigation and subjected to interrogation by his/her supervisor, or any other employee of the public safety department.
- Does not apply to any interrogation of an officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with a supervisor or any other employee of the public safety department, nor shall this apply to any investigation concerned solely and directly with alleged criminal activities.

#### Interrogation shall be conducted under the following conditions if it could lead to punitive action:

- Punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.
- Interrogation shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, or during the normal waking hours for the officer, unless the seriousness of the investigation requires otherwise.
- If the interrogation does occur during off duty time, the officer shall be compensated and the officer shall not be released from employment for any work missed.

- The officer under investigation shall be informed prior to such interrogation of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation.
- All questions directed to the officer shall be asked by and through no more than two interrogators at one time.
- The officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated.
- The officer under interrogation shall be allowed to attend to his/her own personal physical necessities.
- The officer under investigation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action.
- No officer shall be lent or temporarily reassigned to a location or duty assignment if a sworn member of his/her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.
- No promise or reward will be made as an inducement to answering any questions.
- The employer shall not cause the officer under interrogation to be subjected to visits by the press or news media without his/her express consent nor shall his/her home address or photograph be given to the press or news media without his/her express consent.
- The complete interrogation of an officer may be recorded. If a tape recording is made of the interrogation, the officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The officer being interrogated shall have the right to bring his/her own recording device and record any and all aspects of the interrogation.

- The officer shall be entitled to any transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed confidential. No notes or reports which are deemed confidential may be entered into the officer's personnel file.
- If prior to or during the interrogation of an officer it is deemed that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights.

When can the officer have a representative?

- Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against an officer.
- The officer, at his/her request, shall have the right to be represented by a representative of his/her choice who may be present at all times during such interrogation.

Representative

- Shall not be a person subject to the same investigation.
- Shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

Please do not hesitate to contact the Office of Internal Affairs for guidance at any time during your investigation. Most, if not all of your questions, have already been asked and answered during prior investigations. If the information is not available, we will contact the City Attorney's office for direction. Never move forward if you are not sure what you are doing. Remember, it is your responsibility to know, and with all the resources available day or night, there is no excuse for not doing it right. The citizen expects it, the Department demands it and the employee respects it.

**INVESTIGATIVE REPORT FORMAT**

A Riverside Police Department Complaint Control Form shall be completed and a personnel complaint (PC) or internal investigation (PA) file number obtained from Communications. A copy of the Complaint Control Form is attached.

The investigation shall use the Internal Affairs investigation format. Copies of the Internal Affairs investigation format and Riverside Police Department Employee Admonishment of

Rights forms can be found at the end of this chapter. The Employee Admonishment of Rights forms include the Riverside Police Department Grant of Immunity (Lybarger) admonishment.

Investigating supervisors shall separately set forth and address each issue raised in the complaint.

Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint. Note in the investigation narrative the existence or lack of any digital recording(s) made by the officer(s) involved in the incident by setting apart the names and ID numbers of the officers that made recordings, the number of recordings by each officer, and the incident number.

When applicable, investigating supervisors shall make credibility determinations on the complainant(s), each witness, and subject employees and expressly set forth the rationale for those determinations in their investigative report. If such credibility determinations are not applicable, the investigating supervisor shall state that in his/her investigative report.

The subject employee's personnel history, including their existing record of complaints, shall be considered in making a determination of their credibility. A copy of the employee's Internal Affairs complaint history summary shall be included as an attachment to the investigative report.

### **COMPLAINT INVESTIGATION FINDINGS:**

Investigating supervisors shall not make findings in their investigative report as to the complaint allegations.

Lieutenants or managers charged with reviewing investigations conducted by sergeants or civilian supervisors shall make findings and explain their rationale as to each of the complaint allegations. They will submit those findings and rationale on a "Memorandum of Findings" which will accompany all completed complaint investigations.

In cases of sustained allegations, the Memorandum of Findings shall include administrative insight listing the employee's past discipline and other relevant performance factors. Any mention of past discipline should include the file number, the Department policy or procedure that was violated and the type of discipline imposed. All supporting documentation of past discipline should be attached.

### **COMPLAINT INVESTIGATION REVIEW AND APPROVAL:**

The Department demands, and the community and employees deserve investigations that are fair, unbiased and thorough. The preparing supervisor and each reviewing manager shall ensure that these objectives are met.

Upon completion of the investigation, the investigating supervisor will complete applicable information on a Personnel Investigation Mandatory Routing form and forward the investigation to their immediate superior for review and approval.

During the first level review, the lieutenant/manager will review the investigative report for objectivity, thoroughness, timeliness, and compliance with Department policies and guidelines. The investigation must reflect the supervisor's use of proper investigative procedures and diligent efforts to locate witnesses and obtain statements. Additionally, the report must address all applicable topics, as described in the Investigative Report Format section of this chapter. Particular attention will be given to ensure that each issue raised in the complaint is addressed separately, that the rationale for any stop or search related to the complaint is explained, and that the rationale for any credibility determination is reasonably supported. Reports not meeting these minimum standards shall be returned for further investigation.

Upon completion of this review, the lieutenant/manager will determine an appropriate finding for each allegation listed, prepare a Memo of Finding stating the justification for such finding(s), complete applicable information on the Personnel Investigation Mandatory Routing form, and forward the investigation to the division captain/manager.

At the second level of review, the division captain/manager will review the report and Memo of Finding. The division captain/manager may return the report for further investigation or, upon concurrence, complete applicable information on the Personnel Investigation Mandatory Routing form and forward the investigation to Internal Affairs.

During the third level of review, Internal Affairs will review the investigation report and Memo of Finding. Internal Affairs may return the report for further investigation or, upon concurrence, complete applicable information on the Personnel Investigation Mandatory Routing form and forward the investigation to the Office of the Chief of Police.

At the final level of review, the Office of the Chief will review the report and all related documents. The Office of the Chief may return the report for further investigation or, upon concurrence, initiate appropriate action(s) to conclude the investigative process.

## **COMPLAINT PROCEDURE EVALUATION AND COMPLIANCE AUDITS**

Internal Affairs shall annually prepare a report to the Chief of Police evaluating the complaint investigation process. The annual report shall include, but not be limited to, assessment of the following:

- Manner in which the Department receives complaints;
- Quality of complaint investigations;
- Adherence to established timelines;
- Effectiveness/efficiency of the overall process;
- Recommendations for improvement.

The Office of Internal Affairs shall engage in random testing of the complaint procedure at least three times per year.

Evaluation of compliance shall be conducted through audits or some equivalent.

The Internal Affairs Lieutenant/Sergeant may conduct audits in a manner that evaluates any dimension of the personnel complaint procedure.

Upon completion of a compliance audit, personnel conducting the audit shall prepare a written report summarizing the audit and shall submit it to the Internal Affairs Lieutenant.

Within fifteen days of the audit, the Internal Affairs Lieutenant shall submit a written report to the Chief of Police. The report shall summarize the audit and contain an evaluation of compliance.

Upon completion of the audit review by the Chief of Police, involved personnel shall be notified of the audit findings by the Internal Affairs Lieutenant or the Division Commander.

Failure of any personnel to follow the complaint procedure shall be referred to that employee's Division Commander for appropriate action.

All compliance audits will be tracked and retained in the Office of Internal Affairs.