



**REGULAR MEETING
MINUTES OF ACTIONS
for**

**Wednesday, May 19, 2010
6th Floor Large Conference Room
3900 Main Street, Riverside, CA**

CASE REVIEW – 11:15 AM

Case Review Roll Call

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

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

STAFF: Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

Detective Cliff Mason, RPOA President,

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 3:35 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	09-026	PC-09-06034
2)	10-001	PC-10-01004

The Commission recessed at 12:15 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 12:00 PM

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

www.riversideca.gov/cprc

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

Regular Meeting Roll Call

Rotker	Slawsby	Hubbard	Brandriff	Morales	Pearcy	Roberts	Santore	Beeman
✓	A	✓	A	✓	LE (3 PM)	✓	✓	✓

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

STAFF: Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Mary Shelton expressed concern and disappointment that the meetings were changed from evening to mid-day.

Jim Martin said he had to leave a business job to attend meeting, noting that the Commission seems to be taking 1 step forward and 2 steps back. He said that if a commissioner can't attend night meetings that are more convenient for the public, then that person should resign.

Katie Green said the change of meeting time is not conducive to the community's benefit.

Christina Duran said that many community members can't attend at this time as many have jobs that keep them from attending. She said the time change has alienated the community.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
April 28 Regular Meeting	Santore	Hubbard	5	0	2

OLD BUSINESS

Commission Meetings

Discussion and action, if any, on whether to modify the start time of Commission meetings from the current start time of 3:30 PM.

Jennifer Vaughn-Blakely referred to the Council's decision as to when to hold its meetings. She said that most people in Riverside commute during the day and encouraged the Commission to the change time to evening.

Mary Shelton said that the Commission can't operate with only eight members. She said that Commissioner Brandriff was appointed and able to attend under the former schedule. She also noted that the Human Relations Commission meets at night because it's a community commission. She urged the Commission to change the time back to evenings.

Jim Martin said that if the meetings continue to be held at 11 AM, 60 – 70% of candidates will be eliminated for future vacancies.

Jennifer Vaughn-Blakely said that former commissioner Bill Howe told her that he supports the evening meetings, noting that the City Clerk has enough problems recruiting for boards and commissions and this time change would make it harder.

Commission discussion began with pro / con arguments.

Commissioner Morales:

- noted his current schedule is flexible, but expressed concern that the time change would cause some commissioners and community members to have problems attending.

Commissioner Beeman:

- some commissioners have expressed concern about their ability to attend during the day due to employment obligations
- would have to use vacation time to attend during the day
- time change has created additional polarization within the Commission
- agrees with the community that the meeting time should revert to the original time

Commissioner Rotker:

- other commissions such as Utilities and Planning meet in the daytime

Commissioner Roberts:

- roomful of public says they want it in the evening
- won't take vacation time to attend meetings
- time change is counter to supporting the community.

Commissioner Slawsby (written statement read by Vice-Chair Santore):

- as maker of motion to change meetings to 11 AM, position is clear
- majority consensus for a time change since October 2009
- low community attendance at evening meetings
- A/C is off after hours
- earlier meetings
 - would eliminate employee overtime
 - may improve participation by other city agencies and local law enforcement
 - may enable attendance by college classes and community members with odd work hours
 - would allow for commissioner attendance at community events that take place on Wednesday nights, such as Mayor's Night Out
- would at least like to try the new time to see if it works; if it doesn't, change back to previous time.

Vice-Chair Santore:

- there was a majority vote to change the time
- security limited in evening
- A/C is off.

Chairman Percy:

- if evenings had been problematic for the community, it would have been noted by the community
- feels the time change is based on selfish motives of some Commission members
- noted that this meeting had good attendance, but that it was also during the lunch hour
- urged a reconsideration of the meeting time and not to bend the Commission to suit personal purposes.

Discussion continued with a suggestion to hold a special meeting and culminated with the following motion:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That CPRC Regular meetings return to 5:30 PM on 4 th Wednesdays	Beeman	Roberts	Pearcy Roberts Beeman	Rotker Hubbard Morales Santore	0

As the motion failed, Chairman Percy asked for other suggestions. He suggested splitting the meetings: hold case review during the day on one day and Regular Meetings in the evening on another.

Commissioner Rotker said he was opposed to two meetings a month; one meeting a month is sufficient.

Vice-Chair Santore made the following motion:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That CPRC meetings remain at 11:00 AM	Rotker	Hubbard	Rotker Hubbard Santore	Morales Roberts Percy Beeman	0

As this motion also failed, discussion occurred regarding date and time to hold a special meeting to discuss meeting time. All commissioners would need to be present as previous votes to change meetings time were made with some members absent.

As no decision could be reached, Chairman Percy tabled continued discussion. He said a special meeting would take place in June and that Staff would advise members once the date and time was selected.

Outreach

Review of draft community outreach presentation material.

Mary Shelton said there should be increased availability of outreach information at community meetings; that the Commission should advertise and make information more accessible; that all brochures should be available in English and Spanish.

Commissioner Beeman said she would like to see the presentation “out the door,” noting that it will be extremely beneficial for the community.

Vice-Chair Santore said it contains too much information now and is confusing.

Staff advised that, based on a suggestion, text would be reduced to a less bulky, more succinct format, after which it would be forwarded to RPD and the City Attorney's office for review.

Quinonez Officer-Involved Death (OID) Evaluation Process

Continued discussion and action, if any, on the OID evaluation. The Commission has initiated Stage I, concerning the facts of the OID incident.

Mary Shelton said that the Charter mandates that OIDs be investigated by the Commission and that the Charter doesn't give a choice as to whether or not an investigation is conducted.

Mr. Rogan noted there was a neighbor who was concerned regarding the time of the incident and the time she was contacted by RPD. She had thought PD would come to her home and believed the only reason she was contacted was because she went outside.

Mr. Rogan said he contacted one of the witnesses regarding the actions of Quinonez Jr. When asked if she had seen his actions (pushups), she said yes and had been yelling at him to get in house.

Mr. Rogan said he had finished his written summary shortly before the meeting. He said he wants to keep it as brief, but as inclusive as possible, giving more of a consensus view of what occurred.

Chairman Percy asked if the Commission felt it was in a position to tentatively close Fact Certification Process.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Tentative close of the Fact Certification Process	Rotker	Hubbard	Unanimous	0	0

Stage 3, Policy and Procedure Certification Process:

Commissioner Beeman said she has questions about the quality of some of the summary reports. Mr. Rogan said that commissioner questions would be answered by him or RPD and that the Commission would decide what to do from there. He also noted that some answers may not be given until the closed session discussion of the case.

3a) Identify areas that may give rise to policy recommendations:

Chairman Percy noted two policy concerns:

- "shoot / don't shoot"
- post-shooting scene security

Commissioner Beeman noted

- refusal by an officer to have blood tested;
- procedure for lateral hires;
- chain of custody for evidence;
- witnesses being kept together prior to being interviewed

Chairman Percy noted that Mr. Rogan was sending updates to the Commission as questions are answered.

3b) Training on any necessary legal, policy, technical, or tactical functions raised by facts and circumstances of the OID:

No training requested.

3c) Identify any new factual questions or factual issues raised through the review of policy, procedure, technical, or tactical functions

No questions or issues raised.

3d) Follow up report by Staff to Commission on Investigator's response on new, factual questions that needed to be clarified or investigated

An inquiry by a member of the neighborhood had been communicated to the Commission. This has been followed up by Staff and will be included in the written report.

3e) Commission consensus, or majority vote if necessary, to “finally close” fact certification process

There were no questions or concerns relating to the Fact Certification Process.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Finally close the Fact Certification Process	Rotker	Hubbard	Unanimous	0	0

Chairman Percy asked if there were any questions or concerns prior to closing policy certification. Commissioner Beeman said that she did have concerns pertaining to the gathering of information in the post-shooting investigation. Chairman Percy noted that the closing of the policy certification process would not close discussion of the post-shooting investigative process.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Close the Policy Certification Process	Rotker	Santore	Unanimous	0	0

Stage 4, Deliberation and Finding Process

Chairman Percy asked for discussion, comments, or rationale regarding "shoot / don't shoot."

Vice-Chair Santore noted the danger of the incident and the ultimate necessity to shoot.

Commissioner Beeman's Rationale:

The officers were responding to an incident where there had been a fight and were subsequently cautious that there could be someone who could cause harm to others. They were dressed as uniformed officers so there was no doubt that police officers were approaching Mr. Quinonez. Mr. Quinonez was armed with a sawed-off shotgun. He was agitated and non-responsive to the commands of the officers, and he engaged in actions that indicated he was going to shoot the officers. Based on this, the use of force by the officers was within policy.

Commissioner Rotker's Rationale:

Officers responded to a call where they were confronted by a person with a deadly weapon. The individual aimed the weapon in the direction of the officers. The officers, fearing for their safety, responded with the use of deadly force. Based on this, the use of force by the officers was within policy.

Commissioner Santore agreed with Commissioner Rotker's rationale, noting that federal law allows for officers to defend themselves in situations of this nature.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Officer Munoz' Use of Force was consistent with RPD policy	Rotker	Santore	Unanimous	0	0

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Officer Heiting's Use of Force was consistent with RPD policy	Rotker	Santore	Unanimous	0	0

Chairman Percy advised that discussion on Stage 5 would begin at the next meeting.

Annual Report

Discussion and action, if any, on whether to amend the draft 2009 Annual Report, or accept as complete.

Mr. Rogan advised that another version would be sent out in the next couple weeks with all requested modifications and that the final version would be decided on the June agenda.

NEW BUSINESS

Allegation of Racism & Sexism

Discussion and action, if any, on whether to consider policy recommendations in response to published allegations by former Police Chief that racism and sexism are concerns in the RPD.

Commissioner Beeman expressed concern regarding comments made by former RPD Chief Russ Leach. She believes this is under the scope of the Commission's duties and that it has a responsibility to determine if there is any truth to those statements.

Commissioner Hubbard said the former Police Chief's comments are problematic, giving no specific incidents to investigate. He noted that others have refuted Mr. Leach's allegations.

Commissioner Rotker said that the Press-Enterprise reporter made no attempt to verify the allegations and that equal weight should be given to comments by the presidents of both RPD unions that the allegations are untrue. He said there should be no further discussion of the matter.

Mr. Rogan noted that the allegations didn't amount to a complaint, but that it was more of a policy issue which could fall within Commission purview. He noted that he could obtain training information on the subject so the Commission could be better informed.

After some additional discussion, a vote was taken on the following motion:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That RPD be requested to provide a presentation on addressing and training officers on issues of diversity, sexism, and racism	Beeman	Morales	Morales Roberts Beeman	Rotker Hubbard Santore	0

The vote tied; the motion failed.

Staff Report

Mr. Rogan advised that he had nothing to report.

Commissioner Beeman asked about several topics:

- the requested supervisor-to-officer ratio
- RPD's Domestic Violence (DV) training
- status of the outstanding OIDs and the redaction process

Capt. Blakely advised that

- the supervisor-to-officer ratio is below 7/1, usually around 4-5/1
- the DV training would be given, but as the Department is short on personnel, he couldn't say when it would be done
- he believes the DA's office has completed the remaining cases and that they are now at RPD's Records Division for redaction. The DA won't make a finding until the Coroner's report is received.

While Records could begin redaction after the casebook has been sent to the DA, they prefer to wait until the DA's letter of finding is received.

Commission Member Comments

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

There were no Commission member comments.

Items for Future Commission Consideration

Commission members requested the following items be agendized for future Commission consideration:

Commissioner Beeman asked for conducting investigations on the three outstanding OIDs to be discussed.

Adjournment

The Commission adjourned at 3:10 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist