



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, October 27, 2010
5th Floor Large Conference Room
and
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 PM

Case Review Roll Call

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

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

STAFF: Mario Lara, Interim CPRC Manager
Phoebe Sherron, Sr. Office Specialist

Public Comment

Mr. David Hauck addressed the Commission regarding his case.

Closed Session – Case Reviews

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

	CPRC CASE NO.	RPD CASE NO.
1)	08-037	PA-08-09059
2)	10-024	PC-10-06037
3)	10-030	PC-10-06047

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

REGULAR MEETING – 5:30 PM

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

www.riversideca.gov/cprc

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

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

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

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

STAFF: Mario Lara, Interim CPRC Manager
Phoebe Sherron, Sr. Office Specialist

Public Comments

Mary Shelton spoke regarding the absence of a permanent CPRC manager.

Training Presentation

RPD Staff will make a presentation regarding the Department's Early Warning System (EWS).

Sgt. Brian Kittinger made a presentation regarding the Department's Early Warning System (EWS). Officers with four (4) qualifying incidents are entered into the EWS. Qualifying incidents include complaints with Sustained or Not Sustained findings, and OIDs.

Deputy Chief (DC) Blakely answered questions posed by commissioners. DC Blakely informed the Commission that there is a quarterly review. He said it is mandatory that all four incidents of an officer in EWS be reviewed by the commanding officers.

Commissioner Brandriff:

- How is the success of EWS program tracked?
 - When it is learned that incorrect tactics were used, the officer is trained in the use of different tactics.
- Does EWS cover sworn and non-sworn?
 - Sworn only.

Commissioner Beeman:

- What is the percentage of officers in EWS?
 - Unknown.
- Why wasn't three (3) incidents tried instead of four?
 - Two was too few as 60% of the Department was in EWS. The Department feels that four is working.
- What would the officer percentage be if the incident number were changed to three and could that information be provided?
 - When discussions took place that ultimately led to changing the policy to require four incidents for EWS, the numbers and actual individuals were identified under the triggers of two, three, and four incidents. Can't recall the numbers, but they can be obtained.
- While it is clear that this isn't disciplinary, It could lead to discipline. If action has been taken, is it considered "notice" for subsequent action?
 - Yes.

- Are triggers based on the findings of a complaint the findings of RPD or the City Manager's Office?
 - The City Manager's Office.

Commissioner Rotker:

- How many officers are currently in the EWS?
 - The data is there but don't have it at this time.

Vice-Chair Santore:

- If a supervisor saw a trend in an officer's actions prior to triggering the EWS, it would be addressed?
 - Yes.

Commissioner Brandriff asked for and was told copies of the PowerPoint presentation would be available.

Mary Shelton said the State Attorney General's office had reduced the City's EWS trigger to two and commented on officer arrests in recent months and the part EWS could have played.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
October 27 Regular Meeting	Rotker	Roberts	Unanimous	0	0

OLD BUSINESS

Sanchez Officer-Involved Death (OID) Evaluation Process

The Commission will receive an update regarding the private investigator evaluation of the OID report. The Commission may proceed with Stage II, Fact Finding & Certification Process, or continue to hold further evaluation pending private investigator report.

Mr. Lara advised that he was waiting for a final report from Martinelli. He said that after reviewing the initial report, he had asked for a revised report. This was done because he felt the report included opinions that could bias the Commission, opinions he believed the Commission should make, not the investigator, and because of this, he believed the report was out of scope.

Commissioners Beeman and Brandriff were concerned that Staff had made that decision, especially without consulting the Chair or Vice-Chair. Both strongly voiced their opinions that the Commission should decide whether or not the report was out of scope.

Commissioner Rotker asked about the cost of the investigator. Mr. Lara said the Commission hadn't yet been billed, but that Martinelli's hourly rate is \$145 plus any additional costs. Mr. Lara noted that Dr. Martinelli had worked 20 hours so far.

Commissioner Rotker asked about the Baker Street Group's rates. Mr. Lara advised that their rates are \$125 / hour.

Rahman Gerren, Dep. City Attorney, was asked if there was a reason the Commission couldn't see the report. Mr. Gerren said he hadn't read the report so he couldn't answer the question. Mr. Lara said he would consult the City Attorney on distributing the original report and get the resulting information to the Commission as soon as possible.

Mary Shelton said the CPRC Manager position needed to be filled as soon as possible.

Acevedo Officer-Involved Death (OID) Evaluation Process

The Commission will receive an update regarding the private investigator evaluation of the OID report. The Commission may proceed with Stage II, Fact Finding & Certification Process, or continue to hold further evaluation pending private investigator report.

Mr. Lara informed the Commission that Baker Street Group (BSG) had submitted its report and that the report had been posted on the CPRC website.

Commissioner Rotker said that he interpreted Mr. Warnberg's report as saying that, because of the age of the case, there's really nothing more that he can do.

Commissioner Beeman disagreed, saying that she came to a different conclusion from the report, noting that there is incomplete information because the Commission wasn't able to investigate in a timely manner.

Commissioner Brandriff said that the Commission owes it to the community to do what it can and that the interviews that would have been done should now be attempted.

Commissioner Roberts said that she felt it was important to at least get an initial over-view and that the Commission owed it to the community to get a complete report.

Michael Dunn said that the charter mandates and investigation and that the BSG report shows that the Commission's actions were restricted by decisions made by the City Manager.

Linda Dunn suggested that an unredacted copy of the casebook be made available in the CPRC office, as it was in the past, and that the online casebook be removed. She asked for the "definition, examples, explanation, and citations of case law that equate out of scope." She also asked if family members of those involved in OIDs were being notified of Commission meetings.

Mary Shelton reiterated that a witness had moved away not long after the Acevedo incident occurred. She also noted that the Coroner's report was not entirely confidential as an article in the Press-Enterprise said a Taser could have played a role in the man's death. She also spoke about Commission training regarding the use of Tazers, hobbles, and batons.

Mr. Lara advised the Commission that Mr. Rogan had drafted a fact sheet. Commissioner Beeman said the Commission should prepare the fact sheet, not staff. Commissioner Roberts said she didn't believe it worked against her decisions, but helped, using it to compare and contrast with what she had read. The Commission then voted on the following motion:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the Fact Sheet drafted by Staff be given to Commission members	Rotker	Roberts	Rotker Roberts Santore	Brandriff Beeman	0

After some additional discussion, the Commission voted as follows:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Baker Street Group attempt to contact the witnesses noted in the report	Brandriff	Beeman	Brandriff Roberts Beeman	Rotker Santore	0

Mr. Lara asked about a time frame or other instructions to give to the investigator. Commissioner Brandriff said there should be no restrictions on how the investigators do their job.

NEW BUSINESS

Outreach

- A) Staff to provide report regarding what the current practice is regarding regular distribution of complaint forms and information about CPRC and the complaint review process.
- B) Review of existing/available CPRC informational brochures and materials.
- C) Discuss development of informational power point presentation for use by commission members at outreach events.
- D) Discuss steps that can be taken to provide outreach to the City's homeless population to educate on the purpose of the Commission.

Mary Shelton said that complaint forms should be made available to anyone and that outreach should have been done to homeless people. She also noted that defining this type of outreach as soliciting complaints is just a way to gag the Commission.

Vice-Chair Santore advised that he had done a ride-along with RPD and City personnel assigned to the City's Homeless Street Outreach Team.

Commissioner Roberts said she had been at the New Image Shelter in Long Beach and would like to see a similar facility in Riverside.

Commissioner Brandriff asked Mr. Lara why it had been interpreted that getting information to the homeless facilities was defined as soliciting complaints.

Mr. Lara said he would address what was on the agenda, noting that complaint forms and brochures had been sent to the libraries and community centers.

After additional discussion, the following action occurred.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That outreach letters from the Commission be sent to the homeless shelter on Hulen Place, the City's homeless outreach team, Project Food on Mission Inn, and any other organization in the city that provides resources to the homeless	Beeman	Brandriff	Unanimous	0	0

Mr. Lara said he had spoken with Don Smith, Project Manager for the City's Homeless Services. Complaint forms and brochures would be sent to him to place at the homeless center.

Michael Dunn spoke, saying that these actions are within the scope of the Commission's duties.

Mr. Lara noted that forms will go out to the homeless center. He said his concern was providing a complaint form to the person mentioned in the article when she had not asked for one.

Commissioner Brandriff noted that providing complaint forms is not unethical or something commissioners shouldn't do.

Mr. Lara said that complaint forms shouldn't be provided if they aren't requested. Commissioner Rotker concurred with Mr. Lara.

Commissioner Beeman asked if the Commission would see the complaint mentioned in the Press-Enterprise article. Mr. Lara said they would.

Hyatt Officer-Involved Death (OID) Evaluation Process

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

Mary Shelton spoke about an outside investigation of the Hyatt OID, noting that this case is not yet two years old.

Vice-Chair Santore gave the Commission its first notice that the casebook for this OID had been received and is in Stage 1.

Mr. Lara advised that the case had been assigned to Martinelli approximately a week ago.

Discussion took place regarding the fact sheet for this OID and the following action occurred.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Commission members be given the Fact Sheets drafted by Staff for all the OID cases	Rotker	Roberts	Rotker Roberts Santore	Brandriff Beeman	0

Staff Report

- A) Training program update
- B) Meeting Dates for November and December

Mr. Lara advised that Mr. Rogan had been in the process of preparing a two-year training schedule prior to his departure. Mr. Lara asked for input from Commission members regarding the 24-month training schedule.

Ms. Sherron advised the Commission that the last two meetings of the year would be held on November 10 and December 8. She also advised that the 2011 meeting schedule had been posted online.

Commission Member Comments

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

Commissioner Beeman said she had made a presentation to a Criminal Justice class at RCC. She said the students were interested in the information provided on the CPRC website and were especially excited that they were able to access the OID casebooks and information. She noted the information available on the Commission's website is not only good for the community, but is also academically beneficial.

Items for Future Commission Consideration

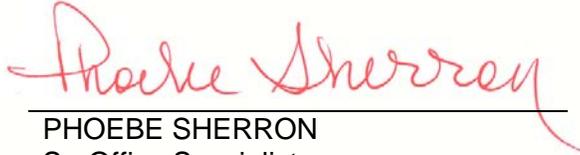
Commissioner Beeman said she is still concerned about things she has heard from various sources regarding sexism in RPD. She asked for information to be provided regarding the RPD workforce and its promotion patterns on basis of race, ethnicity, and gender. She also asked for an RPD presentation regarding mentoring leadership in the Department.

Commissioner Brandriff asked that at the next meeting, the Commission be given a list of all the homeless facilities that have received complaint forms.

Adjournment

The Commission adjourned at 8:03 PM.

Respectfully submitted,

A handwritten signature in red ink that reads "Phoebe Sherron". The signature is written in a cursive style and is positioned above a horizontal line.

PHOEBE SHERRON
Sr. Office Specialist