



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, April 27, 2011
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	Johnson	Brandriff	Morales	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	A	✓	✓

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

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

There was no public comment.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	10-014	PC-10-04023
2)	10-047	PC-10-11064
3)	09-050	PC-09-10071
4)	11-005	PC-11-02007
5)	10-051	PC-10-11071
6)	10-026	PC-10-06046

The Commission recessed at 5:15 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

Audio for this Regular Meeting 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	Johnson	Brandriff	Morales	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	A	✓	✓

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

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

There were no public comments.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
March 23 Regular Meeting	Rotker	Johnson	Rotker Johnson Brandriff Jackson Santore Adams	0	Slawsby Morales
April 6 Special Meeting	Rotker	Johnson	Rotker Johnson Brandriff Jackson Santore Adams	0	Slawsby Morales

Training

Discussion of upcoming or potential training topics.

- A) RPD Staff presentation regarding the update of RPD's Use of Force Policy 4.30
- B) Discussion and action, if any, on Commissioners attending the In-Custody Deaths Seminar presented by The Institute for the Prevention of In-Custody Deaths.

RPD Assistant Chief Chris Vicino began by informing the Commission that within the next 12 to 18 months, RPD would be reviewing and updating its policies. Policies will be shared with the Commission via the CPRC Manager and Department wants to make presentations to the Commission regarding revision of policies such as the Use of Force policy.

Changes to the Use of Force policy include:

- Consistency throughout the policy by replacing "great bodily injury" or other similar terms with "serious bodily injury," which is considered the legal standard;
- The levels of force have been deleted because of the conflict that may arise with the legal standard 'objectively reasonable' established by the courts;

- Reporting Use of Force – blended different applications of force, use the circumstances of the person receiving the force and the nature of their injuries;
- Administrative Review uses a new automated form;
- Memo of Investigation has been eliminated;
- Obtained input on the revisions from the City Attorney's Office and RPD Use of Force experts.

Assistant Chief Vicino then asked if there were any questions.

Commissioner Johnson:

- Was the removal of the levels of force a managerial decision and was there input from the "rank and file?"
 - New policy is easy to understand with no decisions to be made by the officer as to the level of force that may have been used; levels of force became confusing.

Commissioner Jackson:

- Are "5150's" considered suspects until otherwise determined?
 - Yes.
- Have officers received and had training on the new policy?
 - Yes they have received the policy and are currently receiving training regarding it.
- Will you let us know when they complete the training and are accountable under the new policy?
 - They are accountable under the new policy now.

Commissioner Brandriff:

- Is the Department still working with the County and are mental health professionals available?
 - The Department still has access to them, but have no information as to how much time they spend with the Department.

Frank Hauptmann, CPRC Manager, said that the revised policy will be posted on the CPRC website. Assistant Chief Vicino also noted that once the policies are updated, the manual will go online.

Chairman Santore thanked Assistant Chief Vicino for the presentation.

Mr. Hauptmann advised the Commission that Vice-Chair Roberts sent him information regarding a seminar by the Institute for the Prevention of In-Custody Deaths (IPICD) that would be held on June 16 and 17 at the Ben Clarke Training Center Riverside. Vice-Chair Roberts felt it might be beneficial for the Commission to send three members, primarily because of one of the OIDs the Commission was currently reviewing.

Mr. Hauptmann said that the IPICD is recognized in law enforcement across the nation and that the seminar is being sponsored by the Riverside County Sheriff Department.

The Commission discussed how many commissioners should attend. It was then determined that four members would be able to attend. Mr. Hauptmann said he would check with IPICD as to whether or not commissioners could attend and if the cost could be waived. He would then advise the Commission what is learned.

Outreach

A) April Outreach

- 1) Annual Community Fair & Spring Egg Hunt, held Saturday, April 16, at Bobby Bonds Park

Commissioner Johnson said he attended the Community Fair. He suggested that the Commission get some kid-friendly promotional items.

Chairman Santore thanked Staff for the canopy. He said there was a good showing at the fair, but there were limited questions posed by citizens. He also noted that the CPRC brochure needs to be updated.

Mr. Hauptmann thought it was a good outreach opportunity. He noted that many people think the Commission is part of the Police Department.

B) Scheduled Outreach Events

- 1) Law Enforcement Appreciation Dinner & Award Ceremony, Thursday, May 26; Reception at 6, Dinner at 7

Ms. Sherron advised the Commission that, based on the level of commissioner interest, a table for eight was being purchased.

C) Future Outreach Opportunities

- 1) Discussion of dates and times for presentation at the City's Homeless Services Center
- 2) Input from Commission Members on potential outreach events in 2011

Ms. Sherron asked for input from Commissioner Brandriff as he had requested this topic be agendaized. Commissioner Brandriff asked Ms. Sherron to again contact Ms. Eva Yakutis, Housing and Neighborhoods Manager, regarding best dates and times for a presentation.

Commissioner Jackson asked about the Riverside Neighborhood Conference (RNC). Ms. Sherron advised that for the past couple years the Commission had been told "no" when Staff asked about getting a table. Commissioner Brandriff asked Mr. Hauptmann to determine if that was still the case.

Commissioner Adams said it might be more beneficial to schedule presentations with small community groups; Commissioner Jackson said a big event would give the Commission exposure to a larger part of the community.

OLD BUSINESS

Officer-Involved Death (OID) Evaluation Process

A) Continued discussion and action, if any, on the Sanchez OID evaluation.

Mr. Hauptmann advised that the draft public report had been completed with the exception of the "Recommendations" section.

Chairman Santore asked if there were any policy recommendations. As there were none, he advised Staff to finalize the report.

B) Begin discussion of the Acevedo OID evaluation.

Chairman Santore asked if there were any items for discussion. Commissioner Rotker suggested that the fact sheet be accepted as written.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the Acevedo Fact Sheet be accepted as written	Rotker	Adams	Unanimous	0	0

Mr. Hauptmann said that Vice-Chair Roberts had asked about getting a presentation by a medical expert.

As a medical expert would be expensive, he asked if a narcotics expert would be sufficient. Discussion also included:

- RPD's use of mental health professionals in situations of this sort;
- Mr. Acevedo's position and that the statements given by officers and EMT personnel were different;
- if the chemicals in Mr. Acevedo's system were a lethal dose or if it was the combination, and were they the secondary or primary cause of death;

The Commission discussed which expert would be more beneficial to the Commission in regard to their review of this case: a medical expert or a narcotics expert. The Commission, by general consensus, opted for a narcotics expert.

Commissioner Jackson asked if the Commission would be able to get a hobble restraint demonstration. Mr. Hauptmann said the training schedule has the DA's presentation first, then the hobble restraint. He also said he would contact Vice-Chair Roberts regarding her request for a medical expert's presentation.

RPD Citizen Complaint Form / Complaint Process

Discussion and action, if any, on

- A) RPD's current citizen complaint form;
- B) CPRC Letters for New Complaints or Potential Complaints

Commissioner Rotker recommended that RPD revise their complaint form. Mr. Hauptmann said the Department is in the process of revising the form and that it would be shared with the Commission once the revision was complete.

Mr. Hauptmann also explained a bit of the history with regard to filing complaints and the filing of false complaints. He said that at one time, complaint forms throughout the state had information advising complainants that, per PC 148.6, it was a misdemeanor to knowingly file a false complaint. Complaint forms also required a signature. Eventually, it was held by the court that it was unconstitutional to put that statement on complaint forms or require a signature.

Mr. Hauptmann noted that RPD feels the complaint form needs more. He also said that comments made by the Commission have been given to RPD.

Commissioner Brandriff suggested getting complaint forms from other departments.

Commissioner Jackson said that Commendation Forms should be in the office and in locations where complaint forms are located.

NEW BUSINESS

OID Minority Reports

Discussion and action, if any, on

- A) Whether or not to include minority reports in OID Public Reports;
- B) If included,
 - 1) the acceptable minority report format,
 - 2) the process of accepting the minority report's inclusion in an OID Public Report, and
 - 3) the inclusion of this process in the CPRC By-Laws / Policies & Procedures.

Leslie Braden said she was disappointed by the Commission's decision in her brother, Joseph Hill's OID. She said that minority report can enhance policies and procedures. She noted that the involved officer had only been on the force for a year and that he has since been in trouble for other things. She again stressed the importance of minority reports.

Chairman Santore said the in the past, minority reports had not been given same the same scrutiny as the

majority report and that they should be the same.

Commissioner Slawsby said he had voted for inclusion of minority reports because he believes they do serve a purpose but that there needs to be a check and balance.

Commissioner Morales said he is also in favor of minority reports, but that it could open legal problems for officers.

Commissioner Brandriff said there is definitely a place for minority reports. He said that CPRC reports are irrelevant in criminal proceedings. He also noted that they provide a historical perspective of both sides of an issue in a case and will give a bigger picture of how the Commission works.

Commissioner Adams supports the minority reports for all the reasons mentioned, noting that it gives a bigger picture of the discussion.

Commissioner Rotker said that minority reports can serve a purpose, but can also distort the public's impression of an incident. He asked that the topic be tabled until the Commission learns how other agencies handle minority reports.

Commissioner Jackson said that minority reports should be on equal terms with the majority report, but that it should also get equal review by the Commission.

Commissioner Johnson agreed that there should be a minority report, but that the majority report should hold sway and state where the Commission stands. He also said that the minority report has to be approved by the Commission before publication, with both reports having that requirement.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Minority Reports be accepted for inclusion in OID Public Reports. They will not be used until a process for their use is approved	Brandriff	Morales	Unanimous	0	0

CPRC Subcommittees

Discussion and action, if any, regarding the creation of ad-hoc and / or standing committees for:

- A) Outreach
- B) Annual Report

Due to the time, this item was tabled.

Staff Report

Mr. Hauptmann asked that commissioners advise Staff if they experience any problems with links on the CPRC website. He also noted that he would begin reporting on the Commission's budget in the future.

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 Jackson said she extends outreach to RPD as much as civilians and that it is important to reach out to those who are under-represented.

Commissioner Rotker agreed that outreach to RPD is important, noting that he went on ride-along and did a presentation at roll call. He again asked that Staff learn how other agencies handle minority reports.

Commissioner Johnson said he had spoken with one of the coordinators at Bobby Bonds Park. She told him that a community meeting is held in the Cesar Chavez Community Center every 1st Thursday from 5:30 – 6:30 PM. He also stopped by the Chambers of Commerce and gave Commission information to the receptionist. Last, he said he had attended the RCPA reception held to honor Ms. Sherron.

Items for Future Commission Consideration

Commissioner Brandriff asked the Chair to consider concerns expressed earlier.

Commissioner Slawsby suggested the creation of a subcommittee to review and update the Commission's Policies, Procedures, and By-laws.

Adjournment

The Commission adjourned at 8:03 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist