



**REGULAR MEETING
 MINUTES OF ACTIONS
 Wednesday, August 24, 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		Johnson	Brandriff		Jackson	Roberts	Santore	Adams
✓		✓	V		✓	V	✓	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

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

Public Comment

There were no public comments.

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)	11-021	PC-11-05025
2)	11-028	PC-11-07035
3)	11-027	PC-11-07033

The Commission recessed at 5:00 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		Johnson	Brandriff		Jackson	Roberts	Santore	Adams
✓		✓	V		✓	V	✓	✓

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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
A) July 27 Training / Regular Meeting	Rotker	Johnson	Unanimous	0	0

Outreach

- A) August Outreach
- 1) National Night Out – August 2
 - 2) Dining in the Dark – August 4
 - 3) Presentation at the City's Homeless Services Center – August 8

Commissioners hosting or attending National Night Out block parties / events were Chairman Santore and Commissioners Johnson, Jackson, and Adams.

Commissioner Johnson reported that the "Dining in the Dark" was a unique experience. He said that his wife feels a connection to the blind as her mother became blind.

Chairman Santore and Commissioner Johnson gave a presentation at the City's Homeless Services Center. Commissioner Johnson said there seems to be a conflict between the City and the Path of Life Ministries and that the presentation was given to City staff only, not the homeless.

Commissioner Johnson also

- Attended the Buffalo Soldiers event at Skip Fordyce Harley-Davidson;
- Attended the Riverside American Sign Language Social at the Galleria;
- The Backpack Giveaway at Lincoln Park

B) Scheduled Outreach Events

Ms. Sherron said there were no specific events that had been scheduled for attendance or commissioner presentations. She also said that the calendar had been updated to include September's community events.

C) Future Outreach Opportunities

- 1) Input from Commission Members on potential outreach events
- 2) Input from Outreach Committee Chair on upcoming outreach events

Ms. Sherron told the Commission that the annual Arlanza Health Fair at Bryant Park would be taking place on October 8th. She advised that Vice-Chair Roberts had volunteered to staff the table, but three more volunteers would be needed. Ms. Sherron also spoke on a new community event that was being held in Mira Loma on November 5. She noted that it would be the Commission's decision on whether or not to get a booth at this event as it is outside of the City, but she felt some commissioners might be interested in the "100 Mile Club" walk that would also be taking place.

Commissioner Johnson reiterated Ms. Sherron's comments about the calendar. He asked that commissioners inform him or Ms. Sherron of any events that had not been included on the calendar.

OLD BUSINESS

Officer-Involved Death (OID) Evaluation Process

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

Mr. Hauptmann said that the Commission is at the point where a finding needs to be made and then the rationale can be developed, noting that Commissioner Rotker had submitted a rationale at the previous meeting.

Commissioner Johnson commented on Commissioner Rotker's rationale, noting that it was mostly on point, but believed there were too many attempts to justify certain actions taken by the officers; for instance, they should have been prepared to audio record regardless of whether or not policy said they had to. However, Commissioner Johnson felt that the evidence indicates that there was no excessive force used and that Mr. Acevedo would have died no matter what. He believes that the officers' actions were within policy.

When asked for a copy of his rationale to distribute to the other commissioners, Commissioner Johnson asked if Ms. Sherron could just transcribe it from the meeting audio. Mr. Hauptmann replied that doing that would be too time consuming. Ms. Sherron agreed, adding that were all commissioners to expect that, it would be very time consuming.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the officers' actions were within RPD Policy	Rotker	Johnson	Unanimous	0	0

Mr. Hauptmann said that all commissioners should participate in writing the rationale by submitting their comments and / or ideas to him. He said that he will prepare a final rationale once all this information is received.

Commissioner Jackson agreed, saying that everyone should add to the rationale especially once a minority report is done.

Commissioner Rotker asked about policy recommendations should wait until after the rationale is completed. Mr. Hauptmann noted that a rationale isn't needed for the Commission to make a policy recommendation.

Commissioner Jackson commented on a concern regarding the timeline on the CAD report and the Tasers. She said that the CAD shows one time (21:40), but the Taser timeline indicates that it was deployed before the officers were even on-scene (between 21:43 – 21:44 there were six (6) discharges). Mr. Hauptmann said he would check with RPD regarding Taser calibration.

Chairman Santore said that if excited delirium is suspected, there should be more back-up on scene. He also noted that medical aid should be there, too.

Chairman Santore closed this item by asking the commissioners to submit their rationales.

B) Begin discussion and action, if any, of the Hyatt OID.

Chairman Santore began by noting that the fact sheet had been adopted, but that there is no requirement that it be adopted and that it doesn't need to happen in the future.

Commissioner Johnson stated that the outcome of this incident was based entirely on Mr. Hyatt's improper actions and that the actions of the officer were justified and within policy.

Commissioner Adams agreed, noting this was a very straightforward case and that the officer's actions were within policy.

Chairman Santore said that someone attempting suicide must display the intent to die and display an understanding of his actions, actions that compel the officer to act. He believes the officer's actions were within policy.

Commissioner Jackson said that the potential danger to other people was great and that the incident could have been very bad. Mr. Hyatt made his "suicide by cop" intention very clear. The officer saved fellow officers and citizens and his actions are within policy.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the officer's actions were within RPD Policy	Adams	Jackson	Unanimous	0	0

Chairman Santore advised that the Commission is at Stage V on both cases and asked that they work on their rationales and recommendations. Mr. Hauptmann said he would put both rationales together based on what is received from commissioners and then present them to the Commission.

OID Minority Reports Format

As inclusion of Minority Reports in OID Public Reports has been approved by the Commission, discussion and action, if any, will occur regarding

- A) the acceptable minority report format,
- B) the process of accepting a minority report's inclusion in an OID Public Report, and
- C) the inclusion of this process in the CPRC By-Laws / Policies & Procedures.

Discussion began with Commissioner Johnson recommending a change in Section III: change "opinion" to "findings" or remove completely. Commissioner Rotker agreed with deleting "opinion."

Commissioner Jackson expressed concern over “one person crusade” in Section IV. Commissioner Adams agreed that the phrase was somewhat abrasive and should be removed. After some discussion, “one person crusade” was replaced with “permit,” which was changed to “allow.”

Commissioner Rotker noted that once the language was agreed to, the OID Minority Reports Process will go to the Policies, Procedures, and By-Laws Committee for inclusion in those documents.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the OID Minority Reports Process be approved as amended	Jackson	Adams	Unanimous	0	0

CPRC Ad-hoc Committees

Reports from Committee Chairs, with Commission discussion and action, if any, regarding respective Committee activities and / or recommendations:

- A) Outreach
- B) Annual Report
- C) Policies, Procedures, & By-Laws

Outreach Committee Chair Johnson advised the Commission that the outreach plan and community events calendar are online. He said he will act as Outreach Coordinator, but feels the need for the ad-hoc committee has ended.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Close Outreach Ad-hoc Committee	Johnson	Jackson	Unanimous	0	0

There was no Annual Report Committee report as Committee Chair Roberts was absent.

Policies, Procedures, & By-Laws (PPBL) Committee Chair Rotker advised that the meeting scheduled for today had been cancelled due to lack of quorum.

NEW BUSINESS

Revisions to CPRC Policies, Procedures, & By-Laws

Discussion and action, if any, on revisions to CPRC Policies, Procedures, & By-Laws.

- A) **Second reading: vote to approve the following amendments (in bold) to the CPRC By-Laws:**
 Article VII, Section 4: Notwithstanding Section 3 above, the Commission ~~will~~ **may** 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~~ **and annual officer elections, and / or officer-involved death (OID) case evaluations.** 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, **annual officer elections, and / or officer-involved death (OID) case evaluations.** ~~The Commission may, at its discretion, agendize training sessions and / or annual officer elections on the second Wednesday of the month.~~

PPBL Committee Chair Rotker purpose for taking this amendment out of sequence is to enable the

Commission to review OIDs on 2nd Wednesdays.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
<p>To approve the amendment of the CPRC By-Laws, Article VII, Section 4, as follows:</p> <p>Notwithstanding Section 3 above, the Commission may 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, annual officer elections, and / or officer-involved death (OID) case evaluations. 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, annual officer elections, and / or officer-involved death (OID) case evaluations.</p>	Adams	Jackson	Unanimous	0	0

OID Evaluation Process

Discussion and action, if any, on the modified version of the OID Evaluation Process.

Discussion began with Commissioner Rotker asking if all commissioners had to submit rationales. He noted that this was a departure from past practice, that there is no formal requirement for commissioners to submit anything, and that it was not necessary for everyone to have to do it. Mr. Hauptmann said it was his recommendation that all commissioners submit rationale language, even if it is only two or three lines. Once he received the various rationales, he would synopsize them into a final version for the Commission’s vote. He said that this practice would be memorialized and the way it would be done in the future.

Commissioner Rotker asked if something would be said about Staff’s actions with the rationale. Mr. Hauptmann said verbiage would be added.

Commissioner Adams said that all commissioners should be responsible for voicing an opinion. She also said that asking Staff to transcribe rationales given verbally at a meeting is too much to ask.

Commissioner Jackson said she agreed and that it would be helpful to have the individual rationales posted online prior to seeing the final rationale draft. She also noted that as a “newbie,” the stages have been confusing and feels it would be helpful if the Chair would advise commissioners what to be prepared to discuss at a future meeting.

Commissioner Adams recommended an opening paragraph describing what information the Chair would give as to when and where the Commission would be in case discussion.

Commissioner Rotker said that of the two OID Evaluation Process outlines, he felt Mr. Hauptmann's was superior and it should be adopted. Mr. Hauptmann said he would make the suggested amendments and send to commissioners for their review.

Staff Report

Mr. Hauptmann

- reported on the state of the Commission's budget.
- advised that those attending the NACOLE Conference would meet at City Hall for the shuttle to the airport.
- that CPRC meeting notices would, from now on, be sent to commissioners in text form as some have had problems viewing the Outlook meeting invitations.

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 Adams said she has had people ask her about the CPRC, what it's about, what it does.

Commissioner Johnson thanked Mr. Hauptmann for the Excited Delirium training.

Commissioner Jackson said she's considering an end-of-summer social gathering at her house for the Commission.

Commissioner Rotker said he attended Councilmember MacArthur's constituent barbeque at Hunt Park.

Mr. Hauptmann thanked Commissioner Johnson for the outstanding job he is doing with outreach.

Items for Future Commission Consideration

Commissioner Rotker asked that Mr. Joe Brann's report be agendaized for discussion.

Commissioner Johnson commented on the electronic billboard off the 91 near Mission Inn Avenue and its use for outreach.

Adjournment

The Commission adjourned at 7:36 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist