



**CASE REVIEW / TRAINING / SPECIAL MEETING
MINUTES OF ACTIONS
Wednesday, March 14, 2012
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

4:00 PM – CASE REVIEW

Case Review Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	L	O	L	✓	✓	✓	✓

✓ = 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

CPRC 2012 Officer Elections

Annual election of CPRC Chair and Vice-Chair.

Mr. Hauptmann announced the candidates for the CPRC Officer positions: Dale Roberts for Chair and Robin Jackson for Vice-Chair. Mr. Hauptmann also verified with Chairman Santore that he had withdrawn as a candidate for Chair; Chairman Santore confirmed this.

Mr. Hauptmann then advised that commissioners could still make nominations for either position. Chairman Santore asked if there were any other nominations for Chair or Vice-Chair. There were none.

Vote for Robin Jackson as CPRC Vice-Chair

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
Y	Y	Y	O	Y	Y	Y	Y	Y

Robin Jackson was unanimously elected as CPRC Vice-Chair by those commissioners present.

Vote for Dale Roberts as CPRC Chair

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
Y	Y	N	O	Y	Y	Y	Y	Y

Dale Roberts was elected as CPRC Chair by those commissioners present in a vote of 7 - 1.

Public Comment

This is an opportunity for members of the public to address the Commission on closed session items.

There was no public comment on closed session items.

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)	12-001	PC-12-01001
2)	12-003	PC-12-02007

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

5:30 PM – TRAINING / SPECIAL MEETING (OPEN SESSION)

Audio for the following proceedings is available on the CPRC website: www.riversideca.gov/cprc

PLEDGE OF ALLEGIANCE

Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	✓	✓	✓	✓	✓

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

Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

Mary Shelton spoke positively regarding RPD’s new strategic plan and hopes that the Department has the support of city management.

Salvador Santana said there have been 18 officer-involved death incidents since the Commission began in 2001. He said that the majority of the decedents caused their own demise and referred to the Hyatt case which he called “suicide by cop.” He said that the pattern in these incidents is the same: the decedent has broken the law.

Valerie Hernandez said she hopes citizens help to keep incidents, like the one in which her father died, from happening again. She said that officers aren't held accountable for their actions, yet citizens are, and that good officers pay for the bad actions of the others.

RPD Briefings

A) Preliminary briefing on the officer-involved death of Danny James Bond on February 18, 2012

B) Preliminary briefing on the officer-involved death of Brandon James Durban on March 1, 2012

Asst. Chief Chris Vicino briefed the Commission on the Bond and Durban incidents. (The audio, along with the slide show presentations, are available on the CPRC website.)

Questions were asked of Asst. Chief Vicino regarding the Bond OID.

Commissioner Rotker:

- Was the gun it loaded?
 - Yes.
- Was there a round in the chamber
 - Yes.
- How are the officers?
 - They are back to work.

Questions were asked of Asst. Chief Vicino regarding the Durban OID.

Commissioner Rotker:

- Was type of gun was it?
 - It was a .40 cal. semi-automatic with a full magazine, but the ammunition was loaded strangely.
- How many rounds struck suspect?
 - Believe six.
- What happened to the other shots?
 - Unknown. Not aware of any property damage.
- Has this officer returned to duty?
 - Yes.

Commissioner Johnson:

- Did the suspect have any connection to the home?
 - No, and the driver and suspect were acquaintances only.
- Is there any history on this weapon?
 - No.
- Two rounds were unaccounted for?
 - There were no strikes found in any dwellings so it is believed they went into the ground.
- Has this officer returned to duty?
 - Yes.

Commissioner Santore:

- Regarding the number of shots fired in both cases, do the officers keep firing until the threat is eliminated?
 - Officers, per case law, will use their weapons until the threat is eliminated, so yes, the officer will continue to fire until threat has been stopped.
- What about multiple officers?
 - It's the same. When officers are firing their weapons, they are not working as a team member; shooting incidents are individualized for each officer.

Commissioner Adams:

- Is the officer involved the cover officer?
 - Yes.

Chairperson Roberts:

- Where was the weapon in the 2nd case discovered?
 - Next to his body.

Mary Shelton thanked Asst. Chief Vicino for the briefings. She noted that it was a bit confusing to have questions being asked when two cases were being presented. She said the same thing happens when two OID cases are being evaluated. She also asked if there is any assistance from audio / video devices or surveillance video, noting that officers are equipped with audio recorders and cars with video / audio recorders.

Valerie Hernandez asked what the Commission will do to keep officer-involved deaths from happening again. She noted that while these two incidents involved officers shooting multiple rounds at armed suspects, the incidents that need to be changed are those where the suspect is not armed, and said that her father didn't have a deadly weapon; what officers report is always assumed to be true, but that's not always the case. How will the city keep her father's type of incident from happening again.

Chairperson Robert asked Asst. Chief Vicino about the types of recordings obtained during the incidents. He said the first case was undercover so there were none; in the second incident, some video, but mostly audio.

Training

Viewing and discussion of Discovery Channel video "Unsolved History: Shoot-Out at the OK Corral." Using testimony from the coroner's inquest along with today's technology, experts analyze the shoot-out as an "officer-involved shooting" in an attempt to determine whether or not the killing of the three outlaws was justifiable or murder. This is also an accurate portrayal of methods that are used in investigations today.

Mr. Hauptmann introduced the item, saying he felt this video on the well-known gun battle would be good training in how shootings are analyzed.

After the video ended, Mr. Hauptmann commented on how the criminal and historical experts, using evidence from the past along with today's technology, appeared to have answered the questions that have been asked for many years.

Mary Shelton asked if Ron Martinelli, the criminologist in the documentary, was the same person who did some work for the Commission at one time. Chairperson Roberts said she believed it was.

Commissioner Johnson thanked Mr. Hauptmann for the very informative training video.

At 6:57 PM, Chairperson Roberts called for a five-minute recess.

2011 Annual Report

Discussion and action, if any, regarding

- A) altering or changing the cover photo on the 2011 Annual Report;
- B) Draft No. 5 of the 2011 Annual Report.

Chairperson Roberts opened for floor for discussion on altering or changing the cover photo on the 2011 Annual Report.

Commissioner Santore said he doesn't like cover picture or last picture in the report because they are too dark and gloomy. He then passed around pictures of Riverside landmarks that could be used instead.

Commissioner Johnson agreed, saying it was too somber and dark.

Mr. Hauptmann then passed around two pictures stating that the Commission’s original vote was for a photo that had been taken at night. He advised that the current cover picture had been changed from the one that had been originally approved, and that the second sample was taken at a different time of day. He said that while the Commissioners did vote to use a specific photo, they would need to vote for another photo again today.

Commissioner Santore asked why the new picture hadn’t been sent to Commissioners prior to the meeting. Mr. Hauptmann said he chose not to so that everyone would look at it at the same time.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Remove Cover Picture on 2011 Annual Report Draft 5, Final	Santore	Johnson	Rotker Johnson Ortiz Santore Adams	Smith Jackson Roberts	Sawyer

After continued discussion, the Commission voted on a replacement picture.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Accept the lightened picture as the picture for the Annual Report cover	Johnson	Rotker	Rotker Smith Johnson Ortiz Jackson Roberts Santore Adams	None	Sawyer

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Remove dark picture on Appendix page and replace with full cover picture	Ortiz	Johnson	Rotker Johnson Ortiz Jackson Santore Adams	Smith Roberts	Sawyer

Chairperson Roberts moved now to reviewing the corrections and changes made to Draft 5 of the 2011 Annual Report, asking for the Commission’s approval of each correction noted by way of general consensus.

- Table of Contents
 - approved
- Pg. 1 - Modified paragraph
 - approved
- Pg. 12 – 3rd line, add the word “the” before “objective”
 - approved
- Pg. 23 – quote at end of sentence moved before period
 - Approved

- Pg. 24 and 25 – wordsmithing
 - approved
- Pg. 29 – new description
 - approved
- Pg. 30 – description reworded
 - approved
- Pg. 31 – description
 - approved
- Pg. 32 – title and description added; column title changed to Neighborhood / Area
 - approved
- Pg. 37 – add "the" to last line for Fig. 13
 - approved
- Pg. 39 – add "p" to perspective
 - approved
- Pg. 40 – new paragraph added: “Ord. 6516...”
 - approved
- Pg. 42 – wording change in Hyatt
 - approved
- Pg. 43 – minor word changes
 - approved
- Pg. 45 – Trends and Patterns: numerals vs. spelled out numbers - leave as is
 - approved

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Accept 2011 Annual Report as described and modified, with ability to correct any future errors that may found	Rotker	Adams	Rotker Smith Johnson Ortiz Jackson Roberts Santore Adams	None	Sawyer

Mr. Hauptmann congratulated the Commission, saying this is what he had hoped to see this year. He also commented on the pictures, saying he felt it was important that they know that he elected to show the new picture to the Commission at one time because he believed there would have been too many questions if he had sent out. He said that one commissioner had gone to Council to complain about the previous picture, at which time Commissioner Santore identified himself as that commissioner. Mr. Hauptmann said he had wanted to offer the Commission a second look at previous decision and felt it was better to show to an alternative to everyone at the same time.

CPRC “Request to Speak” Form

Discussion and action, if any, regarding

A) wording used in the instructions

B) Medium used for the “Request to Speak” form: half-sheet index card or full-sheet paper

Chairperson Roberts opened the item, but then after brief discussion, suggested tabling this item as some commissioners had not seen the involved documents. But Commissioner Johnson asked that at least A be discussed and voted on because it could be handled quickly.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
<p>Change the last sentence in the 'Public Comment' instructions on the "Request to Speak" Form</p> <p>from</p> <p>'Any questions posed by members of the public during public comment may be asked of the presenter only by the Commission Members during Commission discussion.'</p> <p>To</p> <p>'Any questions posed by members of the public during public comment may be asked of the presenter only by the Commission Chair during Commission discussion.'</p>	Johnson	Adams	Rotker Smith Johnson Ortiz Roberts Adams	Santore	Jackson Sawyer

After further discussion regarding Item B, Commissioner Adams asked that they finish the item.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Accept the "Request to Speak" Form in the full page version	Adams	Johnson	Rotker Smith Johnson Ortiz Jackson Roberts Santore Adams	None	Sawyer

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 participated in the Raincross race. She also said Mr. Hauptmann's presentation to the Community Relations class was wonderful.

Commissioner Johnson said the seniors' event at the Kansas Avenue Church had been postponed and that he would advise when a new date was set.

- March 31 – Eastside Community Fair and Egg Hunt at Bobby Bonds
- Friday Morning Club at Janet Goeske Center will have Mayoral candidates speaking
- Discovery Day - Animal Tracking at the Riverside Metropolitan Museum
- Went to Community Meeting on March 1st regarding the death of Lareanz Simmons

Commissioner Smith said she had told herself that she would not compare cases but review cases on each one's merit alone. She said she also attended the RCC class presentation and enjoyed it.

Vice-Chair Jackson attended the class on the 12th and believed it was well received by students and Dr. Thompson. She said she also had fun at gathering at her home afterwards. She also said she attended an OIS class recently and noted that two in the class were from civilian oversight groups. She closed by noting that more officers are now dying by guns than vehicles.

Chairperson Roberts said she participated in the Raincross 5k. She also said that the presentation at Dr. Thompson's class was very informative.

Mr. Hauptmann thanked the commissioners for getting together at Vice-Chair Jackson's home after the class presentation. He also welcomed Commissioner Sawyer to the Commission.

Items for Future Commission Consideration

There were no items for future consideration

Adjournment

The Commission adjourned at 8:06 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist