



**REGULAR MEETING
MINUTES**
Wednesday, December 10, 2014
Art Pick Council Chambers
3900 Main Street, Riverside, CA

REGULAR MEETING – 5:30 PM (OPEN SESSION)

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Hawkins	Ybarra	Taylor	Smith	Jackson	Roberts	VACANT	Adams
✓	✓	✓	✓	B	✓	✓	■	✓

✓ = 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 Comments

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

Paul Chavez suggested that the officers involved in the Jimenez OID be interviewed and ask them why they shot him.

Chair Jackson said the Commission cannot speak on the case as nothing has been received yet.

Commissioner Taylor thanked Mr. Chavez for attending CPRC meetings and continuing to speak on the Jimenez case.

Mr. Michael Harrington addressed the Commission via eComment (attached).

Approval of Minutes

A) November 12 Regular Meeting

Chair Jackson called for a motion to approve the minutes for the November 12 Regular Meeting.

Motion:	Hawkins	Approve:	Rotker, Hawkins, Ybarra, Taylor, Jackson, Adams
Second:	Ybarra	Oppose:	None
		Abstain:	Roberts

RPD Briefing

Preliminary briefing on the officer-involved death of Vicente Robert Martinez on November 18, 2014.

Asst. Chief Chris Vicino briefed the Commission on the Martinez incident. (The audio and slideshow presentation for the [RPD Briefing](#) are available on the CPRC website.)

Questions were then asked of Asst. Chief Vicino regarding the incident.

Chair Jackson:

- Is the circle in the picture Mr. Martinez' home?
 - I believe his home is at the end of the long driveway.

Commissioner Rotker:

- You said Mr. Martinez did not fire his weapon. Do you have any idea why he didn't?
 - No. I would be speculating and that wouldn't be appropriate for me to do.

Commissioner Taylor:

- In the photo shown, is that a single-family dwelling that is down the long driveway?
 - Two homes share that driveway, but not sure which house was his.
- I understand that meth was recovered from his body. Was any recovered from his home?
 - There were drugs found in one of his pants pockets, but I don't know if any was found in his home.

Chair Jackson:

- You said the officers were there looking at him for certain reasons.
 - Our detective got a phone call that Mr. Martinez was acting erratically, using methamphetamine, and carrying a gun.
- Was that an anonymous call?
 - I believe it was a family member who called.

Commissioner Ybarra:

- Was Mr. Martinez still on active parole?
 - Due to the new realignment, he was not, nor was he on supervised release.
- So there were no parole conditions?
 - Not that I'm aware of.

Chair Jackson:

- Where was the gun stolen from?
 - The Riverside County Sheriff's Department.
- Can you elaborate on that?
 - It was owned by them. I would speculate that it may have belonged to a deputy and taken from his home during a burglary, but that's speculation.

Chair Jackson asked if there were any other questions. As there were none, she thanked Asst. Chief Vicino for the presentation. She also asked the Commission's investigator, Mr. Bumcrot, if he had anything to add. Mr. Bumcrot said he did not.

CPRC Ad-hoc Committees

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

- A)** Policies, Procedures, and By Laws Committee: Commissioner Rotker – Chair
- B)** Outreach Committee: Vice-Chair Adams – Chair
- C)** Policing and Mental Health Committee: Vice-Chair Adams – Chair
- D)** NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair

A) Policies, Procedures, and By Laws Committee: Commissioner Rotker – Chair

Commissioner Rotker reported that the Committee met on October 23rd. He said it was a lengthy meeting, but that the Committee is almost done with its review of the Policies and Procedures. He said they hope to have it to the Commission within the next month or so.

B) Outreach Committee: Vice-Chair Adams – Chair

Vice-Chair Adams said there have been no Committee meetings since the schools' presentations. She said that she received "Thank You" certificates from Arlington High School for Chair Jackson and Ms. Sherron. She also noted that presentations had been made to all the seniors at the schools they had already been to so the next presentations wouldn't be until next year.

C) Policing and Mental Health Committee: Vice-Chair Adams – Chair

Vice-Chair Adams said she had communicated with Lt. Hoxmeier about meeting with the people with the Mental Health Department. He asked her to set up a meeting for after the first of the year.

D) NACOLE 2015 Conference Planning Committee: Commissioner Roberts – Chair

Commissioner Roberts reported that the Commission's Planning Committee submitted its RFPs by the December 5th deadline. She said that a total of 39 RFPs were submitted to NACOLE, which was less than normal. She also noted that Chair Jackson and Ms. Sherron were working on a scholarship dinner location. She reminded Commissioners of the NACOLE Board's visit to Riverside in January.

Chair Jackson said that when the NACOLE Board visits Riverside during the end of January 2015, Brian Buchner, NACOLE Board President, would be hosting a "President's Reception" on January 29th. The Commission has been invited to this event, which will take place at the Mission Inn.

Meetings and Training Sessions

Reports from Commissioners regarding CPRC-based meetings, non-Outreach meetings, and / or training sessions attended in November / December.

Chair Jackson turned this item over to Vice-Chair Adams.

Commissioner Ybarra:

- Two (2) meetings with Policies, Procedures, & By Laws Committee

Commissioner Hawkins:

- One (1) meeting with Policies, Procedures, & By Laws Committee

Commissioner Roberts:

- One (1) meeting with Local NACOLE Planning Committee

Commissioner Taylor:

- Two (2) meetings with Local NACOLE Planning Committee

Commissioner Rotker:

- Two (2) meetings with Policies, Procedures, & By Laws Committee

Vice-Chair Adams:

- Two (2) meetings with Local NACOLE Planning Committee
- Meeting with Chair Jackson and Mr. Hauptmann

Chair Jackson:

- Three (3) meetings with Local NACOLE Planning Committee
- Two (2) meetings with Policies, Procedures, & By Laws Committee
- NACOLE's Conference Planning Committee

- NACOLE's Scholarship Committee
- Meeting with Vice-Chair Adams and Mr. Hauptmann

Ms. Sherron:

- Three (3) meetings with Local NACOLE Planning Committee
- Two (2) meetings with Policies, Procedures, & By Laws Committee

Mr. Hauptmann:

- Three (3) meetings with Local NACOLE Planning Committee
- Meeting with Chair Jackson and Vice-Chair Adams
- One (1) meeting with Policies, Procedures, & By Laws Committee

Outreach

A) November / December Outreach

Reports from Commissioners regarding community meetings or events which they attended.

Vice-Chair Adams asked Commissioners to report on their recent Outreach activities.

Commissioner Hawkins:

- November 19: Mayor's Night Out

Chair Jackson:

- November 15: Arlington High School "Legal Careers Day"
- November 15: Grand Re-Opening of Villegas Park Community Center

Ms. Sherron:

- November 15: Arlington High School "Legal Careers Day"
- November 15: Grand Re-Opening of Villegas Park Community Center

With regard to NACOLE, Commissioner Roberts asked Mr. Hauptmann who the Commission's contact person would be after Asst. City Manager Belinda Graham's retirement. Mr. Hauptmann said he did not know yet.

Chair Jackson asked Mr. Hauptmann if he had any information about NACOLE fundraising. Mr. Hauptmann said he was still waiting to hear about that.

B) Upcoming Outreach Events

Vice-Chair Adams informed the Commission of the following upcoming events:

- December 13: Golf Tournament to Benefit the Children, Fairmount Park
- December 18: Asst. City Manager (ACM) Belinda Graham's retirement celebration, Grier Pavilion

Commissioner Taylor noted that on December 13th at 5 PM, the Riverwalk Communities, the Riverside Recreational Trail Riders, and RPD would be hosting a "Spark of Love" toy collection. There would be a parade through the communities, there would be caroling, and children would be given rides on the wagons.

C) Future Outreach Opportunities

- 1) Input from Outreach Coordinator on potential outreach events
- 2) Input from Commission Members on potential outreach events

There were no future Outreach opportunities noted.

Chair Jackson asked that everyone try to attend as many community events as possible after the Holidays.

NEW BUSINESS

Hopes Officer-Involved Death (OID) Case Evaluation

Begin discussion and action, if any, on the Hopes OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

- A) CPRC Investigator Mike Bumcrot: Case Presentation and Commission Questions
- B) Stage I – Commission Member Review: In Process
- C) Stage II – Fact Finding, Request for Training & Investigation: In Process
- D) Stage III – Policy and Procedure Process: In Process
- E) Stage IV – Deliberation and Finding Process
- F) Stage V – Recommendation Process
- G) Stage VI – Written Public Report

Chair Jackson opened the item with Mr. Bumcrot's presentation.

Mr. Bumcrot began by noting that in the Martinez OID, Mr. Martinez lived in the house at the end of the driveway.

Mr. Bumcrot gave a brief summary of the Hopes incident as noted in [his final report](#). Questions were then asked of Mr. Bumcrot regarding his investigation and review of the case.

Commissioner Rotker:

- I appreciate the photos being included in your report. I'm looking for an explanation as to why Hopes would fire a weapon containing empty rounds. You said he may have been doing that because he thought there might be a live round in the gun.
 - That is speculation. The Department of Justice (DOJ) reports said that each round was struck 2 – 3 times.

Commissioner Hawkins:

- Did the driver of the car say whether Hopes meant to put himself in that kind of position with officers?
 - The driver was very uncooperative. When he finally admitted that he had a passenger, he said he didn't know his name, that he only called him "Bro," and that he did not know he had a weapon. The driver was more concerned about the fact that he had soiled his pants than he was about his friend having been shot.

Commissioner Roberts:

- I haven't finished reviewing the entire report yet, so I don't know if any witness officer noted that Hopes had pulled the trigger several times during the incident.
 - There was nothing in my review that noted any officer heard the clicking of Hopes' gun, but several officers saw the weapon come out and pointed at one particular officer.
- Hopes could have been playing with the gun at any point in time. As it is unknown when this was done, it's speculation that he did this during the incident.

Commissioner Hawkins:

- Were there spent rounds or empty shell casings in the gun?
 - Empty shell casings.

Chair Jackson:

- Your presentation serves as a refresher for the Commission. Did you find any additional witnesses that were not in the report?
 - No.
- Was there any indication that Hopes was involved in any other criminal activity?
 - No.
 - Asst. Chief Vicino: I have nothing.

Chair Jackson then opened for Commission discussion.

Commissioner Rotker said that as the Commission now had Mr. Bumcrot's report and the Fact Sheet, the review of the Hopes OID was well under way. He recommended approval of the Fact Sheet.

Motion for Approval:	That the Fact Sheet for the Hopes OID be accepted.		
Motion:	Rotker	Second:	Taylor
Approve:	Rotker, Hawkins, Ybarra, Taylor, Jackson, Roberts, Adams		
Oppose:	None	Abstain:	None

Commissioner Rotker said he had no training requests.

Chair Jackson asked Commissioners if they were ready to write their rationales. As they all indicated they were, she asked that the rationales be submitted in time for discussion at the January meeting.

Commissioner Rotker said he would like to see a tactical review, but also noted that that information would be available in the Administrative Review of the case.

Chair Jackson ended discussion by asking once again for the rationales to be submitted in time for discussion at the January meeting.

2014 Annual Report

Discussion and action, if any, on Draft No. 1 of the 2014 Annual Report.

Chair Jackson asked Ms. Sherron to give an update on the progress of the Annual Report.

Ms. Sherron said she was currently working on updating the data for the reviewed cases. She said all the data would be updated and the draft made available to the Commission in time for review and discussion at the January meeting.

Ms. Sherron also asked that Commissioners review their bios and to send her any changes they wanted made for the 2014 report. She again asked that if they had any photos to please send them to her.

Ms. Sherron noted that if anyone had any suggested changes after their review of the draft, to let her know so it could be presented to the Commission for discussion. She also asked Mr. Hauptmann to review the "History" entry at the end of the report and asked Chair Jackson for the "Chair's Message."

Staff Report

Mr. Hauptmann advised Commissioners that ACM Belinda Graham was retiring and would be gone before year's end. He said he was not sure who would be the Interim Assistant City Manager. He said he would announce that as soon as he had that information.

Commissioner Rotker said that with Ms. Graham's retirement, there would be only one Assistant City Manager. Mr. Hauptmann said he didn't know who would fill in for Ms. Graham. He said he has spoken to the other Assistant City Manager, Deanna Lorson, and it was unknown as to what she would be doing. He said there was an announcement that Mr. Steve Badgett, a Public Utilities manager, would be the Interim Assistant City Manager for Ms. Graham until there is a new City Manager. Mr. Hauptmann said he didn't know who he would be working with in the future.

Chair Jackson suggested that these people who are acting in an interim capacity should be invited to a Commission meeting and that this could help in deciding who will work with the CPRC.

Commissioner Rotker asked if ACM Lorson had any involvement with RPD. Mr. Hauptmann said he didn't know if she did or not. He said that the Interim City Manager is currently in the process of being decided on and after that has been done, a decision will be made as to which Assistant City Manager will handle CPRC.

Mr. Hauptmann thanked NACOLE Committee members for their work on getting the RFPs submitted on time. He also noted that Ms. Sherron was very busy with many different things and thanked her for all the work she has done.

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 Hawkins commented on the Hopes OID, and said that the sergeant who got the customers and employees out of the Chevron store should be commended.

Commissioner Taylor gave Commissioners a reminder of the training seminar on February 13, 2015 in Los Angeles.

Chair Jackson reminded Commissioners of her report to the Mayor and City Council on Tuesday, December 16th at 6 PM. She said that her initial letter to Colleen Nicol, the City Clerk, should be posted on the CPRC website because it really shows all the activities in which the Commission is involved.

Chair Jackson also reminded Commissioners that the NACOLE Board would be visiting Riverside during the last few days of January, especially the 29th for the Board President's dinner. She noted that Commissioners' assistance may be needed to help with tours the Board will be doing while in Riverside.

Commissioner Hawkins asked for calendar reminders to be sent regarding the mentioned events. Ms. Sherron said she would take care of that.

Items for Future Commission Consideration

Vice-Chair Adams said that with all the protests against police going on in the country, it might be worthwhile that the Commission have a public discussion about how it can remain objective and unbiased.

Commissioner Roberts asked if it would be held during a Regular Meeting. Chair Jackson said it would be an agenda item. Vice-Chair Adams agreed and said the Commission should be careful of its involvement with the RPD.

Commissioner Rotker did not see the need and said he would support something like that if he saw people in the audience asking for that. He said these issues aren't affecting Riverside and that he didn't think people in Riverside were concerned about the Commission's objectivity.

Commissioner Roberts said that these concerns are coming to Riverside and that maybe the Commission should address this.

Commissioner Ybarra said that those who are former law enforcement are probably more critical of law enforcement than others are. He said he was open to Vice-Chair Adams' suggestions and that it should be done whether or not there's an audience.

Commissioner Taylor agreed with Commissioner Rotker, noting that the Commission has worked hard to develop a relationship with RPD.

Vice-Chair Adams said the Commission needed to be pro-active and build good relationship with community as well as with RPD. She said there was nothing wrong with being proactive and to address issues about which the public has expressed concern.

Commissioner Hawkins said that he thought it was a good idea if the Commission's transparency was in question. He noted that the concerns expressed throughout the country may cause people to be skeptical of Commissioners with prior law enforcement, but those Commissioners assist those who don't have that experience.

Mr. Hauptmann noted that the preceding discussion occurred as a result of Vice-Chair Adams' suggestion to have something agendized. Chair Jackson recommended that she and Vice-Chair Adams meet with Mr. Hauptmann to discuss the topic after which it would be agendized for Commission discussion to which Mr. Hauptmann agreed.

Additional discussion occurred regarding the pros and cons of agendizing this topic. Chair Jackson then ended this discussion and confirmed with Vice-Chair Adams and Mr. Hauptmann that they would meet to discuss the item before it was agendized.

Chair Jackson then asked Mr. Hauptmann if any Commissioner can ask to have something agendized. Mr. Hauptmann said yes, they can.

Commissioner Hawkins said that if this is agendized, Commissioners' backgrounds should not be part of the item's description.

Chair Jackson asked Commissioners to attend as many community meetings and events as possible after the Holidays.

Adjournment

The Commission adjourned at 7:02 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist

12-10-14 Minutes – Dec Regular