



**REGULAR MEETING  
MINUTES  
Wednesday, June 24, 2015  
Art Pick Council Chambers  
3900 Main Street, Riverside, CA**

**CASE REVIEW – 4:30 PM**

**Case Review Roll Call**

Rotker	Hawkins	Ybarra	Taylor	Smith	Jackson	Roberts	Andres	Adams
✓	✓	✓	✓	✓	✓	O	✓	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**

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

There were no public comments.

**Closed Session – Case Review**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:32 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<b>CPRC CASE NO.</b>	<b>RPD CASE NO.</b>
1)	14-018	PC-14-06027
2)	14-026	PC-14-07031

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

**REGULAR MEETING – 5:30 PM**

**PLEDGE OF ALLEGIANCE**

**Regular Meeting Roll Call**

Rotker	Hawkins	Ybarra	Taylor	Smith	Jackson	Roberts	Andres	Adams
✓	✓	✓	✓	✓	✓	O	✓	V

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

**Public Comments**

Public comment on closed session items and any subject matter within the Commission's jurisdiction.

There were no public comments.

**CPRC Minutes Format**

Change to Minutes format by CPRC Manager

Mr. Hauptmann advised Commissioners that the format for the Minutes was being changed in order to reduce the length of the document. He noted that members of the public could listen to the meeting audio if they were interested in the specifics of an agenda item.

**Approval of Minutes**

<b>Minutes for Approval:</b>		May 27, 2015 Regular Meeting	
<b>Motion:</b>	Ybarra	<b>Approve:</b>	Rotker, Hawkins, Ybarra, Taylor, Smith, Jackson
<b>Second:</b>	Taylor	<b>Oppose:</b>	None
		<b>Abstain:</b>	Andres

**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 had, for the most part, concluded its review of the Policies and Procedures;
- two Committee members had done an additional review of the document and realized that Outreach needed to be included;
- Version 2 of the draft would be provided to Commissioners once Outreach was included.

**B) Outreach Committee: Vice-Chair Adams – Chair**

On behalf of Vice-Chair Adams, Chair Jackson reported that:

- the Committee met on June 8<sup>th</sup>;
- the Outreach PowerPoint was reviewed and modifications were suggested;
- the use of social media was discussed;
- comments regarding the PowerPoint and use of social media were finalized and would be presented at the next Commission meeting.

Commissioner Andres noted that the Committee also discussed the officer awards program and that the Committee decided this would no longer be pursued.

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

On behalf of Vice-Chair Adams, Chair Jackson reported that:

- a post-event meeting was held;
- everyone felt this first mutual effort went well;
- a different location for a future event might result in larger attendance;
- have Spanish-speaking and deaf families contacted and invited;
- a forum might be held that explains what RPD does or will do when responding to a call with mental health concerns involved so that family members know what to expect.

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

On behalf of Commissioner Roberts, Chair Jackson reported that:

- there has been no contact by the NACOLE shepherd for the body cams or mental health sessions;
- bussing to San Manuel is not going to happen;
- NACOLE was asked to get conference information submitted soon after being told about the Riverside Downtown Partnership's newsletter that informs Downtown businesses of upcoming conferences.

Mr. Hauptmann advised that he had been in touch with Brian Buchner, shepherd for the Chiefs' Panel and that everything was going according to plan.

Chair Jackson asked Ms. Sherron to report on the CPRC History Panel. Ms. Sherron said the panelists' meeting with the shepherd was scheduled for Friday, June 26<sup>th</sup> at 2 PM.

**Meetings and Training Sessions**

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

June 2 – Meeting between Chair Jackson and Mr. Hauptmann

June 2 – Review of Policies & Procedures Draft

- Chair Jackson and Ms. Sherron

June 8 – Outreach Committee Meeting

- Vice-Chair Adams, Commissioner Andres, and Ms. Sherron

June 9 – Policing & Mental Health Post-Forum Meeting

- Vice-Chair Adams, Commissioner Ybarra, and Ms. Sherron

**Outreach**

**A) May / June Outreach**

Chair Jackson opened by noting that because Commissioners had been reporting Outreach, Meetings, and Training under Outreach, a new agenda item, 'Meetings and Training Sessions', had been added so that Meetings and Training Sessions could be reported separately.

Commissioner Andres:

- May 7 – Policing & Mental Health Forum

Vice-Chair Adams:

- May 28 – RCPA meeting

Chair Jackson:

- May 28 – RCPA meeting

## **B) Scheduled Outreach Events**

There were no scheduled Outreach events.

## **C) Future Outreach Opportunities**

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

None were noted.

## **OLD BUSINESS**

### **Revisions to CPRC Policies and Procedures**

Begin discussion and action, if any, on the document-wide revisions to the CPRC Policies and Procedures.

Chair Jackson opened with public comment.

Jason Hunter spoke about how RPD conducts threat assessments and suggested that the Commission should check into how they are done.

Carolyn Brodeur spoke regarding her lack of trust in the Commission.

Chair Jackson advised that this agenda item was in regard to CPRC's Policies and Procedures, not RPD's. She said that as soon as Outreach was added, Version 2 would be sent to Commissioners.

## **NEW BUSINESS**

### **RPD Response to CPRC Policy Recommendation**

Discussion of RPD's response to the Commission's recommendation to RPD's Personnel Complaints Policy 1009, which was approved by the Commission on May 27, 2015 and submitted to Chief Diaz on June 9, 2015.

Chair Jackson opened by reading the response from Chief Diaz and then asked if the Commission would have access to the Lexipol policy manual.

Asst. Chief Vicino said the policy manual would be uploaded to RPD's website in approximately 45 days with a subsequent press release advising of the manual's availability.

### **Update on CPRC Self-Assessment Project**

- A) Report on Chair Jackson's and Vice-Chair Adams' meeting with the Riverside Coalition for Police Accountability (RCPA)
- B) Discussion of RCPA comments and suggestions

Chair Jackson advised that the Commission's self-assessment began with the meeting with RCPA. She reviewed a list of RCPA's recommendations and concerns, but noted that the list was not complete due to Vice-Chair Adams' absence. She said that after she and Vice-Chair Adams attended additional community meetings, they would report on the information obtained and proceed from there.

Chair Jackson opened for public comment.

Jason Hunter said that self-assessment was a wise decision. He said that additional transparency would be good and that the Commission needs independence from City Hall.

### **Jimenez Officer-Involved Death (OID) Case Evaluation**

Begin discussion on the Jimenez OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

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

Chair Jackson opened by welcoming Mr. Mike Bumcrot and asking him to speak on his review and investigation of this case.

Mr. Bumcrot addressed the Commission regarding his final report on the Jimenez OID.

Chair Jackson:

- Mr. Jimenez was still seated when he came at officers from a crouch from the bench?
  - The officers said Mr. Jimenez stood and lunged at them.

Commissioner Smith:

- Why wasn't there a tox report?
  - The Department doesn't want the public to see negative information regarding the decedent.

Chair Jackson said that she thought the tox report was supposed to be included in the casebook. She then asked that Asst. Chief Vicino check on this.

Commissioner Smith:

- asked Asst. Chief Vicino if all officers now carry Tasers.
  - The Commission recommended that all officers carry Tasers. RPD came to the same conclusion around the same time. All officers now carry Tasers. The sergeant pleaded with Mr. Jimenez to surrender. The family was also in fear for their lives so they called RPD. Officers didn't want Mr. Jimenez to go back in the house, but the house was evacuated.
- A mental health professional is now assigned to RPD, but there is only one team.
  - A Riverside County mental health specialist now assigned specifically to RPD. The officer the specialist accompanies has extensive training in mental health issues. It is limited as there is only one team and it covers only 40 hours a week although the schedule does change. RPD also has extensive mental health training for its officers.

Commissioner Andres:

- asked Asst. Chief Vicino about a possible witness under Tab 31 for which there appeared to be no follow-up. The witness claimed that she had a video of the incident.
- Under Tab 49, it appeared that Mr. Hector Jimenez' father was at the scene prior to the shooting and had asked if he could talk to his son. His request was denied. There was no follow-up to his statement.
  - RPD has no video reconciled with the statement. There has been follow-up and there is no video that RPD is aware of.
  - In general, a family member won't be introduced to a violent, mentally-ill person because it puts them in grave danger and officers then need to protect that person. It also adds to the difficulty of the incident in terms of tactics. While it can be done, it was not done during this incident and RPD prefers that it is not done. The on-scene sergeant opted not to allow Mr. Jimenez' father to speak to him and his decision was supported by the Department.

Commissioner Rotker:

- What was the distance between the officer with the less-lethal shotgun and Mr. Jimenez? At what point would it become lethal? It appeared that a bean-bag from the less-lethal shotgun was imbedded in Mr. Jimenez' body. Is it possible for this to happen?
  - Asst. Chief Vicino said it was possible. It depends on the distance and velocity at which the bean-bag was travelling as well as the clothing the person is wearing. At certain distances, a bean-bag can kill if a person is struck in the head. RPD does not train to shoot at a person's head, but mostly at limbs. If that is not effective, they then move to a center-mass target. He said that over the years, it has been shown that less-lethal shotgun rounds are less effective than heavier caliber less-lethal rounds, such as the .40 caliber which is a much heavier device that fires only one round. Some patrol cars carry the .40 caliber device in order to provide officers with various less-lethal options.

Mr. Bumcrot:

- The less-lethal officer fired four rounds and only one penetrated Mr. Jimenez' chest.
- Regarding the video, the woman claimed she had a video, but would only talk to someone of rank rather than the investigating officers. When they followed up, she said she would only talk to the Chief and that she would talk to him the following day. She never showed up.
- During the incident, Mr. Jimenez claimed to have cancer of the liver. The autopsy showed that he had an enlarged heart and cirrhosis of the liver.

Commissioner Ybarra:

- Why wasn't the father allowed to speak with his son? Law enforcement doesn't always know what the trigger mechanisms are. Is it possible that the father could have been that trigger and the reason why he wasn't allowed to speak to his son?
  - Mr. Bumcrot said yes, the father could be a trigger because the son may hate his father.
- So it would be a good practice not to introduce an outside factor that could accelerate the incident.
  - It's usually a written policy not to allow that.

Chair Jackson asked Linda Dunn to the podium to ask a question she had posed.

Ms. Dunn said the size of the knife was critical and asked how big it was. She said there could have been some way Mr. Jimenez could have been tackled or stopped rather than shooting him.

Mr. Bumcrot said it was an 8" butcher knife that Mr. Jimenez had cut himself with several times.

Chair Jackson asked if there were any other questions for Mr. Bumcrot or Asst. Chief Vicino. There were none.

Chair Jackson opened for Commission discussion.

Commissioner Ybarra noted that knives, regardless of size, can penetrate and pose a serious threat, especially when combined with alcohol, drugs, or mental health concerns.

Commissioner Taylor asked for a training presentation regarding the less-lethal bean-bag shotgun. Mr. Hauptmann asked that the presentation also include all the less-lethal weapons used by RPD. Asst. Chief Vicino said that would be done.

Chair Jackson:

- What is the distance of deployment between the bean-bag and the Taser?
  - Asst. Chief Vicino said he didn't want to guess about the distances, but that there are safe distances suggested by the manufacturers.

Chair Jackson now opened for public comment.

Paul Chavez:

- Officers were present for seven minutes and then Mr. Jimenez was dead.
- Mr. Jimenez was in a sitting position and surrounded by officers.
- An officer entering the yard jumped the fence rather than walk around to the gate.
- Did the officer with the Taser use the Taser also?
- Believed Mr. Bumcrot's investigation was biased.

Christina Duran:

- Why wasn't Sgt. Toussaint told that an officer had escorted the family out of the house?
- How long did it take for RPD to arrive after being dispatched?
- Why would RPD exclude the tox report to protect Mr. Jimenez' reputation? She said it should be included.
- Why did RPD assist Mr. Jimenez in his suicide attempt?
- The video in question is on YouTube.
- Did anyone check with the property owners? The dwelling was for two families. A woman may have been home in the other residence, but don't know if anyone spoke with her.
- Heard there were several witnesses, but don't know why they weren't found.
- Why wasn't the K-9 deployed?

ACTION:

Chair Jackson:

- asked Commissioners to continue their review of the casebook.
- asked Mr. Hauptmann to prepare the Fact Sheet in time for the next meeting.
- Mr. Hauptmann will set up the training presentation on the less-lethal weapons used by RPD.

Mr. Bumcrot noted that a K-9 was there with the intent to be used after the bean-bag shotgun had been used.

Chair Jackson asked Mr. Bumcrot if he had found any other witnesses. Mr. Bumcrot said he was approached by some young men on bicycles while doing his canvass. They said they knew of some witnesses so he gave them his card, but he never received calls from anyone.

### **Hayes Officer-Involved Death (OID) Case Evaluation**

Begin discussion on the Hayes OID Case Evaluation. The Commission may return to discussion of completed Stages, if needed.

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

Chair Jackson opened by asking Mr. Mike Bumcrot to speak on his review and investigation of this case.

Mr. Bumcrot addressed the Commission regarding his final report on the Hayes OID.

After Mr. Bumcrot completed his presentation, Chair Jackson asked Commissioners if they had any questions or comments. There were none.

**ACTION:**

Chair Jackson:

- asked Commissioners to continue their review of the casebook.
- asked Mr. Hauptmann to prepare the Fact Sheet in time for the next meeting.
- asked Commissioners to send any questions or concerns to Mr. Hauptmann and Ms. Sherron.

**Staff Report**

Mr. Hauptmann:

- asked Commissioners to inform Ms. Sherron of their interest in attending the NACOLE Conference.
- advised that the November meeting would take place on November 18<sup>th</sup> at 6:30 PM due to the 2<sup>nd</sup> Wednesday conflict with the Veterans' Day holiday.

**Commissioner Comments**

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

There were none.

**Items for Future Commission Consideration**

There were no items for future consideration.

**Adjournment**

The Commission adjourned at 7:23 PM.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist