ORDINANCE NO. 6516

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, ESTABLISHING A COMMUNITY POLICE REVIEW COMMISSION BY AMENDING TITLE 2, AND ADDING CHAPTER 2.76 TO THE RIVERSIDE MUNICIPAL CODE.

The City Council of the City of Riverside, California, does ordain as follows:

Section 1: Title 2 of the Riverside Municipal Code is hereby amended to read as follows:

"Chapter 2.76

Section 2.76.010	Title.
Section 2.76.020	Purpose.
Section 2.76.030	Creation of Community Police Review Commission.
Section 2.76.040	Membership and Terms of Community Police Review Commission.
Section 2.76.050	Powers, Duties and Functions.
Section 2.76.060	Confidentiality.
Section 2.76.070	Severability.

Section 2.76.010 Title.

This Chapter shall be known as the City of Riverside "Community Police Review Commission Ordinance." (Ord. 6516, 2000).

Section 2.76.020 Purpose.

The general purpose of this Ordinance is to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside, and to bring to the attention of the City its findings and recommendations in regard to law enforcement policies and practices. Further, it is the purpose of this Ordinance to ensure good relations between those who enforce the laws and the diverse populace whom they serve so that the public will take pride in local law enforcement and those who enforce the laws will take pride in their service to the public.

Section 2.76.030 Creation of Community Police Review Commission.

Pursuant to the provisions of Article VIII. APPOINTIVE BOARDS AND COMMISSIONS, of the Charter of the City of Riverside, as the same now exists or is hereafter amended, there is hereby created a Community Police Review Commission. The Executive Director of the Commission or his/her representative shall be responsible to attend all meetings of

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the Commission and be responsible for maintaining all records and minutes.

<u>Section 2.76.040</u> Membership and Terms of Community Police Review Commission.

The Community Police Review Commission shall consist of nine (9) members appointed by the Mayor and City Council. Members shall be removed from the Commission by five (5) affirmative votes of the Mayor and City Council for incompetence, malfeasance, misfeasance, nonfeasance or neglect of duty.

The term of each member of the Commission shall be for four years; provided, however, the initial appointments of the first nine members after the effective date of this Chapter, shall be determined by a drawing at the Commissions's first meeting to decide which members shall serve two, three and four year terms; three shall serve two year terms, three shall serve three year terms and three shall serve four year terms. The members first appointed to serve two year terms shall serve until March 1, 2002; the members first appointed to serve three year terms shall serve until March 1, 2003, and the members first appointed to serve four year terms shall serve until March 1, 2004. No person shall serve more than two full terms. Serving more than one (1) year of an unexpired term shall be counted as service of one full term.

<u>Section 2.76.050</u> Powers, Duties and Functions

The powers, duties and functions of the Community Police Review Commission are as follows:

A. To advise the Mayor and City Council on all police/community relations issues.

B. To conduct public outreach to educate the community on the purpose of the Commission.

C. To receive, and in its discretion, review and investigate, through the Executive Director, complaints filed within six (6) months of the date of the alleged police employee misconduct, in writing with the Commission or any other City office, which allege persons employed by the Riverside Police Department in a sworn capacity with, but not limited to (a) use of excessive force, (b) discrimination or

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sexual harassment in respect to members of the public, (c) the improper discharge of firearms, (d) illegal search or seizure, (e) false arrest, (f) false reporting, (g) criminal conduct, (h) misconduct. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific community member by reason of:

1. Alleged violation of any general, standing or special orders or guidelines of the Riverside Police Department, or
2. An alleged violation of any state or federal law that occur in the course and scope of employment, or
3. Any act otherwise evidencing improper or unbecoming conduct by a sworn police officer employed by the Riverside Police Department.

D. To review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.

E. To conduct a hearing on filed complaints or Commission initiated investigations when such hearing, in the discretion of the Commission, will facilitate the fact finding process.

F. To the extent permissible by law, exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony. Subpoenas shall only be issued by the Commission upon the affirmative vote of six (6) Commission members.

G. To make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.

H. To review and advise the Police Department in matters pertaining to police policies and practices.

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I. To prepare and submit an annual report to the Mayor and City Council on Commission activities.

Section 2.76.060 Confidentiality

All personnel records, investigative reports, documents generated within the City of Riverside Police Department, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential to the extent permitted by law.

The hearing process shall be open to the public to the extent legally permissible and insofar as it does not conflict with state or federal law.

Section 2.76.070 Severability

If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or application of the Ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, section, sentence, or word is declared severable.

Section 2: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 11th day of April, 2000.

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

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I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 4th day of March, 2000, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the 11th day of April, 2000, by the following vote, to wit:

Ayes: Councilmembers Beaty, Moore, Defenbaugh, Kane, Adkison, Thompson and Pearson.

Noes: None.

Absent: None.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this 11th day of April, 2000.

Eva A. Holis, Assistant

City Clerk of the City of Riverside

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