



August 22, 2012

At the January 2007 Regular Meeting, the Community Police Review Commission (CPRC) was informed by then-Assistant City Manager Tom DeSantis that the City Manager's Office had contracted the services of Mr. Joseph Brann, a law enforcement management consultant, to conduct an analysis of the Riverside Community Police Review Commission's structure, goals, and systems. The purpose was to determine if the CPRC structure fit the needs of the Riverside community, and examine its strengths and weaknesses. The final report was to include suggestions and / or recommendations.

The first draft of the report was received by the CPRC on May 12, 2008. The report was subsequently placed on hold due to severe health issues experienced by Mr. Brann in 2007 and 2008.

In June 2011, Mr. Brann was asked to prepare and submit his final report to the CPRC, which was received that same month. At the June 2011 Regular Meeting, the report was distributed to the Commission and advised that it was also available to the public on the CPRC website. On December 14, 2011, Mr. Brann attended the CPRC December Regular Meeting and gave an oral presentation of his findings.

A handwritten signature in blue ink, appearing to read "Frank Hauptmann".

Frank Hauptmann
CPRC Consultant



CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION
ASSESSMENT AND RECOMMENDATIONS

*Improving
Performance & Accountability
in the Public Sector*

JOSEPH BRANN & ASSOCIATES

Review of the Riverside Community Police Review Commission

The City of Riverside contracted with Joseph Brann & Associates, LLC (also known as JBA) to examine the protocols and policies governing the work conducted by the Riverside Community Police Review Commission (CPRC). The scope of work called for JBA to study the model of police oversight adopted in Riverside and to then provide recommendations to assist the CPRC achieve the goals of ensuring efficiency, consistency and objectivity in meeting the responsibilities specified in the city charter.

During the course of this work the consultant examined the history and circumstances that led to the creation of the CPRC; conducted an assessment of current practices of comparable civilian oversight bodies; reviewed relevant research and debates regarding the forms of police oversight; and met with various stakeholders in the City to develop a better understanding of the current workings, needs and issues impacting the effective functioning of the CPRC.

This report provides an overview of the CPRC's role and structure, an examination of similar bodies and their charge, and the consultant's findings and conclusions relative to the model the City has adopted. It concludes with specific recommendations for the City Council and CPRC to consider in their efforts to ensure the CPRC functions effectively and provides for the fair and objective treatment of the issues they encounter. The recommendations contained in this report are intended to help the City in their efforts to meet these very important objectives while also fostering greater community confidence and trust in the workings of the Commission.

BACKGROUND

Throughout the United States there are approximately 130 communities currently utilizing differing forms of civilian oversight of their police complaint investigation process. The model, or form of the oversight process, and the scope of the authority of those bodies vary based on the objectives of the respective jurisdictions. Typically, the adoption of civilian oversight has been driven by community pressures, often based on a desire for reforms within the ranks of police organizations, or concerns (if not outright distrust) about the ability of the police to conduct objective investigations of complaints involving members of their own ranks.

Following the highly controversial shooting of Tyisha Miller by Riverside police officers in December of 1998, the Riverside City Council responded to community concerns and began to consider the creation of a civilian oversight body. This ultimately led to the creation of the Community Police Review Commission (CPRC) in April of 2000, through an amendment to the Riverside Municipal Code. City Ordinance No. 6516 created the CPRC and established the membership of the body, defining what their powers, duties and functions would be.

A review of the ordinance and discussions with various stakeholders involved in the early stages of the creation of the CPRC (including the City Attorney, original Commission members, citizens and City staff) reveal the type of commission adopted by Riverside was largely based on the Long Beach, California Citizen Police Complaint Commission (CPCC). The Long Beach Commission was created in 1990, as the result of an amendment to the city charter enacted by the voters. It established an independent investigative commission to receive and investigate allegations of police misconduct, with emphasis on allegations of excessive force, false arrest and complaints of racial or sexual implications. In Long Beach, the Commission's staff, including the Independent Investigator, are appointed by and serve at the pleasure of the City Manager. While the Long Beach CPCC served as a model for Riverside, the Riverside CPRC differs in several respects. Some elements found in other police oversight models were integrated into Riverside's approach and tailored to meet certain needs.

Public debate regarding the role, authority and structure of the CPRC has ensued virtually from the moment it was created. There are some who have been steadfastly opposed to any form of civilian oversight process. There are others who believe the model adopted by Riverside is weak and ineffective and argue for a more expansive and stronger role (with opinions varying as to what form that might take). And there are those who believe the Commission is functioning quite effectively, doing admirable work but without adequate support or sufficient public understanding of the Commission's role. Opinions vary and the debate may continue but it is worth noting these differing views are routinely encountered in other communities where civilian review processes have been established or are being debated.

The CPRC became more firmly established as a fixture in the City's operations when, in 2004, Riverside voters approved the city charter amendment that elevated the CPRC to status as a Charter Commission. Section 810 of the Charter formalized the role, membership, responsibilities and authority of the CPRC originally described in the municipal code. Future efforts to constrain or eliminate the CPRC are now less likely given the challenge of having to seek a Charter change to accomplish that goal.

The City Charter spells out nine specific responsibilities for the CPRC. They are to:

- (a) Advise the Mayor and City Council on all police/community relations issues.
- (b) Conduct public outreach to educate the community on the purpose of the Commission.
- (c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the Commission or any other City office as established by ordinance of the City Council.
- (d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.
- (e) 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) 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 to the extent permissible by law. Subpoenas shall only be issued by the Commission upon the affirmative vote of six Commission members.
- (g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.
- (h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.
- (i) Prepare and submit an annual report to the Mayor and City Council on Commission activities.

When the CPRC was initially launched the City Attorney's Office developed and administered training designed to help orient Commission members as to their role and responsibilities. This training took place over the course of two months and covered topics that included:

- the Brown Act (which governs the conduct of public meetings)
- the Peace Officers' Bill of Rights
- City Code of Ethics
- confidentiality of records
- conflicts of interest
- Police Department orientation

- Internal affairs investigations and disciplinary procedures
- Use of force training and investigations
- Constitutional and civil rights
- Ride-alongs with patrol and exposure to police communications and dispatch functions

This served to quickly bring the Commissioners along as a group so they could begin functioning as an effective body. The CPRC staff also moved quickly to establish office policies and protocols that guided their day-to-day operations.

CPRC Commission Interviews

At the time of this review, some Commission positions were vacant and the members ranged from some who served as original appointees to others who were only recently appointed. This afforded an opportunity to examine how tenure and experience in this body affect perceptions about the effectiveness of the CPRC.

Interviews were conducted with seven current and former members of the Commission. Structured and open ended questions were posed for the purpose of developing specific observations about those issues the Commission members and City staff are most concerned with. The results or findings that were developed are detailed in the section of this report under the heading of “Key Findings”. In turn, those findings and the examination of current practices in this field were used as the basis for developing the “Key Recommendations” enumerated in the final section of this report.

Although the interviews showed the Commissioners share a relatively consistent understanding of the role ascribed to them under the city charter there were some insights gleaned that reflect a need for improved orientation efforts, more training and ongoing dialogue with City officials.. Some responses revealed a minority sentiment that Commissioners are there to serve as a “voice” or “advocate” for the community. There were sentiments within the group that certain members, past or present, have been viewed as being “pro-police”, “anti-police” or “pro-community”. Concerns were also expressed concerning whether the City Manager and City Attorney were supportive of this Commission.

The Commission members felt at the time of the survey the CPRC suffered from a lack of adequate resources. In particular, concerns were cited about not having a dedicated Executive Director and recent turnover in that position. Some also felt the Commission should have legal counsel provided by the City Attorney’s office or a contract attorney available to them if the City Attorney felt there was an inherent conflict of interest presented. Others cited frustration regarding their understanding of the ride-along policy and whether this prevented them from participating in that program. These particular issues have subsequently been addressed and steps taken to clear up confusion or correct these matters.

Meeting the public's expectations was another issue that generated strong reactions. Most felt the CPRC is not engaging in adequate outreach and public education efforts and this requires more attention in the future. Some expressed frustration over misconceptions in the community relating to the role and authority of the CPRC, often citing desires expressed by some people for the CPRC to simply agree with their own personal point of view on an issue and side with them. In those discussions it was frequently acknowledged this might be overcome in time if the CPRC and City does more to better educate the community about this role.

The City Council is viewed as having differing goals for and expectations of the CPRC, depending upon whom you listen to. It was often acknowledged the members of the City Council are not in agreement about the CPRC, with some wanting to eliminate it while others support it.

Most of the Commission members, especially the newer ones, felt they were not provided with sufficient training and this affected the ability to effectively carry out their duties. Those who were more critical identified a common theme of having been provided with a notebook of materials or told that materials were available and they should read these when time allowed. One person stated the materials were provided after having been in the role for approximately 3 months.

Their recommendations for training topics that would be of help included the Police Officers' Bill of Rights, RPD and CPRC policies and procedures, orientation similar to that given in a citizen police academy orientation, and training from the City Attorney's Office, the DA and the PD. The average amount of initial training the group identified as being necessary in the first year was in excess of 30 hours (ranging from a low of 20 hours up to as much as 50 hours).

There was a consistent impression among those interviewed wherein they felt the CPRC in its current form is not as effective as it could be or needs to be. It was viewed as being moderately effective by some but with improvement needed. For that to occur there were specific recommendations offered, such as: provide regular training, keep the staff positions filled, require more hours of the Commissioners to meet the workload requirements, and improve the support of the City Manager and City Council by holding periodic meetings to discuss issues.

The quality and objectivity of the police investigations reviewed by the Commissioners was also of concern. A common statement made in regard to the quality of the investigations was that this "depends on who is doing the investigation". The results of some investigations have left an impression that all complaints are not being objectively investigated, with some appearing to be a defense of the officer's actions rather than an impartial investigation. Commissioners expressed concerns about a failure to conduct credibility determinations when this might have been useful, overall concerns about a lack of thoroughness in the investigations, a view that obvious questions are not always posed and leading questions that were evident on the part of the investigators. While these concerns

have been identified, there was also a general sentiment expressed that improvements have recently been noticeable and the overall quality and objectivity of the investigations appears to have improved.

With regard to the investigations being conducted by the CPRC, the problems noted and general assessment were somewhat similar to those noted in regard to the PD investigations. There was a sense the current investigator was doing a better job than what had been provided in the past but these investigations have also been lacking at times. The more common complaints were concerned with a lack of detail, overlooking evidence that should have been considered and a tendency to offer opinions rather than factual assessments.

Most members of the CPRC felt they are familiar with other forms of oversight and complaint review processes and are generally satisfied with the form currently in place. Two of the Commissioners stated they would like to adopt the model at work in Long Beach or San Diego as they believed these to have more authority, while another stated the Long Beach model is too conservative. Recommendations for change in this area included seeking increased staff so that more issues can be taken on and seeking the creation of a full time investigative position to support the CPRC.

Other issues and recommendations put forth by the Commissioners included:

- Improve the community outreach and education efforts
- Refine the selection/appointment process so that future Commissioners have a better understanding of what the role and responsibilities of a Commissioner are (and not view the role as being that of a “judge”)
- Ensure all Commissioners are clear about the amount of time that is required of them as a member of this body
- Select all Commissioners at large rather than by ward

Oversight Models/Current Practices

Is there an ideal model or an especially effective form of police oversight that Riverside should pursue? That question seems simple enough and the desire to have this answered is certainly understandable. But the factors that influence the answer are far more complex than what most people realize and the ability to achieve consensus about any particular model will be dependent upon the extent to which the stakeholders are in agreement about the structure and goals of the Commission.

The more meaningful question that ought to be addressed as this time would be “what outcomes are you seeking?” If the answer to that is “exercise more control over the police department” then the oversight model will likely be a considerably different one than where the goal might be “to ensure objective and impartial investigations of complaints”. The former is rooted in a desire to limit or constrain police behavior and decision-making. The latter is based on achieving a state where values guide

behaviors and both individual and organizational performance are expected to be in accordance those values.

The larger challenge at this time may actually be in trying to arrive at a point where all parties can come to agreement regarding what the desired outcomes should be for the community of Riverside. It is unlikely there will ever be universal agreement about either the model that should be employed or the level of authority the CPRC should exercise over the day-to-day operations and policies of the RPD.

When considering what form police oversight should take, is there an expectation that no mistakes will ever occur and all parties will always be satisfied with the system and results? If so, no model will ever accomplish this. This may explain why even though several basic forms of oversight can be described, within these general models there are virtually as many permutations or variations found as there are jurisdictions involved. If one particular form or model had been found to be significantly better or more effective than others, then we could logically expect to see that model being consistently adopted by now. This simply is not the case and one only needs to examine the range of jurisdictions involved and the multitude of approaches to police oversight that have been developed to understand why.

Riverside's decision to launch some form of civilian oversight of police complaints was based on a desire to achieve improvements in several areas. Among other things, this includes achieving greater transparency in the course of dealing with complaints, providing for a fair and objective review of the issues and facts, improving trust in the police and promoting confidence in City's ability to ensure accountability for performance. Those objectives are not unlike the factors that have driven other jurisdictions to institute similar reforms and civilian oversight.

To better understand the various forms this can take we turn the reader's attention to Appendix "A", which provides an overview of basic police oversight models. In recent years, some organizations and individuals engaged in promoting police oversight have attempted to develop a system by which such models can be grouped or classified.¹ In our case, it will be helpful to utilize a basic set of criteria to examine factors that are relatively common and which help in categorizing and distinguishing particular types or subsets of oversight bodies. For our purposes, we have chosen to identify four "models", or distinguishable forms of oversight. They include the following:

1. Monitoring Board or Commission
2. Investigative Board or Commission

¹ Particularly useful systems or models for examining various types of oversight include those used by the National Association for the Civilian Oversight of Law Enforcement (NACOLE), Vera Institute of Justice, Police Assessment Resource Center and noted academics such as Samuel Walker, Merrick Bobb, and David Harris, among others. This system is one of the author's choosing largely based on NACOLE's work but it is based on the efforts of all the above. It has been used by the author in similar projects for other clients and has proven especially useful when attempting to establish a common framework for discussing a broad array of police oversight efforts.

3. The Auditor, Monitor/Ombudsman Model
4. Hybrid Model

Some would argue these are listed in an ascending order based on their complexity and the level of authority vested in each subsequent model. Others will dispute this based on their own experiences and whether or not a particular model or form of oversight has worked well in a given jurisdiction.

The particular models we present in Appendix A are based on an examination of the following specific features:

- A. The composition of the commission - whether it consists of appointed part-time board or commission members, employs any full-time professional(s), involves a mix of these, and the type/level of staff support enjoyed;
- B. The scope of the authority exercised - whether it has a review or investigative responsibility, how and by whom the workload is determined, and whether the ability to initiate investigations or require policy changes exists;
- C. The reporting relationships and level of independence involved; and
- D. The common strengths and weaknesses associated with each model.

Appendix “B” takes this a step further. In an effort to provide a better sense of the variations that can exist within these respective models, we have focused on twenty-five agencies that are engaged in various forms of civilian oversight consistent with the described in the preceding table. They have been grouped according to the criteria discussed. While there are many additional agencies that could have been included, those selected were chosen because they are more similar to Riverside based on their complexity and size. Smaller jurisdictions were generally found to not be comparable for the purpose of this study.

The table in Appendix B includes information about the approximate sworn staffing level authorized for that particular police agency, and which public safety functions are subject to the complaint review body. A brief description is also provided of the role and scope of authority of the oversight body in that jurisdiction. Finally, the title or position of the senior manager who is responsible for the day-to-day operation is identified for each of the oversight groups or operation.

These two appendices provide a basis for comparing and contrasting oversight models and specific agencies engaged in this work. In doing this we can begin to recognize where the Riverside CPRC might stand based on the features it contains and the role defined for it under the city charter. Upon examining the criteria and examples provided, one can appreciate why we found the CPRC fits squarely within the “Investigative Board/Commission” model.

The Riverside Model

Similar to what has occurred elsewhere, when Riverside officials launched their effort to implement a complaint review process they started by examining oversight

approaches that were already in place in other communities. The objective was to identify a system that would be responsive to Riverside's needs and that could be rapidly undertaken. The Long Beach model, or approach, proved to be most appealing to the City Council and afforded an opportunity to move more quickly than the City might otherwise have been able to do had another model been selected.

A hybrid model would have been costly, complex and rather challenging to implement because of the multiple layers involved and the resources it would require. For a medium size community without any history of civilian oversight, that model or approach would likely have proven to exceed the city's management and financial capabilities.

The auditor/monitor/ombudsperson model would have run the risk of encountering strong initial rejection and distrust in some neighborhoods. The success of this model is often dependent upon attracting a person or persons with extensive criminal justice experience who are considered to be knowledgeable about law enforcement policies and training, as well as enjoying a reputation for operating independent of the policing community. This frequently results in selecting former law enforcement or criminal justice system officials, such as experienced attorneys, to lead these offices or programs. It is also likely the adoption of this approach would have created significant delays in moving forward because of the difficulty in finding someone who would be acceptable to the wide range of the stakeholders who wanted to have a strong influence over the final decisions by the Council. Absent the ability to quickly find a suitable candidate (and that has proven to be difficult in other communities), this could have resulted in further delays and a protracted debate about which model to adopt.

Had the City elected to adopt a pure monitoring commission model, there is a likelihood the CPRC might have been designed to exercise less authority and discretion than it presently has when it comes to examining those cases that are typically of greatest concern to the community (complaints about excessive force, officer-involved shootings, etc.). That would tend to exacerbate the community's concerns and lessen confidence in this body.

As stated earlier, there is no oversight model or complaint investigation process that will entirely meet the needs or expectations of all communities and stakeholders. The form that was chosen for the Riverside CPRC and the scope of authority it exercises was designed around the unique issues and needs that were present in Riverside at the time this new entity was created.

KEY FINDINGS

The preceding narrative serves to highlight some of the issues and various considerations that were weighed during the course of the City's efforts to determine which path to follow in creating a civilian police oversight body. Similar to what has happened in other jurisdictions, the CPRC has dealt with a wider range of incidents over the years and has also heard from community members with differing views about the work and effectiveness of this body. The experiences and observations of the Commission members, along with feedback from the City Council, the community and City staff involved in the work of the CPRC, were sought in an effort to develop findings and recommendations to help improve the operations of the CPRC in the future and determine what, if any, modifications should be considered.

The following are the key findings that have resulted from this examination of the how the CPRC currently functions.

- 1) Misperceptions and misgivings exist in the community regarding the CPRC's role and responsibilities. There are those who disagree with what the charter currently provides in terms of the CPRC's authority because they believe it is ineffective as currently structured. Some want a commission that will function as a hiring and firing authority. Others believe the Commission should have the ability to enact or modify policy. And a few appear to want a commission that provides oversight of all day-to-day policing operations.

There is a pressing need to improve the Commission's public outreach and education efforts to address these sentiments and provide the public with accurate information about the CPRC's scope of authority as it has been defined in the city charter. This would include providing training to help Commissioners effectively respond to criticisms and misperceptions they encounter about the CPRC.

- 2) Conflicts and tensions have arisen over the appropriateness of some findings by the CPRC and the scope of the authority it can exercise in certain matters. This appears to have been the result of legitimate disagreements or misunderstandings that have arisen among CPRC members based on their view of their roles, or that have occurred with the RPD and DA's office regarding their respective findings and/or recommendations they have made at times. It is the consultant's view these issues could likely have been resolved at an earlier stage had there been legal counsel present during the Commission's deliberations or had their findings been reviewed by counsel prior to being made public.

Recent changes have been made as a result of discussions between the City Manager's office and the City Attorney relative to having legal counsel present during certain deliberations of the Commission. It appears these changes can help reduce the likelihood of similar problems and disagreements arising and those modifications should be evaluated over time to assess whether they do, in fact,

accomplish this. Draft reports are now being provided to the City Attorney for legal review prior to being made public and the City Attorney has agreed that either he or his designee will now be present at public meetings where deaths resulting from officer-involved actions are discussed.

- 3) The original members of the CPRC received fairly extensive training from City staff to help guide and orient them about their role and the Commission's responsibilities, prior to engaging in any deliberations. Subsequent to that initial training effort, new members have been appointed to the CPRC. These individuals have been provided with the written documents that were originally assembled and encouraged to review training materials on their own following their appointment. Some of the newer Commissioners have acknowledged feeling ill-prepared and uncomfortable about participating in Commission deliberations without adequate training or a formal orientation regarding their role.

While the City Attorney does provide 3 hours annual training on the Brown Act, Ethics Code, and Conflicts of Interest, and the PD remains available to respond to requests to help orient new members, those that have been appointed since the initial board was trained have not received training comparable to what was initially provided.

- 4) While the CPRC staff established clear protocols and procedures for their office operations and administrative activities, some Commission members have expressed concern about a lack of written policies and procedures to guide them in undertaking their own responsibilities.
- 5) There was a very clear split evident among CPRC members as to whether the City Attorney supports this body and has been helpful to the Commission in the past.
- 6) The time required on the part of Commission members to fulfill their responsibilities in this role is generally estimated to be around 20-30 hours per month, with the Chair position requiring about 40 hours per month. This time commitment is unusual when compared to many other City boards or Commissions. It is something that all applicants should be made fully aware of and prepared to honor prior to being appointed to serve on the Commission.
- 7) Some of the Commission's meetings (sub-committees and case reviews) are held at times that make it difficult for Commission members or the community to attend since these occur during normal business hours. Again, given the nature of this work and the time required, this is something that any potential Commission applicant should be fully aware of prior to being appointed. Community attendance during case reviews is not allowed, so unless the Commission views this as being unworkable there does not appear to be a reason to schedule those meetings for a later time.

- 8) There have been perceptions in the community and among some members of the CPRC that the City Manager has attempted to micro-manage the work of the Commission. To a large extent this perception appears to have been driven by recent turnover in the Executive Director's position and difficulty in finding a permanent replacement.
- 9) There is confusion in the community and some disagreement as to what the role of the Executive Director should be. There are those who believe this position should be filled by a person who views the role as that of a community activist; others believe the person filling it should function in an impartial manner and focus on ensuring adequate staff support is provided for the Commission.
- 10) Some in the community do not feel the Commission enjoys sufficient independence and authority to investigate and make findings on all police issues of concern. Generally, those who hold this position have argued for having a Commission that consists of individuals who would dictate police policy and to whom the department would be directly accountable.
- 11) Public outreach and education efforts have dropped off significantly recently – there has not been an annual report issued since 2005 and other outreach activities have declined.
- 12) In the past the Commission used one private investigation firm to conduct the investigations it undertakes. Some Commission members have expressed concerns about the quality or thoroughness of those investigations and have expressed a desire for either full-time staff to conduct this work or consideration for establishing a pool of investigators to draw from so as to conduct investigations independent of the PD.
- 13) Some members of the Commission are viewed as being “pro-police”, others as “police critics”. This is a perception that will likely continue to exist, based on the observer's personal point of view and the background and experience each member of the Commission brings to the table.
- 14) Most Commissioners were of the opinion the CPRC must have more resources and assistance if it is to effectively meet the responsibilities outlined in the charter. Suggestions offered included having a dedicated Deputy City Attorney staff the Commission, having a full-time Executive Director dedicated exclusively to the CPRC, a desire to have increased staff support to assist with outreach and public education efforts, more training, and better (larger) meeting facilities. Some of these issues have been dealt with as a result of actions already taken, such as the City Attorney now routinely attending certain meetings and the appointment of a new Executive Director.
- 15) Several expressed concerns about the CPRC not being more visible in the community and an observation that some of the more vocal critics of the CPRC

disagree with the role that is defined by the charter. Some of those critics have indicated a desire for the CPRC to take on a more activist role and champion their own causes, views or positions.

- 16) Some believe the City Council is split on the issue of whether they support the CPRC. There is a view that some Council members want to disband it. One person described the Council as viewing the CPRC as being in the role of a buffer so as to effectively insulate the City Council from having to deal with “a problem they no longer have on their back; and therein lies the problem” since they can distance themselves from the decisions that must be made.
- 17) The quality of some RPD investigations was described as being inconsistent or inadequate, although some also acknowledged there have been recent improvements. Problems noted include efforts by some police investigators to justify the actions of the officers during these incidents rather than to conduct an objective investigation into those actions, a lack of thoroughness during past investigations, quality that varied based on who the investigator is, field sergeants handling investigations they were personally involved in, and the lack of credibility determinations being made when it would have been appropriate to do so.
- 18) Investigations conducted by the current CPRC investigator were described as being of better quality than what was done by the previous investigator. Generally, these cases were considered to be adequate but occasionally lacking sufficient detail. Commissioners opined that the investigator should not be offering opinions, evidence is sometimes overlooked and some questions are not fully pursued.
- 19) The form or type of oversight the City of Riverside chose to implement when the CPRC was created is not a “weak” model, as some perceive. While the Long Beach model the CPRC was loosely based on is more typical of what is found in cities that limit this role to “monitoring” of cases, the CPRC exercises greater authority than what some members of the community perceive or believe. The scope of their work and authority exercised is more typical of the “investigative” commission model. Based on the City’s charter it also encompasses a greater scope of responsibilities and authority than most similar bodies.

KEY RECOMMENDATIONS

The recommendations contained below are based in part on the findings identified above and discussions contained in earlier sections of this report. However, not all of the findings gave rise to specific recommendations for future action. In some instances, the findings provided were intended to display corrective actions or steps that have already been undertaken. As such, they may not necessarily require additional action(s) in the future. In other cases the findings served to provide information and perspective that some stakeholders should be mindful of and/or they offer a common point of reference and understanding.

The following recommendations are those which the consultant believes the City and CPRC should focus on in the immediate future. By addressing these issues the effectiveness of the CPRC will be enhanced and the operations of the Commission will be improved.

1. The City should establish criteria governing the composition of the CPRC membership. This could help assure the community and the police department employees that the Commission will remain inclusive and reflect a balance of interests and experiences.

An example to consider might be found with New York City's Civilian Complaint Review Board. The membership of that body is intended to "reflect the diversity of the City's population" and there are also provisions that no more than three members are permitted to have prior law enforcement experience. The caveat offered here is not to blindly adopt what another agency has done but to acknowledge what purpose might be served by pre-determining those qualifications that will be helpful and that could ensure the effective functioning of this body.

2. Ensure all CPRC Commissioners are fully oriented concerning their role, the mission of the CPRC and what is expected of them in terms of their service and the time commitments required of them prior to their appointment.
3. Determine the minimum level of training required for a Commissioner to function effectively and ensure this is completed in a timely manner. Ideally, this should occur prior to having Commissioners engaged in decision-making on cases. NACOLE has developed suggested standards. Their recommendations include 30 hours of structured training and 20 hours of reading materials.

Again, it should be noted the City Attorney provided extensive training in the past for the original members of the CPRC and staff furnishes these materials to new members of the Commission. RPD staff should also play a role in orienting and training Commissioners in police practices and operations.

4. Identify ongoing or specialized training needs and provide opportunities for Commissioners to take advantage of this. Examples of such training needs may involve legal updates or briefings on case law governing the Peace Officers' Bill of Rights, handling of public records, and similar issues.
5. Require or strongly encourage Commissioners to periodically observe police training, participate in ride-along programs annually during their tenure, and take advantage of training focused on conducting police oversight (such as NACOLE conferences and seminars)
6. Provide staff resources consistent with the needs of the Commission. The Executive Director position should be staffed by someone knowledgeable about this role and be exclusively dedicated to the CPRC. Adequate administrative support should be provided at all times to meet the needs of the Director and the Commission.

This also includes having qualified and skilled investigators available to conduct CPRC investigations. The determination as to whether the City is best served by having a dedicated investigator on staff or chooses to contract for these services with a single entity, versus having a pool of investigators available, is something that will be guided by a broader set of considerations. It will likely require an analysis of workload factors and consideration of trends in the case load, an assessment of the costs involved, defining expectations about the reliability and the quality of services provided under a contract arrangement versus the use of a dedicated employee, and then assessing the consequences and additional demands this could place on existing staff. The ultimate question here is whether there is an improvement in the CPRC's ability to fulfill its responsibilities. There are advantages and disadvantages to each approach that will require further input from the CPRC, the Executive Director and the City Manager.

Given the current budget situation faced by the City, more desirable long-term solutions may have to be deferred and short-term cost efficiencies employed until the City's financial situation improves.

7. The City Attorney's Office should continue to provide legal advice and counsel to the Commission and the Executive Director. The City Attorney is the principal legal advisor to the Commission and the Executive Director regarding all legal issues involving the Commission. The City Attorney or a deputy city attorney currently attends all meetings which involve discussion and deliberation of officer-involved deaths. The City Attorney should continue to provide training to the Commission members on the Brown Act, Conflicts of Interest, the Code of Ethics and Conduct, and furnish legal advice and training to the Commission on an on-going basis, as requested.

8. Establish policies and guidelines that govern the CPRC's review of those cases where officers potentially face criminal charges. This should include recognition that the Commission's role is that of a hearing body and fact-finder in regard to complaints and investigations of police misconduct rather than a judge of allegations of criminal actions.
9. The CPRC should ensure an annual report of their activities is routinely issued, as required under the city charter.
10. The public outreach and education efforts of the CPRC should be intensified to overcome misperceptions and misgiving in the community about the Commission's role and authority. Consideration should be given to having individual Commissioners routinely engaged in providing public presentations and addressing questions from interested stakeholders. The CPRC and RPD would realize mutual benefits from conducting joint public outreach efforts.

The above findings and recommendations were presented to the CPRC and community members who chose to attend those meetings. An invitation was extended to all to provide further input or feedback, either orally or in writing, to the consultant within 30 days of those meetings. This report represents the final product of that process.

APPENDIX "A"

Overview of Oversight Models

MONITORING BOARD/COMMISSION			
Composition	Scope of Authority	Reports to (one or more)	Strengths & Weaknesses
<p>A Board of civilian volunteers, typically appointed by the elected body for a specific term. Staff support may be provided by the law enforcement agency, other city or county department, or through external sources such as outside counsel.</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • Improve fairness and consistency of IA investigations • Ensure quality of IA investigations • Provide community perspective and input on relevant police policies and training issues • Assure community that independent review of internal investigations is provided 	<p>Encompasses some or all of the following authorities:</p> <ol style="list-style-type: none"> (1) Reviews Internal Affairs investigations of complaints and assesses thoroughness and adequacy of investigations (2) Agrees or disagrees with IA findings (3) May recommend further investigation (4) May offer policy recommendations (5) Makes findings public 	<p>Elected Body Sheriff City Manager</p>	<p><u>Strengths</u></p> <ul style="list-style-type: none"> ➤ Can sometimes produce findings faster than other models ➤ Opportunity for more community input than found in the "internal" models ➤ Does not require resource commitments as great as in other models <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> ➤ Extensive time required of volunteers ➤ Unskilled/untrained board may overlook problems with investigations ➤ Requires ongoing training of Board/Commission members as turnover occurs ➤ Some argue that this model is easiest to co-opt

Overview of Oversight Models

INVESTIGATIVE BOARD/COMMISSION

Composition	Scope of Authority	Reports to (one or more)	Strengths & Weaknesses
<p>A Board of civilians/volunteers typically appointed by the elected body for a specific term. Dedicated staff support is usually provided and works exclusively for board/commission. Often has an Executive Director to oversee staff and daily operations.</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • Provide fair and consistent external investigations • Improved law enforcement services and management • Provide "transparency" for the public 	<p>Encompasses some or all of the following authorities:</p> <ol style="list-style-type: none"> (1) Directly receives complaints from the public (2) Produces independent investigations on complaints (3) Based on their findings, may make policy and/or discipline recommendations (4) Shares information/findings with the public and department 	<p>Elected Body Sheriff Administration City Manager</p>	<p><u>Strengths</u></p> <ul style="list-style-type: none"> ➤ Generally higher confidence in Boards findings among the community because they are independent of law enforcement ➤ Professional staff who operate on behalf of and at the direction of the Board/Commission ➤ Opportunity for more community input than found in the "internal" models ➤ May be able to compel evidence (subpoena) <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> ➤ Extensive time required of Board/Commission members ➤ Quality of investigations and work is dependent on skills and knowledge of members/staff ➤ Adversarial in nature due to duplication of investigations conducted ➤ Requires greater resource and budget commitment than monitoring boards ➤ Requires ongoing training of Board/Commission members as turnover occurs

Overview of Oversight Models

AUDITOR/MONITOR/OMBUDSPERSON

Composition	Scope of Authority	Reports to (one or more)	Strengths & Weaknesses
<p>A full-time professional retained to perform in this designated role. May or may not have additional staff support working directly for the office</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • Identify, investigate and monitor and problems/complaints • Review, assess quality and thoroughness of IA investigations to ensure fairness • Make policy and procedure findings and recommendations • Conduct audits as necessary • Improve law enforcement services and management 	<p>Encompasses some or all of the following authorities:</p> <ol style="list-style-type: none"> (1) May receive complaints from the public (2) Reviews Internal Affairs investigations and can direct further investigation to be done (3) May conduct independent investigations related or unrelated to a complaint (4) May have the power to compel evidence 	<p>Elected Body Sheriff/Chief City Manager</p>	<p><u>Strengths</u></p> <ul style="list-style-type: none"> ➤ Role affords more flexibility and accessibility for both public and police ➤ Can have a broader mission than just monitoring/ investigating complaints ➤ Knowledge and experience of auditor can result in greater credibility and trust among the parties <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> ➤ Effectiveness may be dependent upon the skills, abilities and commitment of one central person ➤ Perceptions of close working and reporting relationships with police can lessen public confidence <p><u>Note:</u></p> <ul style="list-style-type: none"> ➤ The authority to compel evidence can be a critical factor in overall effectiveness ➤ Adequate funding and resources are necessary to effectively execute duties and responsibilities

Overview of Oversight Models

HYBRID MODEL

Composition	Scope of Authority	Reports to (one or more)	Strengths & Weaknesses
<p>This model consists of a combination, in any variation, of the other models. It may involve an independent auditor, or something analogous to an investigative body, along with a board or commission that often reviews the results of investigations and audits from the independent office and the law enforcement agency. The various entities usually operate separately but not necessarily.</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> • Identify, investigate and monitor problems and complaints • Review, assess quality and thoroughness of IA investigations • Make policy and procedure findings and recommendations • Conduct audits as necessary • Ensure transparency for the public 	<p>Encompasses some or all of the following authorities:</p> <ol style="list-style-type: none"> (1) Usually receives complaints from the public and may initiate audits (2) Reviews Internal Affairs investigations and may conduct or direct further investigation to be done (3) May conduct independent investigations related or unrelated to a complaint (4) Identifies and analyzes patterns of conduct or other issues of concern (5) May have the power to compel evidence (6) May recommend policy changes 	<p>Elected Body Sheriff/Chief City Manager</p>	<p><u>Strengths</u></p> <ul style="list-style-type: none"> ➤ Public confidence tends to be higher because of checks and balances provided ➤ Mission is more than monitoring of investigations and complaints; often includes problem identification and analysis of trends ➤ Provides more avenues for community input ➤ Typically can compel evidence <p><u>Weaknesses</u></p> <ul style="list-style-type: none"> ➤ May result in contradictory findings or positions being generated by the multiple entities involved ➤ Results may be delayed due to multiple entities involved ➤ Resources and funding required are much more costly than other models ➤ Training, orientation and time commitments required may be obstacle to recruiting volunteers for Boards or Commissions

APPENDIX “B”

Overview of Approaches to Oversight – by Agency

MONITORING BOARD/COMMISSION	
Agency	Monitoring Entity & Role
<p>City of Berkeley Berkeley Police Department 200 sworn</p>	<p>Police Review Commission Receives complaints of police misconduct and independently investigates complaints. Also reviews department policy. Provides mediation to involved parties in some cases. Findings are advisory to City Manager.</p>
<p>City of Chicago Chicago Police Department 13,600 sworn</p>	<p>Chicago Police Board Civilian body that oversees various activities of the Department. Primary responsibilities include: adopting rules and regulations governing the conduct of sworn and civilian members of the Department; monitoring the compliance with the federal court consent decree and judgment order; conducting hearings and deciding disciplinary cases when Superintendent files charges to discharge; considering appeals from employees facing disciplinary suspensions of 5+ days; nominating candidates for position of Superintendent to Mayor.</p>
<p>Las Vegas Metropolitan Police Department Serves City and County; includes Clark County Detention Center 4,800 sworn</p>	<p>Citizen Review Board Receives and reviews complaints against the Police Department. Subpoena power, but no independent investigation power. All cases are initially investigated by the Police Department. Also reviews IA investigations. Serves as an advisory board to the Sheriff with power to make recommendations on discipline and policy changes.</p>
<p>City of Long Beach Long Beach Police Department 860 sworn</p>	<p>Citizen Police Complaint Commission Receives, and at its discretion investigates allegations of police misconduct with emphasis on excessive force, false arrest, and complaints with racial or sexual overtones. Refers complaints to Police Department's IA unit for investigation.</p>
	<p>Headed by</p>
	<p>Staffed by city manager's office</p>
	<p>Executive Director</p>
	<p>Executive Director</p>
	<p>Executive Director</p>

Overview of Approaches to Oversight – by Agency

<p>Miami-Dade County, FL All county departments, including Police</p>	<p>Independent Review Panel Charged with external fact-finding and dispute resolution. Majority of complaints are against the Police Department. Panel has authority to review complaints against any department. Focus is on review, but can conduct investigations as needed. Mission is to improve the way County government serves the public.</p> <p>Complaints are investigated by the involved department and must submit written findings to Panel. Findings are discussed and mediated in informal fact-finding and dispute resolution meeting. Panel's disposition and recommendations are distributed to involved department, County Manager, Mayor and Commissioners.</p>	<p>Executive Director</p>
<p>Orange County, FL Orange County Sheriff's Department 1,800 sworn</p>	<p>Orange County Citizen Review Board Chartered advisory board that reviews citizen complaints of excessive use of force and abuse of power after investigation is performed by the Sheriff's Office of Professional Standards. It also reviews all departmental investigations of in-custody deaths and shooting incidents. The board makes recommendations as to policy based on findings of incidents reviewed.</p>	<p>Administrative Coordinator</p>
<p>Prince Georges County, MD Prince Georges Police Department 1420 sworn</p>	<p>Citizen Complaint Oversight Panel Meets on a weekly basis. Reviews investigations meeting specific criteria such as those involving a complaint against an officer, accidental or intentional discharge of firearm; deaths related to use of force or custody. Board appointed by the elected County Executive and confirmed by County counsel.</p> <p>Provides recommendations to Police Chief and County Executive related to investigations. Offers general policy and system recommendations. Conducts community outreach and education.</p>	<p>Chairperson + staff support from County Exec's office</p>
<p>City of San Diego San Diego Department 2,000 sworn</p>	<p>Citizens' Review Board on Police Practices Reviews citizen complaints and IA investigations of such; evaluates IA investigations and reviews policies; makes recommendations to Police Chief and City Manager. Reviews, comments on and makes recommendations in all officer involved shootings and deaths in custody.</p>	<p>Executive Director</p>

Overview of Approaches to Oversight – by Agency

<p>City of Richmond, CA Richmond Police Department 190 sworn</p>	<p>Police Review Commission Independently investigates citizen complaints of use of force and racially abusive treatment; reviews police policy and hears appeals of Internal Affairs investigations. Has authority to recommend discipline and policy changes. In 2005, authority was expanded to address concerns in other city departments.</p>	<p>Confidential Investigative & Appeals Officer</p>
<p>San Diego County San Diego Sheriff and Probation Departments 2,300 sworn Sheriff 1,200 sworn Probation</p>	<p>Citizens' Law Enforcement Review Board Receives and independently investigates the deaths and citizen complaints of misconduct. Investigative report and recommended findings are submitted to Review Board for hearing and approval. Approved "advisory" findings, non-binding policy and discipline recommendations are then forwarded to department heads.</p>	<p>Executive Officer</p>
<p>City of San Francisco San Francisco Police Department 2,200 sworn</p>	<p>Office of Citizen Complaints The Office was created in 1983 following passage of a voter initiated amendment to the City Charter. OCC is an independent office that investigates all citizen complaints against sworn staff of the Department. All complaints are investigated unless they show proper conduct on the face of the allegations. The Office is staffed by civilians who have never been police officers in San Francisco. They report to the Police Commission. The Commission consists of 5 members appointed by the Mayor, with confirmation by the Board of Supervisors.</p>	<p>Director</p>

Overview of Approaches to Oversight – by Agency

AUDITOR/MONITOR/OMBUDSMAN		
Agency	Monitoring Entity & Role	Headed by
<p>City of Boise Boise Police Department (250 sworn), Airport Police (18 sworn), Parking Enforcement, Code Enforcement</p>	<p>Office of the Ombudsman Full independent authority to receive and investigate complaints. Also has authority to investigate officer-involved shooting and incidents resulting in serious bodily harm without a complaint being filed. Authority to make policy, procedure, and training recommendations. Can also receive and investigate appeals to findings made by the Police Chief. Ombudsman reports to the Mayor and City Council.</p>	<p>Community Ombudsman</p>
<p>King County, WA Sheriff's Office and all King County administrative agencies including Department of Adult Detention 688 sworn</p>	<p>Office of Citizen Complaints – Ombudsman Independently charged agency located in the legislative branch of county government. Authorized to investigate a wide variety of complaints, publish recommendations for administrative and legislative changes based on outcome of investigations. Not an office of first recourse as citizens are encouraged to first file their complaint with the Sheriff's Office Internal Investigations Unit. OCC has access to all records and may conduct independent factual research as part of an investigation.</p>	<p>Ombudsman - Director</p>
<p>City of Los Angeles Los Angeles Police Department 9,500 sworn</p>	<p>Office of the Inspector General Independent office that reviews and monitors all personnel investigations; conducts investigations of allegations against the Police Chief and other sensitive matters as directed by the Board of Police Commissioners, oversees, audits and periodically reports on the disciplinary system; conducts audits of special projects; reviews and approves or disapproves all officer-involved shootings and law enforcement related injuries or deaths; performs other assignments as directed by the Commission. Also has the discretion to initiate and conduct investigations without explicit direction from Commission.</p>	<p>Inspector General</p>

Overview of Approaches to Oversight – by Agency

<p>City of Omaha Omaha Police and Fire Departments</p>	<p>Public Safety Auditor Provides oversight over citizen complaints filed against the police and fire departments. Audits completed investigations. Has authority to monitor ongoing investigations conducted by IA units and may participate in interviews. Can request further investigation. Makes policy and procedure recommendations. Conducts public outreach.</p>	<p>Public Safety Auditor</p>
<p>City of Sacramento Sacramento Police and Fire Departments</p>	<p>Office of Public Safety Accountability Monitors citizen complaints against Police and Fire Departments regarding employee misconduct. Reviews policies and systems. Conducts independent investigations into serious misconduct matters. Reviews and audits all Police Department administrative investigations pertaining to force issues. Responds as a member of the Critical Incident Response Team for Police and the High Profile Incident Response Team for the Fire Department. Reports and makes recommendations to the City Manager.</p>	<p>Director</p>
<p>City of San Jose San Jose Police Department 1,450 sworn</p>	<p>Independent Police Auditor The IPA is a chartered office and the Auditor reports directly to the Mayor and City Council. The office serves as an alternative venue for the public to file complaints; monitors open investigations and, upon completion, audits the final investigation; conducts community outreach; reviews officer-involved shooting and death in custody cases. The IPA conducts case-by-case reviews, and requests further investigation if needed. Disagreements are sent to the City Manager for resolution. The IPA's effectiveness comes from identifying the root of the problem via data analysis, recommending systemic changes and assisting the Department with implementation of changes. Performance audits are also conducted to assess compliance and to monitor fluctuations in the number of similar complaints.</p>	<p>Independent Police Auditor</p>

Overview of Approaches to Oversight – by Agency

HYBRID MODELS		
Agency	Monitoring Entity & Role	Headed by
<p>City of Tucson Tucson Police Department 985 sworn</p>	<p>Independent Police Auditor Audits completed investigations; has authority to monitor ongoing investigations; and may participate in interviews of complainants, witnesses and officers. The IPA receives complaints, which are forwarded to the Office of Professional Standards for investigation. The IPA also monitors Shooting Boards.</p> <p>Citizen Police Advisory Review Board Consists of voting members and advisory members. Elected officials appoint voting members and voting members select advisory representation. Reviews completed IA investigations and also assesses information from IPA reviews as Board's discretion.</p>	<p>Independent Police Auditor</p> <p>Board Chair; support from City Clerk's office</p>
<p>Los Angeles County Los Angeles County Sheriff's Department 7,000 sworn</p>	<p>Office of the Ombudsman Formed out of recommendations of the 1994 Kolts Commission Report. Provides oversight to Department's internal investigation process to insure that complaints are handled in a timely, thorough, and appropriate manner. Receives complaints from the public and office frequently serves as a mediator in disputes. Since its creation, role has expanded to handle all complaints involving county agencies.</p> <p>Office of Independent Review Civilian oversight agency that was created by Board of Supervisors in 2001 to monitor the Sheriff's Department and ensures that allegations of deputy misconduct are investigated in thorough, fair and effective ways.</p> <p>Special Counsel to County Board of Supervisors Monitors Kolts Commission reform efforts and issues semi-annual reports on Department's progress.</p>	<p>Ombudsman</p> <p>Chief Attorney</p> <p>Special Counsel (external)</p>

Overview of Approaches to Oversight – by Agency

<p>City of Portland, OR Portland Police Bureau 950 sworn</p>	<p>Independent Police Review Division Citizen Review Committee Receive commendations and complaints against officers. Conduct preliminary investigations of complaints. May dismiss or forward to IA for further review or investigation, conduct independent investigations or recommend mediation. Facilitates the work of the City Council appointed Citizen Review Committee which hears appeals of IAD investigative findings, helps Review Division identify patterns of problems, develops policy recommendations, reviews IPR's handling of complaints, and hear community concerns. IPR falls under the authority of the elected City Auditor.</p>	<p>Director</p>
<p>City of Seattle Seattle Police Department 1,027 sworn</p>	<p>Office of Professional Accountability Oversees the internal investigation function within the Police Department. The civilian Director has authority to direct the classification and investigation of complaints and to make the final findings on all cases other than sustained. Police Chief retains final authority over sustained cases. OPA has three key objectives: to provide civilian review of the citizen complaint process; recommend strategies and policies to improve the complaint investigation function and other practices to raise professional standards; and to promote public awareness of the OPA. Office of Professional Accountability Review Board OPA Board consists of three citizens appointed by the City Council. Responsibility is to strengthen the system of police accountability by providing independent review of OPA, thereby building confidence and credibility in police-community relations. Board also receives input from stakeholders including the community and department employees to assist in the development of trends, issues and suggestions for improvements that can be advanced to the Council.</p>	<p>Director</p>

Overview of Approaches to Oversight – by Agency

<p>Washington, DC Metropolitan Police and DC Housing Authority Police Departments 3,800 sworn</p>	<p>Office of Police Complaints Investigates, mediates and/or adjudicates citizen complaints against sworn members of the Metropolitan Police Dept. and the Housing Authority Police Dept. OPC decisions are binding, although the departments determine the level of discipline. Has subpoena power, makes policy recommendations to departments and other District officials regarding police reforms. Has the authority to monitor and evaluate MPD's handling of protests or demonstrations held in DC.</p> <p>Police Complaints Board OPC is overseen by the Complaints Board. Representatives (four citizens and one sworn MPD member) are appointed by the Mayor and approved by the DC Council.</p>	<p>Executive Director</p>
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