CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

POLICIES AND PROCEDURES
Amended August 24, 2016

I. PURPOSE AND SCOPE

To establish guidelines for the receipt and processing of allegations of sworn police employee misconduct, to supplement Article VII of the Commission's By-Laws governing the conduct of Commission meetings, and to provide guidelines for the evaluation of officer-involved death cases.

II. AMENDMENT

These Policies and Procedures may be amended by a majority vote of the Commission at a regularly scheduled Commission meeting where the item appears on the published agenda for discussion and / or action. Modified language will be drafted and agendized for adoption vote at the next Regular Meeting.

The Community, sworn police employees, and staff are urged to give their support, to the extent permitted by law, to ensure the effective implementation these Policies and Procedures.

III. DEFINITIONS

All terms are defined consistently with Article I, Section 1, of the Commission By-Laws. Legal definitions and police terminology are intended to be read in compliance with applicable legal standards and as definitions are set forth in the Riverside Police Department's Policies and Procedures, respectively.

IV. MEETINGS

These procedures supplement Article VII of the Commission's By-Laws governing the conduct of Commission meetings.

A. Regular Meetings

1. Regular Meetings shall be called in accordance with Article VII, Section 1, of the Commission's By-Laws. These meetings are held on the fourth Wednesday of the month, unless agreed upon in advance by the Commission. Regular Meetings are held to address all Commission business.

2. Commissioners' conduct should be professional with community members, Riverside Police Department representatives, and public officials during all Commission meetings.

3. Any item with a topic that is within the Commission's jurisdiction may be added to an agenda by any Commissioner or the Manager and does not require Commission approval. If, during a meeting, an item is requested for future Commission consideration, Commission discussion of that item must take place during the meeting for which it will be agendized, not during the meeting in which the request was made (Brown Act).

4. A draft agenda, with detailed descriptions of the agenda items, will be made available to Commissioners for review at least five (5) business days prior to the agenda's formal posting.

5. Agendas will include a separate "Public Comment" item.

6. Community members can address questions to any Commissioner during public sessions. The Commissioner can choose to answer any question he or she feels comfortable answering.

7. Staff will give Commissioners a copy of any eComments received. The eComments will also be placed in the "Documents for Commission Meeting" binder for public review. If an agenda item has an eComment submitted, the Commission Chair will mention that when opening for public comment on that item. The eComment itself will not be read, but will be attached to the minutes.

8. Anyone wishing to speak on an agenda item must complete and submit a "Request to Speak" form located at the rear of the Council Chambers. The form should be submitted prior to the beginning of the meeting or no later than the time that the item is called for discussion.

9. General public comment is limited to three (3) minutes per speaker per each agenda item.

10. When a complaint case is agendized for Commission review, the Complainant's public comment regarding that case is limited to five (5) minutes and occurs prior to the Closed Session portion of the Case Review Meeting.

11. Public comment from family members of a decedent, or their spokesperson, is limited to five (5) minutes per speaker during discussion of an officer-involved death.

12. Members of the public may ask to speak either before or after discussion of an agenda item, but may only speak one (1) time on any agenda item. Public comment will not be permitted after an agenda item has been closed or a vote has been taken (Brown Act).

13. After a presentation by an invited guest speaker, any questions posed by members of the public during public comment may be asked of the presenter by the Commission Chair only.

14. On occasion, representatives of the media may request a comment on a particular case Commissioners are reviewing. When possible, comments to the press should be directed to the Manager. This will mitigate any conflicts of interest between the Commission, members of the community, and the Riverside Police Department.

15. Unapproved minutes will be made available to Commissioners for their review at least 10 business days prior to the next Regular Meeting.

B. Special Meetings

1. Special Meetings may be called in accordance with Article VII, Section 2, of the Commission's By-Laws. These meetings are held on the second Wednesday of the month and are usually called to provide additional training requested by Commissioners, conduct officer-involved death (OID) case evaluations, or address other time-sensitive Commission business. When held, Special Meetings will be conducted as prescribed under Section A above.

V. COMPLAINT PROCESS

The Community Police Review Commission shall receive, review and investigate allegations of misconduct by sworn police officers of the Riverside Police Department regarding use of excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or misconduct. When necessary, the Commission may conduct hearings and subpoena witnesses and records to facilitate the fact-finding process. The Commission shall make recommendations to the City Manager and Police Chief and develop appropriate procedures to implement this policy.

A. Complaints

1. Where and How to File:
   Complaints of sworn police officer misconduct may be filed with the Community Police Review Commission or the Riverside Police Department. Only written complaints of sworn police officer misconduct will be reviewed by the Commission.

2. Time Element:
   Only complaints filed within six months of the date of the alleged sworn police officer misconduct will be reviewed by the Commission.

3. Receiving and Forwarding:
   Complaints of misconduct, received by the Commission, the Police Department, or any other agency so designated by the Commission, and which have been investigated, shall be forwarded by the Manager to the Commission for review and disposition as soon as practical.

4. Complaint File:
   The Commission shall maintain a confidential database of all complaints filed with the Commission.

B. Review:
After the initial investigation and review by the Riverside Police Department, the Investigative File and its contents will be forwarded to the Manager for review. If the Manager determines that the investigation is incomplete, the case will be sent back to Internal Affairs with a written explanation. If the investigation is determined to be complete, the Manager will write a synopsis of the case and place the case on the next available agenda.

C. Investigations:
Investigation by the Commission may be conducted by the Manager or the Manager's designee. Assistance may be sought from Internal Affairs as appropriate in the judgment of the Manager or the Manager's designee.

D. Commissioner Notification:
Commissioners will be advised when the synopsis, prepared by the Manager, and the Investigative File are available electronically. The synopsis is **Confidential** and will be available to the Commissioners no later than five business days before the next scheduled Case Review Meeting. It is the Commissioner's responsibility to review the case file prior to the meeting when deliberations take place.

E. Complainant Notification:
When a complaint case is agendized for Commission review, Staff will advise the Complainant, in writing, of the date, time, and location of the Case Review Meeting. This gives the Complainant the opportunity to address the Commission regarding the case prior to the Closed Session portion of the Case Review Meeting.

F. Deliberation:
Each case ready for review will be placed on the agenda of the next scheduled meeting. The case deliberations will occur in Closed Session. Upon review, the Commission may decide to send the case back to the Police Department for further investigation, have an Independent Investigator conduct a further investigation, delay a decision to a future meeting, or submit a recommended finding to the City Manager.

G. Commission Investigations:
1. All investigations conducted by the Commission will be done through the Manager.

2. The Manager, or the Manager's designee, may interview the Complainant, Subject Officer(s), and Witness(es), and should collect all relevant information, including all documentation available relative to the investigation.

3. The investigation shall be conducted in a fair, ethical and objective manner. The Manager is an agent of the Commission and personal opinions shall not be contained in the report.

4. The Manager, or the Manager's designee, may take a statement from the Complainant, the Subject Officer(s), Witness(es), or any other person.

H. Preservation of Records / Evidence:
All files, documents, and related materials relating to a citizen complaint shall be kept and preserved for a period of five years after the complaint was filed with the Commission, the Police Department, or any other agency so designated by the Commission, after which the case file will be destroyed pursuant to PC 832.5.

I. Investigation Timetable and Report:
The Police Department's Investigative Report is completed pursuant to RPD Policy 1009.

The Police Department's Investigative Report should include the initial complaint and police report, if applicable, the Manager's synopsis of the complaint, statements of Witness(es), and evidence. The Manager shall have available all materials relevant to the case for review by the Commission.

J. Commission Review and Findings:

The complaint, with the stated allegations of police misconduct and the investigative data, shall be submitted to the Commission for its review. The Commission, in Closed Session, deliberates and determines an appropriate finding for each allegation. Its findings are forwarded to the City Manager for final disposition. The Commission may direct the Staff to reopen the investigation for additional information or evidence. The Manager, or the Manager's designee, shall be present to respond to questions from members of the Commission.

K. Hearings

1. Conducting the Hearing:

With five affirmative votes, the Commission may elect to hold a hearing. The full Commission will conduct this hearing. The Commission may request or subpoena the Complainant(s), Witness(es), and Subject Officer(s) to appear before it to answer questions or provide information.

The hearing shall be open to the extent permissible by law. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints. Any witnesses shall be questioned by the Commission or Staff only. There shall be no cross-examination by sworn Police Department employees, citizen witnesses, the Complainant, or their respective counsel.

The Commission findings shall be referred to the City Manager for final disposition. The Complainant and Subject Officer shall be notified of the final disposition by the City Manager.

All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state, and local law, and applicable contractual agreements.

2. Subpoenas:

Subpoenas shall be issued by the Commission upon the affirmative vote of six Commissioners and shall be served by the Manager or Manager's designee.

L. Findings:
The Commission shall make its findings, which may include, but not be limited to, the following:

1. Unfounded:
The alleged act did not occur.

2. Exonerated:
The alleged act occurred but was justified, legal and proper.

3. Not Sustained:
The investigation produced insufficient information to prove or disprove the allegation.

4. Sustained:
The Subject Officer(s) committed all or part of the alleged acts of misconduct or poor service.

5. Misconduct Noted:
The Subject Officer(s) violated a section of the Department Policies, Rules or regulations not originally alleged in the complaint.

6. Inquiry:
If, during the investigation, it is determined that a citizen is merely requesting clarification of a policy or procedure, that complaint, with the concurrence of the investigating supervisor's commanding officer, may be considered an Inquiry.

NOTE: If, in the course of its deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commission may refer such suggestions or recommendations to the Police Chief and City Manager.

M. Distribution of Findings
The Commission shall send its findings to the City Manager and the Police Chief.

N. Confidentiality
1. Commissioner Limitation:
All matters shall be kept confidential as required by law.

2. Penalty for Violation:
   Failure to comply with this legal requirement shall be grounds for removing a Commissioner from the Commission.

VI. OFFICER-INVOLVED DEATH (OID) CASE EVALUATIONS

The Community Police Review Commission shall review and investigate the death of any individual arising out of or in connection with the actions of a sworn police officer regardless of whether a complaint regarding such death has been filed. Upon receipt of the Criminal Casebook, all stages of the Commission's public review should be completed within nine months, or sooner, if practical.

Once an Officer-Involved Death (OID) incident occurs, RPD Command Staff notifies the Commission Manager as soon as possible after the event. The Manager will then notify the Commissioners and the Commission's Independent Investigator, alerting them of the incident.

The Manager, with the Commission's Independent Investigator, will attend the Chief's Briefing of the incident once it is scheduled by RPD Command Staff.

RPD Command Staff will then provide an oral briefing to the Commission at its next Regular Meeting after the incident, unless there is insufficient time to do so between the incident and the Regular Meeting. Pursuant to the City Charter, the Commission's Independent Investigator will begin the investigation of the incident once the incident scene is released by the Police Department. The Independent Investigator will visit the OID scene, contact witnesses or involved parties, and photograph or in some way document the scene. The investigator will complete an initial written report and provide those findings to the Commission.

Upon completion of the Riverside District Attorney's review of the Police Department's investigation, the Police Department will notify the Commission Manager when the redacted Criminal Casebook has been posted in Laserfiche. The Police Department will provide the Commission Staff with a CD containing the redacted Criminal Casebook which will then be uploaded to the Commission website. Once uploaded, the OID case will be placed on the agenda and the Commission will begin its public review of the case. The Independent Investigator's responsibility is to assess that the Police Department conducted a thorough investigation. Upon completion of the review, the Investigator will complete a final written report. The Investigator will also be available to the Commission for further questions once Commissioners begin their public review of the OID.

The Commission's goal is to complete the public evaluation of the OID within nine months after receiving the Criminal Casebook from the Police Department and consists of the following seven stages.

A. Stage I – Commissioner Review

1. Commissioners will review the OID investigation materials(s) after being notified by Staff that the Police Department has released the OID Criminal Casebook. Commissioners may review the casebook in Laserfiche or on the Commission website.

2. The Manager will provide Commissioners with a Fact Sheet containing pertinent details.

   Staff will also inform the Independent Investigator of the Criminal Casebook's availability to allow the Investigator to complete the investigation of the case. The Investigator will prepare a written report containing the investigative review, case evaluation, and expert opinion on the investigation conducted by RPD Homicide Detectives. The Commission's Independent Investigator may offer recommendations on any additional investigative work deemed important to aid the Commission in their assessment of the case. The Investigator will also provide the Commission with an oral presentation at a Commission meeting.

3. Commissioners and Staff will review the Criminal Casebook within 30 – 60 days after it has been provided to them.

B. Stage II – Fact Finding, Request for Training & Investigation

1. Commissioners identify and discuss important facts of the case at the first Regular Meeting 30 – 60 days after the Stage I review period expires. They have the opportunity to clarify relevant policies, practices and procedures and may request further investigation or training by a Police Department Investigator, the Police Department's Training Lieutenant, the Commission's Independent Investigator or a subject matter expert.

2. The Manager will obtain requests for additional training and / or follow-up requests by Commissioners. The requested training and / or clarification of RPD Policies, Procedures, or Practice will be presented at the next Regular Meeting or, dependent on OID caseload, a Special Meeting. The Manager will provide a report to the Commission on the Investigator's work product, if this was requested.

3. Once the Commission has informed Staff that all factual questions have been answered and it is satisfied with supplied training or additional investigation, the Commission will close the fact finding, training, and additional investigation process by Commission consensus, or majority vote if necessary, and proceed to the next stage. The Commission should strive to complete this process within 60 days of receiving the Criminal Casebook from the Police Department.

   The various aspects of Stage II will continue to occur until all factual questions have been answered, all means to gather that information have been exhausted, and requested training has been completed.

C. Stage III – Policies and Procedures Process

1. Commissioners and Staff identify and present all relevant RPD Policies and Procedures associated with the OID. Staff will also identify any other generally accepted law enforcement policies or procedures that may applicable. The purpose is to identify areas that may give rise to Policy Recommendations.

2. Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical, or tactical issues, Commissioners will review all provided materials and prepare for further discussion. Commissioners will identify any new factual questions or issues raised through the review of policy, procedure, technical or tactical functions and, if necessary, request a follow-up response by the Independent Investigator.

3. The Manager will provide a follow-up report to the Commission on the Investigator's response to new factual questions that needed to be clarified or investigated.

4. The Commission will close the Stage III, Policies and Procedures Process by consensus or majority vote, if necessary. The Commission should strive to complete the Stage III, Policies and Procedures Process within 60 days of completing Stage II.

D. Stage IV – Deliberation and Finding Process

1. Immediately upon completion of Stage III, Policies and Procedures Process, the Chair gives notice to the Commission that each Commissioner is responsible to develop a rationale for a finding on whether the Involved Officer's actions were consistent with RPD policy.

Commissioners are encouraged to be specific in reference to facts and policy as a basis for a potential finding. Every rationale should rely solely on the facts of the case, investigation, and training, and Commissioners should be prepared to discuss their rationales for their findings. Commissioners will submit completed rationales to the Manager.

2. The Chair will call for all Commissioners to publicly offer their rationales and findings as a starting point for discussion. Commissioner rationales will be used to construct the Commission's summarized findings in the Commission's OID Public Report.

3. Commissioners will commence discussion of rationales and findings upon conclusion of all of the above steps. Commissioners discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. Commissioners with dissenting points of view, if any, will articulate and discuss their specific areas of concern by identifying and applying facts from Stage III and IV using RPD policies in existence at the time of the OID. They then analyze, through Commission discussion, whether actions taken by any Involved Officer leading up to or causing the OID was within RPD policy.

4. If any dissenting rationales are identified and developed, the Commission must determine by consensus, or majority vote if necessary, whether to include such rationales in the Commission's OID Public Report. Dissenting rationales will be considered at the conclusion of all discussion on a possible finding.

5. After all rationales have been discussed, a Commissioner makes a motion as to whether the actions taken by the Involved Officers leading up to or causing the OID, were within RPD policy. The Commission should strive to complete Stage IV, Deliberation and Finding Process, within 60 days of completing Stage III, Policies and Procedures Process.

6. The OID Public Report will be prepared based upon the input provided by Commissioners during discussions, deliberations, and the Commissioners' rationales and findings.

E. <u>Stage V – Policy Recommendation Process</u>

1. The Policy Recommendation Process commences immediately upon completion of Stage IV, Deliberation and Finding Process. The Chair gives notice to the Commission that any Commissioner who has identified possible recommendations to RPD policies, practices, tactics, training, or

other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion. The Staff prepares any recommendation documents based on the above guidelines and presents them to Commissioners for review and further discussion.

2. After presentation of any recommendations and subsequent discussion, if any, Commissioners will decide by general consensus or by majority vote, if necessary, whether to approve and submit the recommendations to the Police Department. The Commission should strive to complete the Stage V, Policy Recommendation Process within 30 days of completing the Stage IV, Deliberation and Finding Process.

F. Stage VI – Officer-Involved Death Case Public Report

1. Upon completion of the preceding stages, the Commission shall direct the Manager to write a draft of the OID Public Report containing information, rationales, and findings from all of the above stages. The Manager will draft the report and distribute the completed draft to the Commissioners prior to the next Regular Meeting. Once Commissioners have addressed any changes and potential inclusion of dissenting opinions, the Manager will modify the draft and distribute to Commissioners for their final review.

2. At the next Regular Meeting, the Chair calls for final discussion and a majority vote of approval of the Commission's OID Public Report.

G. Stage VII – Administrative Review

1. Once the Public Review of an OID is complete, and the final OID Public Report is posted on the Commission website, the Commission is ready to begin the Administrative Case Review conducted in Closed Session.

2. The Manager will inform the Police Department's Office of Internal Affairs that the Public Review of an OID is complete and will request that the Administrative Casebook and unredacted Criminal Casebook be placed on Laserfiche. Once there, Commissioners will have access to both casebooks and will begin the Administrative Review. When the Commission is prepared to conduct the Closed Session Administrative Review, the case will be placed on the Case Review agenda.

3. To begin the Administrative Review, the Chair will open discussions in Closed Session. Although a finding or findings "Within Policy" or "Not Within Policy" have been previously rendered in the Public Review, Commissioners will be tasked with rendering a separate Administrative

Finding. This new finding is based upon a full review of previously unseen administrative and unredacted information. This new Administrative Finding need not match the Public Finding.

Upon a majority vote, Commissioners may consider and recommend an addition or revision to the RPD Policy Manual. If a recommendation for a policy revision and / or training is made, Commissioners will draft the language and vote to finalize it.

4. The Commission Manager will meet with the City Manager to review the case. Once the case has been reviewed, the findings of the Police Department and the Commission will be discussed. The final decision will be determined by the City Manager and provided to the Chief of Police and the Involved Officers.

   If a Policy Recommendation has been approved by the Commission, the Manager will prepare a memorandum to the Chief of Police. The Chief of Police will review the recommendation and decide to adopt, modify, or decline the Policy Recommendation. The Commission Manager will ensure a written or oral response is obtained from the Chief of Police.

5. No portion of the Administrative Review may be discussed outside of Closed Session. Administrative Findings and Recommendations may not be discussed in later Public Sessions.

VII. POLICY RECOMMENDATIONS

A. In accordance with Section 810 of the Riverside City Charter, the Commission can make recommendations to the Police Department regarding its Policies and-Procedures.

B. A Policy Recommendation can be proposed by any Commissioner and can result from complaint case review, officer-involved death case evaluations, or knowledge obtained in any other manner.

C. A proposed Policy Recommendation will be agendized for Commission discussion and vote.

D. Upon Commission approval of a proposed Policy Recommendation, it will be signed by the Commission Chair, after which the Commission Manager will forward the document, with cover memo, to the Chief of Police.

E. The Commission Manager will ensure a written or oral response is obtained from the Chief of Police within 90 days.

VIII. ELECTIONS OF COMMISSION CHAIR AND VICE-CHAIR

A. City Charter and Brown Act Requirements

1. In accordance with Section 804 of the Riverside City Charter, elections for the Commission's presiding officers shall take place during the first meeting after the last day of February each year.

2. The Brown Act prohibits members of a board or commission from using e-mail to discuss, deliberate or otherwise address any issue within the subject matter jurisdiction of the body. It is legally irrelevant whether or not a collective concurrence is reached outside of a properly noticed meeting. The mere act of e-mailing a quorum in an attempt to influence is a violation of the law.

   Consequently, all discussions relative to officer elections, including nominations and the vote for Chair and Vice-Chair, must occur as part of the formal meeting agenda.

B. Eligibility to Serve

1. Commissioners wishing to serve as Chair or Vice-Chair may do so unless they have already served two consecutive terms in the office they currently hold.

2. In accordance with Article V, Section 5, of the Commission's By-Laws, Commissioners elected as Chair and Vice-Chair serve in these positions for a one-year term and may serve no more than two consecutive terms in the same office.

C. Nomination Process

1. Commissioners interested in serving as Chair or Vice-Chair can inform the Commission of their interest or can nominate a fellow Commissioner during either of the meetings noted below. Those who are nominated by a fellow Commissioner must accept or decline the nomination.

2. Nominations for Chair and Vice-Chair may be made during the February Regular Meeting.

3. Nominations for Chair and Vice-Chair may also be made during the first meeting in March when the elections take place.

D. Notification and Election Process

1. Each year, in preparation for the annual elections, the January Regular Meeting agenda will contain an item to notify Commissioners of the elections that will take place during the first meeting in March. There will be no nominations during the January meeting.

2. Each year, the February Regular Meeting agenda will contain an item regarding nominations for Chair and Vice-Chair.

3. Each year, Item 2 on the agenda for the first meeting in March will be for the elections of the Chair and Vice-Chair. During this meeting, the candidates may speak about their qualifications for the office they are seeking.

4. When all discussion has been completed, the Commission's Administrative Assistant will call for the vote for the offices of Chair and Vice-Chair.

5. The nominees receiving a majority affirmative vote of those Commissioners present will be elected.

IX. OUTREACH

A. Riverside Municipal Code Requirements

1. In accordance with Ordinance 6516, Chapter 2.76 of the Riverside Municipal Code, the Commission is tasked with ensuring good relations between those who enforce the laws and the Riverside populace they serve so that the public will take pride in local law enforcement and those that enforce the laws will take pride in their service to the public.

B. Community Police Review Commission Efforts

1. In an effort to enhance community cohesiveness and communication between Riverside citizens and sworn members of the Riverside Police Department, it is strongly encouraged that all Commissioners participate in Outreach events throughout their years of service.

2. Outreach efforts can be originated by a Commissioner or the entire Commission or may be conducted in response to a request by citizens, community leaders, and members of City government or Riverside Police Department. At Outreach events, Commissioners should accept comments regarding the quality of the Police Department and Commission.

3. Examples of Outreach events can include Mayor's Night Out, National Night Out, cultural events, neighborhood meetings and events, youth and senior events, veterans' events, police department ride-alongs and roll call presentations and citizen one-on-one conversations.

4. Commissioners should complete the Outreach Activity Log Form and submit to the Commission Office within five days of attending an Outreach event.

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001	Amended: October 24, 2012
Amended: April 22, 2009	Amended: August 26, 2015
Amended: November 18, 2009	Amended: August 24, 2016

Respectfully Submitted,

Jane Adams, Chair
Community Police Review Commission

August 24, 2016
Date