CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

POLICIES AND PROCEDURES
Amended November 18, 2009

I. PURPOSE

To establish guidelines for the receipt and processing of allegations of sworn police employee misconduct in compliance with Chapter 2.76 of the Riverside Municipal Code.

II. SCOPE

These guidelines are applicable in addressing allegations of misconduct by sworn employees of the Riverside Police Department. Complaints must have been filed on or after January 1, 2001, in writing, and within six (6) months of the date of the incident that gave rise to the complaint.

III. 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.

IV. POLICY STATEMENT

The Community Police Review Commission shall receive, review and investigate allegations of misconduct by sworn Police Department employees 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 will 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.

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

V. DEFINITIONS

The following definitions shall apply to this policy:

A. Commission:

Community Police Review Commission (CPRC)

B. Complaint:

Allegation(s) of misconduct against a sworn employee of the Riverside Police Department.

C. Complainant:

The person filing the complaint.

D. Discrimination:

An act or omission made on the basis of race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex or sexual orientation.

E. Sexual Harassment:

Engaging in any act of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

F. Employee of the Riverside Police Department:

Any employee of the Riverside Police Department who is a sworn peace officer.

G. Manager:

The staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.

H. Excessive Force:

Unreasonable force used by a sworn employee of the Riverside Police Department against a person or persons.

I. False Arrest:

Arrest made without probable cause that a crime has been committed and that the person in question has committed that crime.

J. Independent Investigator:

The person(s) retained by the Manager to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.

K. Misconduct:

An allegation against a sworn employee of the Riverside Police Department, which if true, may constitute a violation of a law, rule or regulation.

L. Probable Cause:

A condition where facts and circumstances known to the officer warrant a reasonable person to believe that the arrested person has committed a crime.

M. Subject officer:

A sworn employee of the Riverside Police Department against whom a complaint is filed.

N. Witness:

Any person who has information relevant to the complaint.

VI. COMMISSION ORGANIZATION

A. Commission:

The Commission is an ordinance-mandated body of nine citizens, which receives, and through the Manager, reviews and investigates allegations of misconduct filed against sworn employees of the Riverside Police Department and other functions as defined in City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.

B. Resignation – Replacement:

1. In the event of the resignation or removal of a Commission member(s) during the year, the replacement Commissioner shall serve the remaining term of said Commissioner.
2. In the event of the resignation or removal of the Chair during the year, the Vice-Chair shall become the Chair and a new election shall be held for Vice-Chair.

C. Agenda Format

The agenda for the Regular Meeting will include, at least, the following sections:

1. Staff Reports
2. Old Business
3. New Business

VII. RECEIVING AND PROCESSING COMPLAINTS

A. Where to File:

Complaints of sworn police employee misconduct may be filed with the CPRC Office, the Riverside Police Department, or any other agency so designated by the CPRC.

B. How to File:

Only complaints of sworn police employee misconduct made in writing will be subject to review by the Commission. The CPRC Manager, if

appropriate, will complete a complaint control form in order to initiate an investigation.

C. Time Element:

Only complaints filed on or after January 1, 2001 and within six months of the date of the alleged sworn police employee misconduct will be investigated by the Commission.

D. Receiving and Forwarding:

Complaints of misconduct, received by the CPRC, the RPD or any other agency so designated by the CPRC, and which have been investigated, shall be forwarded by the Manager to the Commission for review and disposition as soon as practical.

E. Complaint File:

The Commission shall maintain a confidential central register of all complaints filed with the CPRC.

VIII. INVESTIGATIONS

A. Investigations:

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

B. Review:

After the initial investigation and review by the Riverside Police Department the investigative file along with the investigative report will be forwarded to the Manager for review. If the Manager determines that the investigation is incomplete, the case will be sent back to the Police Chief with a written explanation. If the investigation is determined to be

complete the Manager will write a summary of the case and place the case on the next available agenda.

C. Commissioner Notification:

Each commissioner will be provided a copy of the synopsis prepared by the Manager. This synopsis is **Confidential** and will be provided to the commissioners no later than ten (10) days before the next scheduled meeting. It is the commissioner's obligation to come into the CPRC office and review the case file prior to the meeting when deliberations will take place.

D. Deliberation:

Each case will be placed on the agenda of the earliest possible regularly scheduled monthly meeting. The case deliberations will occur in closed session. The Commission may decide to send the case back to the Police Department for further investigation, may have a contract investigator hired by the CPRC conduct a further investigation, may submit a recommended finding to the City Manager and Police Chief or delay a decision for a future meeting.

E. CPRC Investigations:

1. All investigations conducted by the CPRC 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 designee, may take a statement from the Complainant, the accused, witnesses, or any other person.

F. Preservation of Records/Evidence:

All files, documents, and related materials shall be kept and preserved for a period of five (5) years after the complaint was filed with the CPRC, the RPD, or any other agency so designated by the CPRC.

G. Investigation Timetable and Report:

To the greatest extent possible, the investigative report should be completed within 60 calendar days after the filing of the complaint.

The investigative report should include the initial complaint and police report, if applicable, and the Manager's summaries 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.

H. Commission Review, Findings & Recommendations:

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.

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 complaining parties, witnesses, and involved

sworn Police Department employees to appear before it to answer questions or provide information.

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.

IX. HEARINGS

A. Conducting the Hearing:

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. Citizen or Police Department employee 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.

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.

B. Subpoenas:

Subpoenas shall be issued by the Commission upon the affirmative vote of six (6) Commissioners and shall be served by the Manager or designee.

C. Recommendations / 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 Department member committed all or part of the alleged acts of misconduct or poor service.

5. Misconduct Noted:
   The Department member 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 Commission deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commission may refer such suggestions to the Police Chief and City Manager.

X. DISTRIBUTION OF RECOMMENDATIONS / FINDINGS

The Commission shall send its findings to the City Manager and the Police Chief.

XI. CONFIDENTIALITY

A. Commissioner Limitation:

All matters shall be kept confidential as required by law.

B. Penalty for Violation:

Failure to comply with this regulation shall be grounds for removing a Commissioner from the Commission.

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Respectfully Submitted,

Peter Hubbard, Chair
Community Police Review Commission

November 18, 2009
Date