



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, November 9, 2011
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 PM

PLEDGE OF ALLEGIANCE

Case Review Roll Call

| Rotker | Smith | Johnson | Brandriff | | Jackson | Roberts | Santore | Adams |
|--------|-------|---------|-----------|--|---------|---------|---------|-------|
| ✓ | ✓ | ✓ | V | | ✓ | ✓ | ✓ | ✓ |

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

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

Oath of Office

City Clerk Colleen Nicol to administer the Oath of Office to newly appointed CPRC Commission member Claudia Smith.

Recently-appointed Ward 4 Commissioner Claudia Smith took the Oath of Office administered by Colleen Nicol, City Clerk for the City of Riverside. Commissioner Smith received a warm welcome from fellow commissioners.

Public Comment

There was no public comment on closed session items.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

| | CPRC CASE NO. | RPD CASE NO. |
|----|----------------------|---------------------|
| 1) | 11-023 | PC-11-05028 |
| 2) | 11-024 | PC-11-05029 |
| 3) | 11-025 | PC-11-05031 |
| 4) | 10-043 | PC-10-10061 |

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

REGULAR MEETING – 5:30 PM

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

| Rotker | Smith | Johnson | Brandriff | | Jackson | Roberts | Santore | Adams |
|--------|-------|---------|-----------|--|---------|---------|---------|-------|
| ✓ | ✓ | ✓ | V | | ✓ | ✓ | ✓ | ✓ |

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

Public Comments

Evan Heimlich, with Occupy Riverside, spoke of his arrest on Saturday. He believes he was tortured by being left in a police car.

Dani Niehus said she worked in The People's Kitchen at Occupy Riverside. She complained about RPD taking food and putting it in a dumpster. She also said the officers used excessive force when they pulled her from the human chain. She was arrested and spent seven hours in jail. She also said that as a result of the officers' actions, she ended up with a sprained wrist and torn ligaments.

Mary Shelton asked if SWAT officers are required to ID themselves or to wear ID. She said she wasn't able to see the name of one of the SWAT officers during the Occupy Riverside incident and she asked for the Commission to do a policy follow-up. She also questioned the Early Warning System (EWS) and officers who have been fired, then go through arbitration and get their jobs back. She asked how it is determined whether or not these officers are in the EWS and how the policy is enforced.

Rene Medina said he spoke to the Commission at its last meeting regarding his complaint of police brutality he says he experienced in a recent contact with RPD officers.

Humberto Rivera gave the Commission pictures depicting what he termed "police brutality." He said Chief Diaz justified the actions of the officers by saying that some of the Occupy Riverside protesters used deadly weapons against RPD officers.

Meghann Horton said that RPD's actions when removing the tents were a violation her 8th Amendment rights against cruel and unusual punishment. She said if the tents are taken down again, she will sue for violations of her 1st and 8th Amendment rights.

Vivian Moreno said that after she watched videos from Sunday's incident, she realized that police brutality is still rampant. She said the Commission needs to look at what is happening in the police department.

Devon Pitruzzello said she is tired of RPD being on national news. She said the Commission was formed because of the Tyisha Miller incident, but there is still a "crisis of confidence." She said that citizens are tired of problems with police.

Anthony Holden said that his first ever run-in with the law occurred after he was arrested on Sunday. He said he thought this country was founded on checks and balances, but that the protesters were not allowed to peacefully protest and stand their ground.

Evan Heimlich spoke of his foot being “kicked really hard” by an officer who was waking him up one morning.

Jerrod Niehus finished his wife, Dani’s, statement. He said that the hardest thing he’s ever done was watch while his wife was “brutalized” by the officers in order to video record the incident so he could get evidence of the officers’ brutality. He asked for an investigation into the officers’ actions.

Joe Niehus said it was very hard for him to watch the video showing officers’ actions against his daughter-in-law. He said he never saw the “Occupy Riverside” protesters display any violence and that the people there were courteous.

Christina Duran said she has spoken with Chief Diaz about how traumatized the young people who were involved in the incident on Sunday. She took exception to comments made by people that the Occupy protesters are “druggies” and that that the area they occupy along Main Street stinks. She also complained about the fertilizer that was put on the grassy areas, supposedly in preparation for The Festival of Lights.

Evan Heimlich said there was no valid reason for officers to leave people on the ground, handcuffed, or have a 250 lb. officer land on protester’s head; there was no reason for officers to act the way they did.

After Public Comment concluded, the Commission adjourned to the Boardroom for a 10-minute break.

Approval of Minutes

| Minutes for Approval | Motion | Second | Approve | Oppose | Abstain |
|----------------------------|--------|---------|---|--------|---------|
| A) October Regular Meeting | Rotker | Johnson | Rotker Smith Johnson Roberts Santore Adams | 0 | Jackson |

Outreach

Mary Shelton said she was very disturbed that the commissioners “disappeared into the boardroom” after Public Comment. She said the Commission is supposed to do outreach and that the break would have been a good opportunity to interact with community members.

A) November Outreach

Commissioner Johnson

- Citizens’ Police Academy Graduation (October 27)
- 1-on-1 discussion with a Riverside resident at the “Get Motivated” seminar in Ontario
- “Helping Neighbors” Foodbank
- “Stuff the Bus” at City Hall

Commissioner Jackson reported on her October and November outreach:

- October
 - 7th Annual Community Fair at Bryant Park
 - VFW Fall Dance
 - Heritage House Grand Re-Opening

- Riverside Coalition for Accountability Monthly Meeting
- Individual neighbor contacts Wood Streets, Ward 1
- November
 - Tip-a-Cop at Applebee's
 - Wood Streets Quarterly Association Meeting

Mr. Hauptmann said he made a presentation to an RCC Community Relations class. He said that he stressed to the students on how important it is for them to become involved in their community. He noted that a couple of the students will be doing their report on CPRC. He also informed the Commission that he and Ms. Sherron attended the November 3rd Tip-a-Cop at Applebee's.

B) Scheduled Outreach Events

Commissioner Johnson advised that there are no scheduled outreach events.

C) Future Outreach Opportunities

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

Commissioner Johnson advised of several events taking place in November:

- Veterans Recognition Luncheon – Nov. 11
- Mission Inn Run – Nov. 13
- “Stuff the Bus” – Nov. 17

OLD BUSINESS

Officer-Involved Death (OID) Evaluation Process

A) Continued discussion and action, if any, on the Acevedo OID evaluation.

Mary Shelton asked if there were any policy recommendations and when they would take place; would the policy recommendations be done during the public portion of the OID or would they take place after the administrative review. She said that she hopes policy recommendations are made during the public portion of the case.

Mr. Hauptmann said that he had amended the rationale, as requested.

While commissioners agreed that it read better, Vice-Chair Roberts suggested the insertion of the words “may have” in front of “contributed” in the second to the last sentence in the rationale's last paragraph.

| Motion for Approval | Motion | Second | Approve | Oppose | Abstain |
|---|---------|--------|------------------|--------|---------|
| Approve the rationale for the Acevedo OID, as amended | Johnson | Rotker | Unanimous | 0 | 0 |

Mr. Hauptmann advised that the approval of the public report would be on the next agenda.

Vice-Chair Roberts asked that the report reiterate RPD policies currently in place. Mr. Hauptmann said that RPD policy has changed since the Acevedo incident, but that any concerns could be addressed. He said that while the administrative casebook would address policies and procedures, that would not keep the Commission from making subsequent recommendations. He noted that policy recommendations could be made after the review of either the public or administrative portions of the case.

B) Discussion and action on the Hyatt OID Public Report.

Commissioner Johnson suggested modification of the 2nd sentence in the last paragraph of the rationale. After brief discussion, Commissioner Smith suggested removal of the word “only” and insertion of a comma after the word “twice.”

| Motion for Approval | Motion | Second | Approve | Oppose | Abstain |
|---|--------|---------|------------------|--------|---------|
| Approve the Public Report for the Hyatt OID, as amended | Rotker | Johnson | Unanimous | 0 | 0 |

Mr. Hauptmann said Internal Affairs would be notified to make the administrative and unredacted casebooks available now that the Commission had completed the public report.

OID Evaluation Process

Discussion and action, if any, on the modified version of the OID Evaluation Process.

Mary Shelton said she had concerns about the evaluation process. She said independent investigations were still problematic, but 30 days was better than waiting until RPD’s completion of the criminal investigation. She also said that a councilman made serious allegations against the CPRC investigator, a problem which former CPRC Manager Mr. Rogan had to fix.

Commissioner Rotker said that, as requested, Mr. Hauptmann added staff duties to his original modified outline. He said that Mr. Hauptmann’s version was short, simple, and concise. Commissioner Rotker also noted that time provisions kept in place are guidelines, not limits or mandates. He recommended that the Commission approve Mr. Hauptmann’s version of the process.

Commissioner Adams said that while she agreed that it was very well written, she asked if the investigator should be mentioned earlier in the process. Mr. Hauptmann said that the purpose of the process was to help facilitate OID reviews.

Commissioner Adams then asked if the Commission needed to take action for the investigator to be sent out. Mr. Hauptmann said no, that staff handles that, but that it could be included in the evaluation process.

| Motion for Approval | Motion | Second | Approve | Oppose | Abstain |
|---|--------|--------|------------------|--------|---------|
| Approve the CPRC OID Evaluation Process | Rotker | Adams | Unanimous | 0 | 0 |

NEW BUSINESS

CPRC Ad-hoc Committees

No updates at this time from the Chairs of the following Ad-hoc Committees:

- A) Annual Report
- B) Policies, Procedures, & By-Laws

Mary Shelton asked that the Policies, Procedures, & By-Laws Committee be a standing rather than an

ad-hoc committee, saying that the Commission should go back to the tradition of standing committees. She expressed concern that the committee meetings are held behind closed doors, noting that good things don't happen behind closed doors and used the cities of Bell, Montebello, and others, as examples.

Vivian Moreno thanked Mr. Hauptmann for talking to the audience after the commissioners left the Council Chambers. She asked that there be dialog before people have to file a complaint.

Devon Pitruzzello said it is not good to hear that the Commission meets in secret; that democracy doesn't work when bodies meet in secret. She said the "veils should go away;" noting that people want to believe in the police force.

Chairman Santore advised that the Commission is not trying to keep anything secret. He said that the information discussed in committee meetings will come to the public when it is ready for discussion.

Mr. Hauptmann advised that there were no committee updates at this time.

Revisions to CPRC Policies, Procedures, & By-Laws

Discussion and action, if any, on revisions to CPRC Policies, Procedures, & By-Laws.

A) First reading, without action, to make the following amendment (in bold) to the CPRC By-Laws:

Article VII, Section 4: Notwithstanding Section 3 above, the Commission may schedule closed session meetings on the second Wednesday of each month for the sole purpose of considering cases and making related findings. The only exceptions to this are when training is to be scheduled, annual officer elections, and / or officer-involved death (OID) case evaluations, **and other Commission business of a timely nature as determined by the Commission.** The notice and agenda for such meetings shall be distributed in the same manner as the notice and agenda for all other Commission meetings. Case Review meetings will not be open to the public; however, public comments may be heard prior to going into closed session. The public will be allowed to attend training sessions, annual officer elections, and / or officer-involved death (OID) case evaluations.

Vice-Chair Roberts said the Commission doesn't intend for anything to be hidden and that committee items of discussion will be brought before the community. She also noted that the Commission is trying to amend the By-Laws to expand its ability to discuss various topics on 2nd Wednesdays.

Commissioner Rotker asked who put this amendment on the agenda. Vice-Chair Roberts said it came up during the Annual Report committee meeting. There was discussion that the Commission could work on the report on 2nd Wednesdays until the committee realized that the Commission would not be able to work on the Annual Report because it was limited to only a few topics that could be agendized on 2nd Wednesdays. Amending this section of the By-Laws would give the Commission the ability to work on any item of a timely nature on 2nd Wednesdays.

Mary Shelton said she would like the audio of the ad-hoc committee meetings or at least have minutes of those meetings. She said it is hard to know what to comment on if the nature of the discussion that took place is unknown. She said there should be something to show what work has transpired.

Jose Soto said he would like to know who was involved in the attack on Occupy Riverside and how Occupy Riverside can be protected.

Chairman Santore advised Mr. Soto that the Commission reviews complaints against RPD. Commissioner Adams also told him that the Commission has nothing to do with what happened with Occupy Riverside.

Mr. Hauptmann noted that the Policies and Procedures being discussed are the Commission's, not the City's or RPD's.

Staff Report

Mr. Hauptmann advised the Commission that Mr. Joe Brann would be attending the Commission meeting on December 14.

Commission Member Comments

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

There were no Commission Member comments.

Items for Future Commission Consideration

There were no items for future Commission consideration.

Adjournment

The Commission adjourned at 8:06 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist