



# 2003 Annual Report



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# **2003 ANNUAL REPORT of the CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION**

## **Introduction**

This is the third annual report of the City of Riverside Community Police Review Commission (CPRC). This report marks a transition period in the maturity of the Commission from a time where there were many firsts to a time where advances are measured in smaller increments. One of the examples of incremental change is the change in the format of this report.

In the two prior reports, we tried to give a statistical base from which future progress could be measured. In this report, we have attempted to give the report a structure so that these statistics have meaning. We have done this by using a question and answer format that we hope will be familiar to everyone.

Each section begins with a question. Then, using an updated version of many of the charts and statistics from past years along with a narrative, we have tried to answer each question as fully as possible while providing documented support for those answers.

We hope you will enjoy reading this report. If there are any questions, please call the Commission staff at (909) 826-5509 or email us at [dwilliams@riversideca.gov](mailto:dwilliams@riversideca.gov). Also, many answers are available on our website at [www.riversideca.gov/cprc](http://www.riversideca.gov/cprc).

## **Chairman's Message**

by Mike Gardner

2003 was a significant year for the Community Police Review Commission. For the first time since the inception of the Commission, we saw a significant drop in the number of citizen complaints filed against officers. I believe this is due to additional training and a heightened awareness among officers of how their actions are perceived by citizens they come into contact with and I credit at least part of that to the focus the Commission has brought to the issue.

During the last year, officers began routinely using their digital audio recorders when they initiate contact with citizens and the new video recording system is being rolled out in the patrol fleet. The tapes from these devices have enabled the Commission to make definitive findings on several complaints, which previously would have been "not sustained" for lack of evidence.

The Commission itself continues to develop and mature. Bill Hendrick and Bill Floyd elected not to serve out their second terms as commissioners and were replaced by Brian Percy and Bill O'Meara. Bill Howe, one of the original nine appointees to the Commission and its first Chair, will leave us at the end of February 2004. Sheri Corral will replace Mr. Howe. Ms. Corral is a member of the Riverside Community College Police Department and will be the first full-time working officer to sit on the Commission.

In 2003, the Commission began an analysis of how it works, how it is perceived, how it can improve, and where it is going. We established an Outreach Committee to focus and direct our public education and outreach efforts. We also put into motion a series of public workshops to be held in the first part of 2004. The workshops will involve City officials, community leaders, Police Department management, and the Police Officers' Association in discussions of ways to make the Commission more effective and efficient. Particular attention will be given to exploring ways to increase and improve communication between the Commission and the Police Department without infringing on the privacy rights of officers.

I thank my fellow commissioners for entrusting the Chair to me. It has been an interesting and challenging year for us and I believe we have made progress in establishing the Commission as a useful tool in the eyes of the public, the Department, and the leadership of the city. I end my term with pride in our accomplishments and confidence in our future.



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Mike Gardner, Chair  
Community Police Review Commission

## **ABOUT THE COMMISSION**

### **What is the Community Police Review Commission?**

The Community Police Review Commission is one of 14 commissions and boards that have been set up by the City Council to provide citizen input into the decision-making process of various city departments.

The Community Police Review Commission was created with the passage of Ordinance No. 6516 in April 2000, which amended Title 2 of the Riverside Municipal Code by adding Chapter 2.76.

### **What Is The Mission Of The Community Police Review Commission?**

The mission of the Community Police Review Commission is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department (RPD). This is done by independently reviewing citizen complaint investigations, recommending changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission or Executive Director, conducting an independent investigation of citizen complaints.

### **What Is The Purpose Of The Community Police Review Commission?**

By ordinance, the purpose of the Community Police Review Commission is defined as;

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

Plainly stated, the Commission gives city management a citizen’s point of view with regard to Police Department policies, procedures, and allegations of misconduct.

The Commission also serves the community by providing a forum whereby citizens can express their opinions regarding the Police Department, its operation, and personnel.

## Who is on the Community Police Review Commission?

The Community Police Review Commission is composed of nine residents of the City of Riverside who are selected by the City Council. As with other boards and commissions, these are unpaid positions. The term in office for each commissioner is four years and a commissioner can serve two consecutive four-year terms.

The Executive Director of the Community Police Review Commission and Senior Office Specialist are paid city employees. The Executive Director reports to the City Manager.

The commissioners who served in 2003 are:

**Jack Brewer** is a 34-year resident of Riverside and retired after 32 years with the California Alcoholic Beverage Commission (ABC). He is a past President of the Riverside County Law Enforcement Administrators' Association, past-President of the California State Investigators' Association, and has served as an officer with a number of other law enforcement associations and is a life member of the California Peace Officers' Association. He was elected as the Community Police Review Commission's first vice-chairman and its second chairman. Prior to ABC, he served on several police departments and has been involved in law enforcement since 1955. **Term expires in March 2008.**

**Les Davidson** is a 31-year resident of Riverside and a resident of the Inland Empire for over 32 years. After working as a police officer in the City of Redlands, he became a licensed private investigator in 1971 and worked directly with the legal community in private investigations. Recognizing the need for expertise in corporate security, he went on to found USAFACT, Inc. His company employs over 60 people, making it one of the largest background screening and drug testing companies in the country. He also owns Security One Alarm & Video Service. Les is a Certified Fraud Examiner and works as a private industry security consultant with numerous Fortune 500 companies. Les is on the board of Ronald McDonald House and he is also the founder of the California Autofest Car Show, which is held at the California Speedway. He is the Inland Empire's single largest donor to the Make-A-Wish Foundation. **Term expires in March 2006.**

**Bob Garcia** is a 44-year resident of Riverside. He was a member of the Human Relations Commission and its Law Enforcement Policy Advisory Committee. He is a member of the Casa Blanca Community Action Group and the Casa Blanca Youth Accountability Board. He also is a member of the Park Advisory Committee, the Fiesta Committee at Villegas Park, the Villegas Park Dedication Committee, and the Casa Blanca Safety & Beautification Committee. **Term expires in March 2007.**

**Mike Gardner** is a 33-year resident of Riverside. He retired from Southern California Edison with 23 years of service and has kept busy since his retirement by volunteering his time for a number of worthy causes and associations. Included in those volunteer activities are the Riverside City Fire Department's Disaster Preparedness Committee, Riverside Area Fire Buffs Association, and Riverside Live Steamers. In 2000, Mike was named Municipal Volunteer of the Year. **Term expires in March 2006.**

**Brian Percy** is a 24-year resident of Riverside and is a graduate of UC Riverside. He is a business and trial attorney with an office in downtown Riverside. He has 17 years of law enforcement experience as a Police Officer with the Los Angeles Police Department and currently is a member of Operations South Bureau's Special Enforcement Unit. He is active in the Greater Riverside Chambers of Commerce and currently is the President of the Downtown Division. He is also the immediate Past President of the Riverside County Bar Association (RCBA) and is a member of the steering committee for Project Bridge for the City of Riverside. He is a member of Leo A. Deegan Inn of Court and founding member of the Southern California Chapter of the Badge and Gavel Society. He also serves as an arbitrator for the RCBA Fee Arbitration program and as a Mediator for the Fourth District Court of Appeals Voluntary Appellate Settlement Program. **Term expires in March 2007.**

**Bill Howe** is a 42-year resident of Riverside. He retired as the Chief of Police for the University of California, Riverside. Prior to that, he was a Lieutenant with the Corona Police Department and a Deputy, then Sergeant, with the Riverside Sheriff's Department. In all, he has 25 years of law enforcement experience. Additionally, he is a retired Lieutenant Colonel in the United States Air Force. He is a Past President of the Corona Host Lions Club, Past Vice-Chairman of the Inland Counties Chapter March of Dimes, Past President of the Riverside Jaycee's Toastmasters Club 130, and Past President of the Riverside County Law Enforcement Administrators' Association. Bill was elected as the Community Police Review Commission's first chairman. He is currently a member of Cops & Clergy, Community Network, and Community Alliance Network (gang violence). **Term expires in March 2004.**

**Gloria Huerta** is a 28-year resident of Riverside. She is currently employed as a Nurse Practitioner for Raincross Medical Group in Riverside and also works for California Emergency Physicians as an Emergency Department Nurse Practitioner at Riverside Community Hospital. She remains as an Adjunct Instructor for Riverside Community College in the Public Safety Program with a focus on Emergency Medical Services (EMS). She worked in EMS management for the County of Riverside for 19 years, including nine years with the County Fire Department and 10 years with the County Public Health Department where she was instrumental in establishing the paramedic and trauma systems for Riverside County. She is a member of the American Academy of Nurse Practitioners, Sigma Theta Tau, and the California Association of Nurse Practitioners. **Term expires in March 2008.**

**Bill O'Meara** is an 18-year resident of Riverside. He served in the Marines in the '60's and is retired from the Orange County Sheriff Department. He is a certified Alcohol and Drug counselor and worked as such in two state prisons, California Rehabilitation Center and Chino. He works part time as an anger management and drug counselor at several group homes for high-risk minors. He is a member of the Riverside Youth Accountability Board. He also facilitates a recovery program and marriage program through his church. He is a past member of "TIP" (Trauma Intervention Program) and Project Michael. **Term expires in March 2007.**

**Jim Ward** is a 44-year resident of Riverside. He worked for the State of California Department of Corrections for 22 years. While employed with the Department of Corrections, Jim promoted to several positions including correctional officer, counselor, lieutenant, and captain. His duties and responsibilities were diverse and included personnel training officer, program administration and review of personnel training programs, staff supervision and training, conflict mediation and resolution, and designing, implementing, and assessment of departmental policies and procedures. To maintain a base of knowledge and practice, Jim attended Riverside Community College and Loma Linda University, successfully completing over 130 units in correctional science, social science and behavioral sciences with an emphasis on deviant behavior. Since retiring in 1985, Jim has devoted his time to his family and church, community service, and personal property investment and management. **Term expires in March 2006.**

**The alternates for 2003 are:**

**Sheri Corral** is 23-year resident of Riverside. She is married to Frank Corral and together they have 12 children; Frank has four and Sheri adopted seven children and has one biological daughter. Together they have 10 grandchildren. She is a Police Officer at Riverside Community College. She is currently on patrol both in a unit and on bike. She is actively teaching RAD (rape aggression defense tactics) to women and children. She is also a SART (Sexual Assault Response Team) investigator. Sheri graduated from the San Bernardino Police Academy in 1996 and has worked at the college her entire police career. Prior to becoming a police officer, Sheri operated a licensed foster/shelter home for the Riverside County Department of Social Services for seven years. She was a graduate of the first class in 1995 of "The Volunteer for Diversity." She was awarded Latina Officer Of the Year in 1999 and Latina Woman of the Year in 2003. Sheri worked for Loma Linda Medical Center for six years in the Anesthesia Department. She was also chairperson for the Riverside Unified Parent Steering Review Committee for three years and the Parent School Site Council chairperson at Mountain View Elementary school for three years.

**Bonavita Quinto-MacCallum** is a 3-year resident of Riverside and is married to Tracy MacCallum. In May of 2000, Bonavita graduated with a Ph.D. in Educational Administration from New Mexico State University. Dr. Quinto has over 15 years combined teaching experience in public schools, community colleges, and universities in the U.S and Mexico. She is currently the Dean of Student Services for the Riverside Campus at Riverside Community College and collaborates with other district and campus deans to provide leadership and direct supervision for various campus departments in addition to student discipline and community outreach. Dr. Quinto is the President for the Greater Riverside Hispanic Chamber of Commerce. She was awarded a doctoral fellowship by the W. K. Kellogg Foundation in 1997 and was accepted into the Hispanic Border Leadership Institute Doctoral Fellowship Program at New Mexico State University in Las Cruces, New Mexico. She is also a graduate of Leadership Riverside 2003.

## **THE COMMISSION'S RESPONSIBILITY**

### **Is The Community Police Review Commission Truly Independent?**

The Community Police Review Commission has two component parts. The first component is the Executive Director and his staff. They are a part of the City Manager's Department and the Executive Director reports directly to the City Manager.

The second component is the Commission, which is made up of nine citizens of the City of Riverside who are appointed to four-year terms as commissioners by the City Council. The terms are staggered so that, except for one year, three commissioner terms expire each year.

The Commission is independent in that it makes its findings and issues policy recommendations independent of any outside influence. Other duties and responsibilities are guided by the Riverside Municipal Code, Chapter 2.76, California Government Code 3300, and applicable Penal Code sections and case law.

### **Who Is The Commission Supposed To Represent – The City Or The Community?**

The Commission is a neutral body designed to be a bridge between the community and the Police Department. It was designed give the public confidence that any accusations of misconduct lodged against an officer will be fairly and thoroughly investigated.

The Commission is not an adversarial body nor is it an advocate for civilians beyond that mentioned above.

In addition to being a neutral hearing body, the Commission offers a public forum for civilians who want to express their opinion on any police-related issue.

When the Commission receives an investigative report, the Executive Director reviews it for completeness and writes an executive summary for the commissioners. The Commission then reviews each allegation in each case and makes a recommended finding. During this review process, the Commission also critiques the quality of the investigation and investigative process. This review and comment by the commissioners gives City and Police Department management the advantage of having a perspective that is not found in most communities.

If the results of the Commission's review make the Police Department look good, they have earned it. If the review points out areas where the Department falls short of expectations, that too is fully supported.

In short, the Commission offers an unbiased assessment of the Police Department that is available to the citizens of Riverside, the policy makers, and city and department managers.

## **Besides Reviewing Cases And Issuing Policy Recommendations, What Other Duties Does The Commission Have?**

### **Outreach:**

The Commission's outreach initiative consists of commissioners going into the community and telling the Commission's story and informing the public of the independent complaint process. In 2003, the Executive Director and commissioners attended a total of 52 meetings, including Chambers of Commerce, Cops and Clergy, and Mayor's Night Out.

Also, the Commission's website ([www.riversideca.gov/cprc](http://www.riversideca.gov/cprc)) offers valuable information along with letters and pamphlets and a monthly report that are distributed on a regular basis.

### **Police / Community Relations:**

Advising the Mayor and City Council on Police / Community Relations is one of the Commission's major functions. There are three primary ways that the Commission learns about issues that effect the state of Police / Community Relations in Riverside.

First, as mentioned previously, the Commission offers a public forum where citizens can voice support for or concerns about the Police Department. Time is allotted at the beginning of every public meeting for this purpose.

Second, many times during the Commission outreach effort, people will voice their opinion with regard to a particular police-related issue.

Third, most commissioners are involved in their neighborhoods or other groups outside of the Commission. It is through this community involvement that much is learned about the relations between the Police Department and the community that they serve.

## **What Is Unique About The Commission's Perspective?**

Because of the commissioners' special status, they are able to review personnel investigations that are, by law, confidential in nature and unavailable to the general public. Based on their backgrounds and the fact that none have served in the Riverside Police Department, the commissioners are able to give the City the community's view of the way policies and procedures are being implemented in the field as opposed to just looking at them in the abstract.

## **How Does The Commission Accomplish Its Purpose?**

The City of Riverside Community Police Review Commission was modeled after the City of Long Beach Citizen Police Complaint Commission that has been in existence for more than ten years.

The Community Police Review Commission was designed primarily as a "monitoring" model that also has the ability to conduct independent investigations. Plainly stated, after a complaint is received, either through the Commission offices or the Riverside Police Department, it is investigated through the Police Department (either by a sergeant working in Internal Affairs or by a field sergeant). Depending on the case, the Commission may choose to conduct a parallel investigation to that of the Police Department.

After the complaint has been investigated and the Police Department has made its recommendations with regard to each allegation, the case is sent to the Commission. Each commissioner then reviews the case investigation and, as a group, the Commission makes its recommendations with regard to each allegation.

An important aspect of the process is that the commissioners are unaware of the Police Department recommendations. The idea is for each body to look at the evidence contained in the investigative package independently and come to their own conclusion in the form of recommendations.

Following the Commission's decision, both recommendations are given to the City Manager who makes the final decision on each allegation. If the final decision is to "Sustain" an allegation against an officer, the case goes to the Police Chief for discipline.

**The Police Chief has the sole responsibility for discipline.**

**Other than issuing a "Sustained" recommendation, the Commission has no role in the disciplinary process.**

As part of their review process, the commissioners look at the policies and procedures that govern the officers' actions in the cases in question. Sometimes this review leads to a policy recommendation to the Police Department.

The Commission has made 16 policy recommendations since its inception. Nine were adopted, at least in part, by the Police Department and two are still pending.

The final way the Commission performs its purpose is to offer a public forum for community members to comment on police actions and policies. In times of community crisis, this may become the most important of all of the Commission's functions.

# **THE REVIEW PROCESS**

## **How Does The Complaint System Work?**

The complaint process is activated when someone files a complaint against a member of the Riverside Police Department. While the Internal Affairs Unit or their designee investigates all complaints, the Community Police Review Commission will review only those complaints that are;

- filed against sworn personnel, and
- filed within six months of the incident that gave rise to the complaint.

Typically, all a person has to do to file a complaint is to contact the Riverside Police Department or the Commission by phone or in person. Either way, the complaint is logged in at both the Internal Affairs Unit and the Commission and the tracking process begins.

The Internal Affairs Unit categorizes the complaint as Class I (usually the most serious complaints) or Class II (generally discourtesy and improper procedure complaints), then assigns it to an investigator. The sergeants in the Internal Affairs Unit handle most Class I complaints and a few Class II.

The vast majority of complaints investigated by the Department are Class II and are investigated by supervisors in the Field Operations or Investigations Divisions.

After the investigation is complete, the investigator's lieutenant reviews the investigation and writes a memo of finding. The memo of finding frames the allegations and offers a recommended finding plus a rationale for that recommendation.

The division captain and deputy chief then review the report and memo of finding. It is then sent to the Internal Affairs (IA) Unit where the IA lieutenant conducts a final review before sending it to the Commission. At no time do the commissioners see the memo of finding or otherwise know the Police Department's recommendation.

Following the Commission's review, both the Police Department's recommendation and the Commission's recommendation are sent to the City Manager for final determination. If the Commission makes a policy recommendation, that too is forwarded to the City Manager for forwarding to the Police Chief.

## How Does The Commission Affect The Personnel Investigation Process?

### TRACKING:

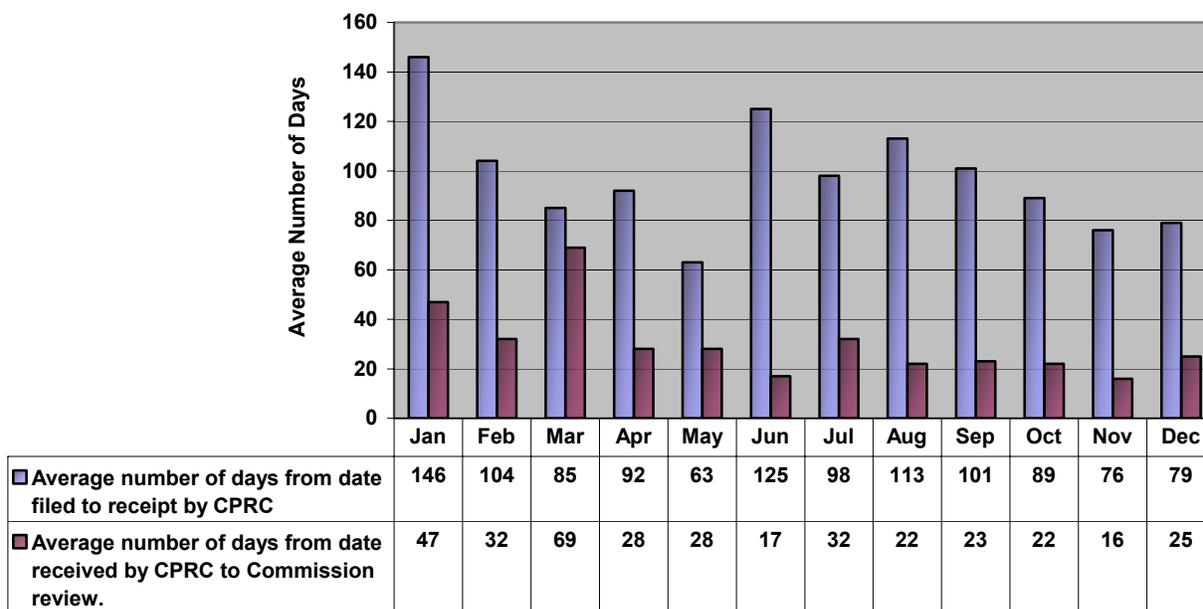
The Commission uses three relevant dates to track complaints:

- 1) The date a complaint is entered into the CPRC tracking system. The Department's investigative process is monitored during this time period,
- 2) The date the Commission receives the completed investigation from RPD, and
- 3) The date the Commission reviews the case. This ensures a timely response to a community member's complaint, which is beneficial to both the community member and officer.

Figure 1 shows the average time cases spent in each process on a per month basis in 2003.

**Case Tracking - 2003**

Figure 1



Case review was deferred in November and December 2002 while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated. As a result, both the RPD and CPRC held cases longer than they would have otherwise, thus skewing the averages in January, February and March.

## COMPLAINT PROCESSING ANALYSIS

One of the myths surrounding the Commission is the belief that its insertion into the complaint investigation process has lengthened the time a case spends in that process.

In November 2000, a Riverside police officer and a concerned citizen independently brought to the Commission's attention concerns about the length of time it took to complete Internal Affairs investigations. When the Commission became operational in January 2001, a case tracking mechanism was instituted for the first time. That mechanism produced a monthly report, starting in March 2001, called the "30/60/90 Day List." This report was forwarded to the Police Chief for his information.

Based on this report, the Chief amended Riverside Police Department Policy and Procedure 4.12 D 5 & 6 by reducing the investigative time for Category I cases to 60 days, plus five days for administrative processing and for Category II cases, 30 days, plus five days for processing.

The first table shows the number of cases processed through RPD in the last three years. It breaks the cases down to those processed in 35 days and 65 days plus five days routing time to the Commission. The second table shows the length of time the cases spend with the Commission before being reviewed.

These figures do not include death investigations. Of the 101 cases for 2003, 26% involved Category I allegations. The total number of cases shown in these charts might be differ from case totals recorded elsewhere in this report because some cases that were filed in 2002 were not completed until 2003. The same is true for some of the cases filed in 2001.

2001 – 2003 Comparison:  
Length of time spent in the RPD Process

	0 – 40 Days	41 – 70 Days	71 + Days
2001	7	35	71
2002	6	34	72
2003*	9	20	72

2001 – 2003 Comparison:  
Length of time spent in the CPRC Process

	0 – 30 Days	31 – 45 Days	46 + Days
2001	56	28	7
2002	73	31	7
2003*	69	15	13

\* The 2003 figures in both tables were effected by cases that were deferred in November and December 2002 while concerns raised by the RPOA (Riverside Police Officers' Association) were evaluated.

## CASE ACTIVITY

There were 97 cases filed in 2003. Of those 97 cases, 31 remain open at year's end.

### **CASE DISPOSITIONS:**

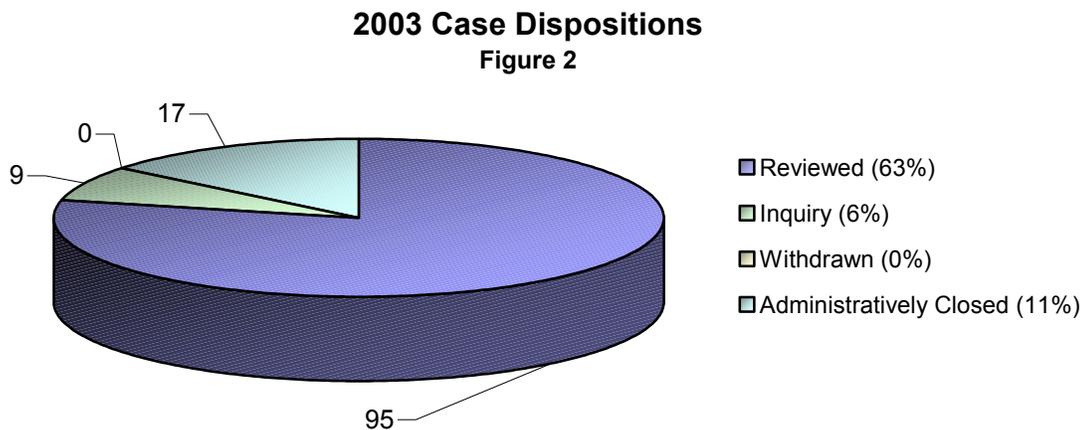
The following charts and graphs depict the activity relative to the Commission's activities in 2003. A case is considered "lodged" when a person notifies the Commission that they wish to file a complaint. The case is not considered "filed" until the completed complaint form is received in the Commission office.

Figure 2 shows the cases that were disposed of by the Commission in 2003 and the manner in which they were disposed.

"Inquiries" refers to cases that were ultimately determined to be questions of policy rather than accusations of misconduct against an officer. "Administratively Closed" refers to cases that were lodged, but never filed.

Figure 3 shows case disposition comparisons with previous years.

The activity in the charts and tables includes cases that were lodged or filed in the previous year, but not disposed of until the next year.



### **Case Disposition Comparison: 2001 – 2003**

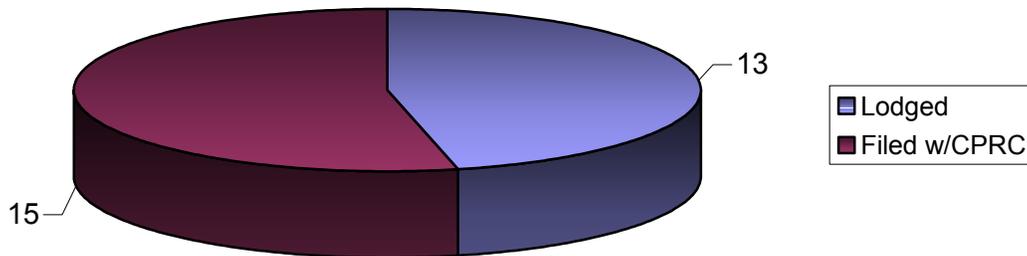
Figure 3

	2001	2002	2003
Reviewed	91	110	95
Inquiry	3	2	9
Withdrawn	4	1	0
Administratively Closed	20	15	17
	118	128	121

There were 28 cases lodged with the Commission in 2003. Of those 28 cases, 15 were actually filed as complaints. In the other 13 cases, the complainants failed to return the completed forms.

**Cases Lodged vs. Cases Lodged and Filed - 2003**

**Figure 4**



**Comparison of Cases Lodged vs. Cases Lodged and Filed with CPRC**

**Figure 5**

	Lodged	Filed w/CPRC
2001	20	13
2002	14	11
2003	13	15

The table in Figure 6 compares the cases by neighborhoods from 2001 to 2003.

**Caseload Comparisons by Neighborhood**  
Figure 6

	<b>Neighborhoods</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Totals</b>
1	La Sierra Acres	5	1	1	<b>7</b>
2	La Sierra Hills	1	0	0	<b>1</b>
3	La Sierra	23	6	13	<b>42</b>
4	La Sierra South	3	3	1	<b>7</b>
5	Arlanza	3	4	4	<b>11</b>
6	Arlington	6	9	1	<b>16</b>
7	Arlington South	4	0	1	<b>5</b>
8	Airport	2	3	4	<b>9</b>
9	Ramona	9	6	4	<b>19</b>
10	Presidential Park	4	2	2	<b>8</b>
11	Arlington Heights	4	1	1	<b>6</b>
12	Grand	4	0	1	<b>5</b>
13	Magnolia Center	11	7	8	<b>26</b>
14	Casa Blanca	3	2	5	<b>10</b>
15	Downtown	21	28	12	<b>61</b>
16	Wood Streets	2	1	0	<b>3</b>
17	Victoria	6	2	4	<b>12</b>
18	Hawarden Hills	0	1	0	<b>1</b>
19	Alessandro Heights	0	0	0	<b>0</b>
20	Northside	2	2	1	<b>5</b>
21	Eastside	15	8	7	<b>30</b>
22	Canyon Crest	6	5	0	<b>11</b>
23	Hunter Industrial Park	4	4	0	<b>8</b>
24	University	12	12	6	<b>30</b>
25	Mission Grove	5	3	3	<b>11</b>
26	Orangecrest	4	3	3	<b>10</b>
27	Sycamore Canyon / Canyon Spgs	1	1	2	<b>4</b>
28	Outside City	3	3	2	<b>8</b>
29	Unknown	11	13	11	<b>35</b>
		<b>174</b>	<b>130</b>	<b>97</b>	

## **ALLEGATIONS AND FINDINGS**

### **How Often Do The Riverside Police Department And The Commission Agree On Findings?**

There was no substantive disagreement between the Police Department and the Commission on 95% of the allegations.

Substantive difference is defined as when either the Police Department or the Commission reaches a finding of "Sustained" and the other has some other finding. For example, if the Police Department recommended an allegation be "Sustained" and the Commission recommended that the allegation be "Exonerated," this would be a substantive difference.

If the Department had a recommendation of "Exonerated" and the Commission had a recommendation of "Unfounded," this would not be a substantive difference.

### **If Agreement Is So High, Isn't That Proof That The Community Police Review Commission Is A Redundant And Unneeded Process?**

No. As discussed previously, in addition to giving a recommended finding, the Commission also gives a rationale for that finding. It is through this rationale that city and police officials not only get the civilian viewpoint with regard to how the commissioners arrived at their decision, but also the quality of the investigation, the quality of the intake information, and their opinion of the officer's actions.

For example, the commissioners might find that, although an officer's actions did not violate any policies, they were not up to community expectations.

Also, any discussion of the Commission that is limited to the discussion of allegations ignores the policy recommendation power of the Commission and the Police / Community relations aspect of the Commission.

The following tables show the allegations and findings for 2003. They do not include the results of Officer-Involved Death investigations. Figure 7 shows the total number of findings for each type of allegation. Figure 8 shows the number of allegations per month.

**Findings per Allegation**  
Figure 7

	Unfounded	Exonerated	Not Sustained	Sustained	Inquiry	TOTALS
<b>U / F</b>	5	3	4	1	0	<b>13</b>
<b>Disc / SH</b>	6	3	1	0	0	<b>10</b>
<b>IDF</b>	0	0	0	0	0	<b>0</b>
<b>ISS</b>	0	6	0	0	0	<b>6</b>
<b>FA</b>	1	1	0	0	0	<b>2</b>
<b>FR</b>	1	0	1	0	0	<b>2</b>
<b>CC</b>	2	0	0	0	0	<b>2</b>
<b>MC</b>	42	43	44	21	2	<b>152</b>
	<b>57</b>	<b>56</b>	<b>50</b>	<b>22</b>	<b>2</b>	<b>187</b>

**Allegations per Month**  
Figure 8

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
<b>U/F</b>	2	2	1	2	2	0	1	1	1	1	0	0	<b>13</b>
<b>Disc/SH</b>	0	0	0	1	3	1	1	1	3	0	0	0	<b>10</b>
<b>IDF</b>	0	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>
<b>ISS</b>	0	0	1	0	1	0	0	0	0	0	4	0	<b>6</b>
<b>FA</b>	0	0	0	0	1	0	0	0	1	0	0	0	<b>2</b>
<b>FR</b>	0	0	0	1	0	0	0	0	0	1	0	0	<b>2</b>
<b>CC</b>	0	0	0	0	0	1	0	0	0	0	0	1	<b>2</b>
<b>MC</b>	29	19	25	6	10	1	12	13	13	9	5	10	<b>152</b>
	<b>31</b>	<b>21</b>	<b>27</b>	<b>10</b>	<b>17</b>	<b>3</b>	<b>14</b>	<b>15</b>	<b>18</b>	<b>11</b>	<b>9</b>	<b>11</b>	<b>187</b>

## Allegations Comparison: 2001 - 2003

Figure 9

	U/F	Disc/SH	IDF	ISS	FA	FR	CC	MC
<b>2001</b>	19	8	0	8	6	2	5	169
<b>2002</b>	11	9	0	3	3	1	1	248
<b>2003</b>	13	10	0	6	2	2	2	152

## Findings Comparison: 2001 – 2003

Figure 10

	Unfounded	Exonerated	Not Sustained	Sustained	Misconduct Noted	Inquiry
<b>2001</b>	111	49	36	20	1	0
<b>2002</b>	116	82	53	26	0	2
<b>2003</b>	57	56	50	22	0	2

- U/F** = Use of Force
- Disc/SH** = Discrimination/Sexual Harassment,
- IDF** = Improper Discharge of Firearms
- ISS** = Illegal Search or Seizure
- FA** = False Arrest
- FR** = False Reporting
- CC** = Criminal Conduct
- MC** = Misconduct

The findings are listed in RPD Policy & Procedure 4.12, Personnel Complaint Policy, Section B4.

**Unfounded** = The alleged act did not occur.

**Exonerated** = The alleged act occurred but was justified, legal, and proper.

**Not Sustained** = The investigation produced insufficient information to prove or disprove the allegation.

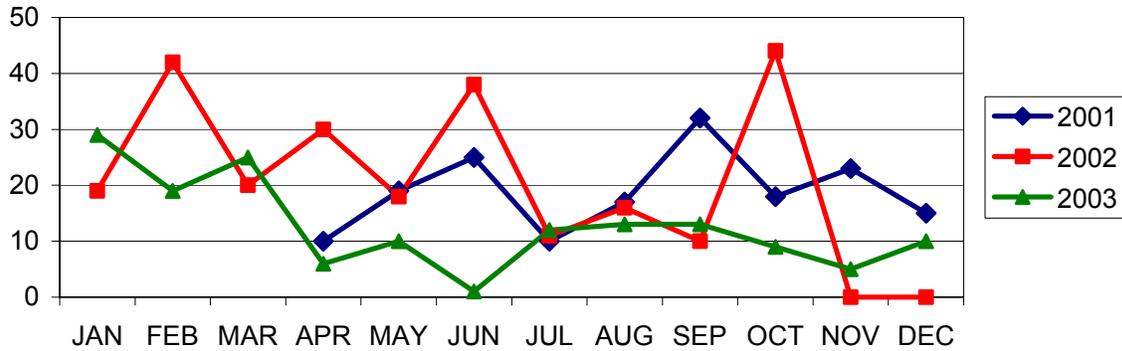
**Sustained** = The Department member committed all or part of the alleged acts of misconduct or poor service.

**Misconduct Noted** = The Department member violated a section of the Department Policies, Rules or Regulations not originally noted in the complaint.

**Inquiry** = During the process of the investigation, it was determined that the member of the public was only requesting clarification of a policy or procedure.

The following chart compares misconduct allegations only over the past three years. Other categories of allegations were not graphed because their low numbers and frequency are not conducive to proper analysis.

**Misconduct Allegations: 2001 - 2003**  
Figure 11



## **REVIEW OF OFFICER-INVOLVED DEATHS**

Chapter 2.76, Section 2.76.050 Powers, Duties and Functions states: Powers, duties and functions of the Community Police Review Commission are as follows:

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

Pursuant to this subsection, the Commission investigated and reviewed four officer-involved deaths in 2003.

## **THE COMMISSION'S BUDGET**

### **Is The Community Police Review Commission Worth The Money The City Spends On It Annually?**

The Community Police Review Commission cost the City of Riverside \$238,595 in FY 2001-2002 and \$257,788 for FY 2002-2003. That is less than one dollar per citizen per year.

Put another way, the Commission's budget for FY 2002-2003 was about one half of one percent of the Police Department's budget for that same year.

Citizens usually do not have access to police administrative matters due to confidentiality laws. The Commission makes the Police Department a little more transparent and hopefully more responsive to the needs of the public. If the Police Department and the city truly embrace the concept of Community-Oriented Policing, then this citizen perspective is essential.

Finally, though some have described the Commission as a redundant function, without the Commission there is no independent review of investigations into citizen complaints, which is one more barrier to good Police / Community relations.

## ACTUAL BUDGET FOR FY 2003 / 2004

Figure 12

<u>Description</u>	<u>2003 / 2004</u>
Personnel	\$ 171,917
Non-Personnel	79,396
Capital Purchases	0
<u>Charges from Others</u>	<u>45,145</u>
TOTAL	\$ 296,458

The 2003 / 2004 budget increased 3% over the 2002 / 2003 budget.

## PROPOSED BUDGET FOR FY 2004 / 2005

Figure 13

<u>Description</u>	<u>2004 / 2005</u>
Personnel	\$ 176,891
Non-Personnel	80,801
Equipment Outlay	0
<u>Charges from Others</u>	<u>45,145</u>
TOTAL	\$ 302,837

## **TRENDS AND PATTERNS**

The Riverside Police Department has literally hundreds of citizen contacts each day. Some are brief. Some are long. Some, such as rendering assistance, are positive for the citizen and some, such as citations and arrests, are less positive. The low number of complaints per contact speaks well of the professionalism and character of the Department and its employees.

In the course of its case review duties, the Commission has detected certain trends or patterns of officer behavior. Some of the patterns are positive and should be encouraged while others should be the focus of further effort on the part of the Department. The Commission believes that if the Department, as a whole, can work on the less positive areas, community relations will be further enhanced.

- It appears that misconduct complaints have significantly decreased while at the same time arrests and citizen contacts have increased. While not statistically definable, it appears that officers seem to be more cognizant of how the public perceives them and how their actions, words, and demeanor can affect that perception.
- The Commission has seen some officers use their digital recorders at times other than when required by policy. The Commission believes that the use of recorders is the officers' greatest defense against false allegations and they encourage the officers to use the recorders at all times.
- Since its inception, the Commission has noticed a marked improvement in the quality of the investigative reports written by field sergeants. However, the Commission believes this is an area that needs improvement.
  - All too often, the investigations read like a defense brief as opposed to an objective investigation. The Commission has found that the investigator provides his or her opinion as opposed to simply gathering evidence and interviewing witnesses. This needs to stop.
  - Another weakness is the failure to confirm information received during the interviews with follow-up questions to gather pertinent facts.
  - RPD supervisors continue to investigate cases in which they are personally involved or where they are witnesses of the incident.
- Policy says that, except in exigent circumstances, a search should be conducted by an officer of the same sex as the subject if such an officer is reasonably available. The Commission has observed a number of incidents where officers failed to document whether or not a same sex officer was available.

- In 2003, 71% of the cases seen by the Commission, excluding officer-involved death investigations, required in excess of 70 days to go through the RPD system. This is up from 64% and 62% the previous two years. (See Page 17.)

The Commission realizes that in any given year a certain percentage of cases will exceed 70 days to complete; that is the nature of the work. While the Commission does not know what RPD management would consider acceptable, it does believe that 71% is excessive and encourages the Department to lower that number in 2004.

- The Department's Internal Affairs Unit conducts administrative investigative review with regard to officer-involved death investigations, whereas departmental policies and procedures call for an independent administrative investigation.
- The failure of officers to take reports is the base cause in an increasing number of complaints. The Commission believes that officers should take reports when required by policy, when a party requests that a report be taken, and when facts and circumstances are such that documentation would be prudent, though not strictly required by policy.

## **POLICY RECOMMENDATIONS**

The following recommendations were made to the Police Department in 2003. The reason for the recommendations and action taken are also noted.

- 1. Background:** As a result of an investigation into a citizen's complaint, the Commission found that officers are required to record only those contacts with citizens that are officer-initiated. In the case in point, the officer turned on his digital recorder after the conversation was under way and after the part of the conversation had occurred that the complainant said was offensive. The officer's actions were deemed to be within current policy by the shift lieutenant.

### **Recommendation(s):**

The Community Police Review Commission recommends that Policy 4.60 be modified so that all citizen contacts by officers are recorded.

### **Police Department Response:**

The Commission is waiting for a response from RPD as to whether or not this recommendation will be adopted.

- 2. Background:** As a result of an investigation into the officer-involved death of a citizen, the Community Police Review Commission found that the Riverside Police Department has a specific policy governing shooting from a moving vehicle at Section 4.7.F.3.b.2. However, the Commission was unable to find a policy covering shooting at a moving vehicle.

In the case investigated by the Commission, officers fired a total of eleven rounds at a suspect in a residential neighborhood. One fatally struck the suspect, who was driving a truck. Eight rounds struck the truck, one round struck a mailbox and another struck the window frame of a house down range. No one but the suspect was injured and property damage was minimal. This may not always be the case.

### **Recommendation(s):**

1. The Community Police Review Commission recommends that Policy 4.7 be modified to include language governing shooting at a moving vehicle.
2. The Community Police Review Commission also recommends that training be established or modified to teach officers to consider the surrounding environment before firing their weapons. In this case, the surrounding environment would have been the distance between the driver and officer, the lighting conditions, movement of the vehicle, and persons and objects down range.

### **Police Department Response:**

The policy is under revision and will be distributed after final review by the City Attorney.

- 3. Background:** During an investigation into the officer-involved death of a civilian, the Community Police Review Commission noticed what appears to be a practice on the part of the Internal Affairs Unit that is different than required by Riverside Police Department Policy Section 4.8, Subsection C.2.f, 1 & 3, as the Commission reads that policy:

#### 4.8.C.2.f. Internal Affairs shall:

1. The Internal Affairs Lieutenant shall be responsible for conducting an independent investigation.
2. Inform the Chief of Police or his/her designee with regard to the information obtained in the course of their investigation.
3. All Internal Affairs Investigations shall be separate from the investigation conducted by the Officer-Involved Shooting Team. Information obtained from the Officer-Involved Shooting Team will be used to aid the Internal Affairs Investigation. No information obtained from a compelled interview will be disclosed to the Officer-Involved Shooting Team.
4. Interviews with witnesses, suspect(s) or involved employee(s) will not be conducted until after they have been interviewed by the Officer-Involved Shooting Team.

The Commission believes that the Internal Affairs Unit is producing a “review” of all the actions of all the officers on the scene as opposed to an “independent investigation” as required by policy.

This belief is based on the fact that the Internal Affairs Unit calls its work product an “Administrative Review” and that this work product contains no document that was produced solely in Internal Affairs with the exception of a section also called “Administrative Review.” In the instant case, there were no independent witness or officer interviews or other work typically associated with an investigation as opposed to a review.

Also, the work product fits the dictionary definition of a “Review” in every way.

Another aspect of the document is that, contrary to Subsection 3 that states “Information obtained from the Officer-Involved Shooting Team (OIST) will be used to aid the Internal Affairs Investigation,” the Administrative Review relies exclusively on information found in the Officer-Involved Shooting Team report for its documentation.

Finally, the Commission believes that when the Department does not conduct a true "Independent Investigation," it loses the benefit of a system of checks and balances that is built into the current policy framework.

**Recommendation(s):**

The Community Police Review Commission offers two recommendations to resolve the conflict. However, it believes strongly that Recommendation A should be the option adopted by the Department:

- A. It can require the Internal Affairs Unit to conform to current policy as written in RPD Policy and Procedures Section 4.8, Subsection C.2.f and produce true Independent Investigations,

Or

- B. It can re-write RPD Policy and Procedures Section 4.8, Subsection C.2.f so that it conforms to the current practice of reviewing actions taken by the OIST and others involved with the case.

**Police Department Response:**

Policy and Procedure Section 4.8 is the subject of civil litigation filed by the Riverside Police Officers' Association. On the advice of the City Attorney, the Riverside Police Department will not consider modifying this policy until the matter is resolved in the courts.

## **Appendix**

<b>City of Riverside Ordinance No. 6516</b>	<b>Section A</b>
<b>CPRC By-Laws and Policies &amp; Procedures</b>	<b>Section B</b>
<b>RPD Policy &amp; Procedure 4.12</b>	<b>Section C</b>
<b>RPD Conduct &amp; Performance Manual Section 10 – Administrative Investigation</b>	<b>Section D</b>
<b>Newspaper Articles</b>	<b>Section E</b>

# **Section A**





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

2 **Section 2.76.040 Membership and Terms of Community Police Review**

3 **Commission.**

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

8 The term of each member of the Commission shall be for four years; provided, however,  
9 the initial appointments of the first nine members after the effective date of this Chapter, shall be  
10 determined by a drawing at the Commissions's first meeting to decide which members shall serve  
11 two, three and four year terms; three shall serve two year terms, three shall serve three year terms  
12 and three shall serve four year terms. The members first appointed to serve two year terms shall  
13 serve until March 1, 2002; the members first appointed to serve three year terms shall serve until  
14 March 1, 2003, and the members first appointed to serve four year terms shall serve until March 1,  
15 2004. No person shall serve more than two full terms. Serving more than one (1) year of an  
16 unexpired term shall be counted as service of one full term.

17 **Section 2.76.050 Powers, Duties and Functions**

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

- 20 A. To advise the Mayor and City Council on all police/community relations issues.  
21 B. To conduct public outreach to educate the community on the purpose of the  
22 Commission.  
23 C. To receive, and in its discretion, review and investigate, through the Executive  
24 Director, complaints filed within six (6) months of the date of the alleged police  
25 employee misconduct, in writing with the Commission or any other City office,  
26 which allege persons employed by the Riverside Police Department in a sworn  
27 capacity with, but not limited to (a) use of excessive force, (b) discrimination or

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

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

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

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

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

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

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

27 //

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

3 **Section 2.76.060 Confidentiality**

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

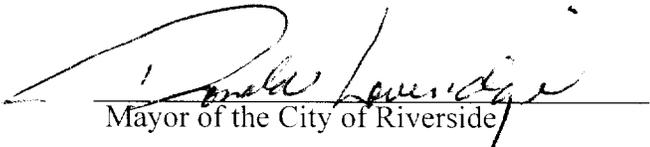
8 The hearing process shall be open to the public to the extent legally permissible and  
9 insofar as it does not conflict with state or federal law.

10 **Section 2.76.070 Severability**

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

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

19 ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk  
20 this 11<sup>th</sup> day of April, 2000.

21  
22   
23 Mayor of the City of Riverside

24 Attest:

25  
26   
27 City Clerk of the City of Riverside

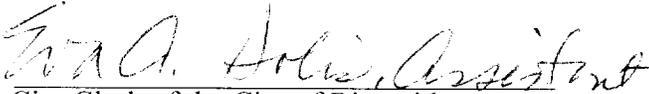
1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the  
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 4th  
3 day of March, 2000, and that thereafter the said ordinance was duly and regularly adopted at a  
4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

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

7 Noes: None.

8 Absent: None.

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

11   
12 Eva A. Dolin, Assistant  
13 City Clerk of the City of Riverside

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27 [ORD/00049001.SY]



# **Section B**



**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

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**BY-LAWS  
Amended September 24, 2001**

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**ARTICLE I  
DEFINITION**

- Section 1. As used in these by-laws, unless a different meaning clearly appears from the context:
- A. "Commission" shall mean the City of Riverside Community Police Review Commission (CPRC).
  - B. "Commissioners" shall mean the members of the Commission.
  - C. "Executive Director" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.
  - D. "Independent Investigator" shall mean the person(s) retained by the Executive Director to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.
  - E. "City" shall mean the City of Riverside

**ARTICLE II  
MEMBERS**

- Section 1. The Commission shall be comprised of nine (9) members appointed by the Mayor and the City Council, in accordance with City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.
- Section 2. Appointments to fill unexpired terms on the Commission shall be filled in the same manner as original appointments.
- Section 3. Each member must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.
- Section 4. Members who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

# **CITY OF RIVERSIDE**

## **COMMUNITY POLICE REVIEW COMMISSION**

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### **ARTICLE III**

#### **TERMS OF OFFICE**

- Section 1. The term of office shall be four (4) years. No member shall serve more than two (2) full consecutive terms. Serving less than one (1) year of an unexpired term shall not be counted as service of one term.
- Section 2. In the event that a replacement member has not been appointed when the term of office of an incumbent member expires, the incumbent member may continue to serve until a replacement is appointed.
- Section 3. Members may be removed from the Commission by an affirmative vote of five (5) members of the City Council, with the Mayor entitled to a vote, for the following causes:
- A. Absence from three consecutive regular meetings, unless by permission of the Commission expressed in the official minutes.
  - B. Incompetence, malfeasance, misfeasance, nonfeasance, neglect of duty, or conviction of a crime involving moral turpitude.
  - C. Refusal to resign from the Commission when no longer a qualified elector of the City.
  - D. Failure to comply with the confidentiality requirements described in Section 2.76.060.

### **ARTICLE IV**

#### **COMPENSATION**

- Section 1. Members shall serve without compensation for their services on the Commission but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

### **ARTICLE V**

#### **OFFICERS**

- Section 1. The Commission shall have at least two officers, Chair and Vice-Chair, and such other officers, as it deems necessary.
- Section 2. The Chair shall preside over all meetings of the Commission and shall have the same rights as other members, except the Chair shall not make or second a motion. The Chair shall have the right to vote on all matters. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission, and shall

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perform such other duties and delegated responsibilities as may be imposed upon the Chair by the Commission. The Chair shall also speak to the media on behalf of the Commission on official actions of the Commission.

- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.
- Section 4. The election of officers shall be conducted annually at the first meeting in March.
- Section 5. All officers shall be elected by the members for a term of one year. A member may serve no more than two successive years in the same office.
- Section 6. Election of officers shall be conducted in a manner prescribed by the Commission.
- Section 7. 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. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.
- Section 8. If the Chair and Vice-Chair are both absent at any meeting of the Commission, the Commission shall elect a Chair Pro Tem who shall perform all duties of the Chair.

### ARTICLE VI

#### AUTHORITY, POWERS, DUTIES

- Section 1. In accordance with Chapter 2.76 of the Riverside Municipal Code, the Commission shall have the power 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 complaints of alleged police misconduct filed within six months of the date of the alleged misconduct against a sworn member 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

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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search or seizure, false arrest, false reporting, criminal conduct or misconduct.

- D. Review and investigate complaints of alleged police misconduct.
- E. Conduct hearings into allegations of police misconduct upon the affirmative vote of five (5) Commission members.
- F. The extent permissible by law, subpoena and require the attendance of witnesses, the production of books, documents, papers, audio, video and any other electronic media pertinent to the investigation, upon the affirmative vote of six (6) Commission members.
- G. To review and advise the Police Department in matters pertaining to police policies and practices, including making formal recommendation for amendment to the Police Department's Policy and Procedures Manual and on Police Department proposed amendments to the Policy and Procedures Manual.
- H. Administer oaths to witnesses and to take testimony, which will be recorded verbatim.
- I. Submit written findings concerning allegations contained in the filed complaint to the City Manager and the Police Chief.
- J. Review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.
- K. Review and advise the Police Department in matters pertaining to police policies and practices.
- L. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.
- M. Advise the City Manager regarding the performance of said staff.
- N. Submit to the Mayor and City Council an annual written report of its activities during the past year.

Section 2. These by-laws do not, and are not intended to, exceed the powers given to the Commission by the City Charter, City ordinances, or resolutions.

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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### ARTICLE VII MEETINGS

- Section 1. Regular meetings of the Commission shall be held on the fourth Monday of each month at 6:00 p.m. in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission.
- Section 2. Special meetings of the Commission may be convened at the call of the Chair, or of the Vice-Chair in the absence of the Chair. Upon petition of five (5) members of the Commission, the Chair shall be required to call a meeting of the Commission within one week. Members will be given at least 24 hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with Brown Act, §54950 et seq. of the California Government Code.
- Section 3. All meetings of the Commission and its standing committees shall be open to the public and, whenever possible shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting in accordance with the Brown Act, §54950 et seq. of the California Government Code.
- Section 4. Notwithstanding Section 3 above, the Commission may schedule closed session meetings for the sole purpose of considering cases and making related findings. The notice and agenda for such Case Review 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, and public comment will not be heard at these meetings.
- Section 5. A majority of all members of the Commission shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the members present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.
- Section 6. A quorum being present, the order of business at the meetings of the Commission may include the following:
- A. Roll Call
  - B. Minutes of Previous Meeting
  - C. Executive Director's Report
  - D. Chair's Report
  - E. Committee Reports
  - F. Public Comment

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## COMMUNITY POLICE REVIEW COMMISSION

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- G. Unfinished Business
- H. New Business
- I. Next Meeting
- J. Recess to personnel or closed session if required
- K. Adjournment

The Executive Director or any Commissioner shall have the right to place an item on the agenda of a future meeting.

- Section 7. A Commission meeting may be cancelled by the Chair, due to a lack of a quorum or lack of sufficient agenda voting items.
- Section 8. Minutes of each Commission meeting shall be kept on file in the Commission's offices, and copies sent to the Mayor, City Councilmembers and City Manager.
- Section 9. The Commission may promulgate such rules, regulations, policies, and procedures for its conduct, as it deems necessary. Meetings shall be conducted informally.
- Section 10. All adopted rules, regulations, policies, and procedures shall be promptly filed with the City Clerk, and shall bear the signature of the Chair and the date they were adopted.
- Section 11. The annual meeting shall be the March meeting.
- Section 12. Special Commissioner training meetings shall be conducted at sites to be determined. Appropriate notices shall be posted in accordance with the Brown Act.
- Section 13. It is recommended that Commissioners attend at least one training day every other year, as needed, and one ride-along and sit-along in their first year of appointment, if possible.
- Section 14. New Commissioners shall be required to attend an orientation meeting upon their appointment.

# **CITY OF RIVERSIDE**

## **COMMUNITY POLICE REVIEW COMMISSION**

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### **ARTICLE VIII** **INVESTIGATIONS AND HEARINGS**

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing complaints against police officers adopted by the Commission.
- Section 2. The hearing process shall be open to the public to the extent permitted by law and insofar as it does not conflict with state or federal law, as set forth in Section 2.76.060.
- Section 3. Investigations and hearings shall be conducted to determine facts and to make recommendations to the City Manager and Police Chief.
- Section 4. Hearings shall be scheduled as needed.

### **ARTICLE IX** **CONFIDENTIALITY**

- Section 1. All personnel records, investigative reports, documents generated within the Riverside Police Department, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential to the extent permitted by law.

### **ARTICLE X** **COMMITTEES**

- Section 1. The Chair may appoint standing committees, which shall consist of an appointed Chairperson and at least two other Commissioners.
- Section 2. The Chair may appoint ad hoc committees as needed. Each shall consist of an appointed Chairperson and at least two other Commissioners. Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed.
- Section 3. The elected Chair shall be an ex-officio member of all committees.

### **ARTICLE XI** **REPORT TO THE CITY**

- Section 1. The Commission shall present an annual written report of its activities for the past year to the Mayor and City Council. It may also make appropriate recommendations. The report shall include the following:
- A. The name of the Commission

**CITY OF RIVERSIDE**  
**COMMUNITY POLICE REVIEW COMMISSION**

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- B. The Commission's goals, objectives, and functions
- C. Reference, by category, to all reports and recommendations presented to the City Manager
- D. The number of meetings held
- E. The number of hearings conducted
- F. Attendance records of all members
- G. The amount of money expended in support of the Commission, if known
- H. A list of City personnel who regularly assist the Commission

Section 2. The report should be submitted by March 31st of each year.

**ARTICLE XII**  
**AMENDMENT OF BY-LAWS**

Section 1. These By-Laws may be amended at any regular meeting of the Commission by majority vote of the Commission, provided that notice of such amendment shall have been given at the previous regular meeting.

**CHRONOLOGY OF AMENDMENTS AND ADOPTIONS**

Original Adoption: July 30, 2001  
Amended: September 24, 2001

Respectfully Submitted,

  
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Bill Howe, Chairperson  
Community Police Review Commission

# CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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## POLICIES AND PROCEDURES Adopted July 30, 2001

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### 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.

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

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- 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 Executive Director 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.

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## COMMUNITY POLICE REVIEW COMMISSION

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### VI. COMMISSION ORGANIZATION

#### A. Commission:

The Commission is an ordinance-mandated body of nine citizens, which receives, 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.

### 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 Executive Director, 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.

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## COMMUNITY POLICE REVIEW COMMISSION

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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 Executive Director 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. INVESTIGATION

A. Investigation:

Investigation by the Commission will be conducted by the Executive Director or the Executive Director's designee. Assistance may be sought from the Internal Affairs Unit as appropriate in the judgment of the Executive Director or the Executive Director'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 Executive Director for review. If the Executive Director 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 Executive Director will write a summary of the case and place the case on the next available agenda.

C. Commissioner Notification:

Each commissioner will be sent a copy of the synopsis prepared by the Executive Director. 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

# CITY OF RIVERSIDE

## COMMUNITY POLICE REVIEW COMMISSION

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and read 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 Executive Director.
2. The Executive Director 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 Executive Director is an agent of the Commission and personal opinions shall not be contained in the report.
4. The Executive Director, 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.

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G. Investigation Timetable and Report:

To the greatest extent possible, the investigative report whether done by the Riverside Police Department or the CPRC 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 Executive Director's summaries of the complaint, statements of witness(es), and evidence. The Executive Director 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 Executive Director 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.

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### 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 Executive Director 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.

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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.

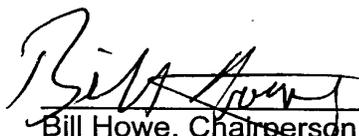
**CITY OF RIVERSIDE  
COMMUNITY POLICE REVIEW COMMISSION**

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**CHRONOLOGY OF AMENDMENTS AND ADOPTIONS**

Original Adoption: July 30, 2001

Respectfully Submitted,



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Bill Howe, Chairperson  
Community Police Review Commission

# **Section C**



#### 4.12 **PERSONNEL COMPLAINT POLICY:**

##### A. **PURPOSE:**

To establish a sound procedure to investigate complaints of poor service or misconduct against members of the Department. The investigation must be thorough and impartial in order to protect the rights of the employee and maintain the Department's high level of integrity and efficiency.

##### B. **DEFINITIONS:**

1. **Complaint:** Any allegation of poor service or misconduct made by a member of the public or employee against a member of the Department is a complaint. Complaints of misconduct must allege a violation of Federal, State or local law, or Riverside Police Department policy or procedure.

Complaints lodged by members of the public will be classified as EXTERNAL COMPLAINTS. Complaints lodged by employees will be classified as INTERNAL INVESTIGATIONS/COMPLAINTS.

2. **CATEGORY 1 Complaints:** All complaints which involve:

- Excessive Force
- False Arrest
- Discrimination/Harassment
- Criminal Conduct

3. **CATEGORY 2 Complaints:** All complaints which involve:

- Poor Service
- Discourtesy
- Improper Procedure
- Conduct Unbecoming (CUBO)
- Infractions, Traffic Violations, and Riverside Municipal Code Violations
- Other

4. **Findings:** Each allegation in a complaint shall have one of the following findings:

- **Unfounded:** The alleged act did not occur.
- **Exonerated:** The alleged act occurred but was justified, legal and proper.
- **Not Sustained:** The investigation produced insufficient information to prove or disprove the allegation.
- **Sustained:** The Department member committed all or part of the alleged acts of misconduct or poor service.
- **Misconduct Noted:** The Department member violated a section of the

Department policies, rules or regulations not originally alleged in the complaint.

5. **Inquiry:** If, during the investigation, it is determined that a member of the public is merely requesting clarification of a policy or procedure, that complaint, with the approval of the investigating supervisor's commanding officer and concurrence of the Personnel Services/Internal Affairs Commander or Internal Affairs Lieutenant, may be considered an **Inquiry**. The inquiry box on the Complaint Control Form shall only be checked by the Personnel Services/Internal Affairs Commander or Internal Affairs Lieutenant, and will be accompanied by his/her signature.

**C. COMPLAINT RECEPTION AND ROUTING:**

1. The commander, or designee, of each Department facility open to the public shall ensure that Personnel Conduct Reporting Procedure Brochures and Complaint Control Forms are available to the public in that facility.
2. Every employee has a duty to refer members of the public to open police facilities so that they can obtain Personnel Conduct Reporting Procedure brochures and Complaint Control Forms upon request. Employees on-duty in those facilities shall assist members of the public in obtaining those documents upon request.
3. External complaints may be filed with any supervisory member of the department or directly with the Community Police Review Commission.
4. Non-supervisory employees shall immediately refer complainants to an on-duty supervisor. Whenever possible, civilian supervisors shall refer complaints against sworn personnel to an on-duty sworn supervisor. Supervisors shall accept complaints in writing, in person, by telephone, or from anonymous persons. The purpose for this is to encourage members of the public or employees to bring forward legitimate grievances regarding poor police service or misconduct by Department members. Members of the public and members of the Department shall not be dissuaded in any manner from making a complaint.
5. Supervisors shall immediately record complaints sufficiently serious to warrant investigation on a Complaint Control Form (Appendix A) and obtain a case number.
6. Only one subject employee and the allegations against that employee shall be listed on each Complaint Control Form. The same case number shall be used on multiple Complaint Control Forms arising out of the same incident. In cases where there are multiple Complaint Control Forms arising from the same incident, redundant information need not be repeated on each of them.
7. The supervisor accepting an external complaint shall give the blue copy of the Complaint Control Form to the complainant, if present, and immediately fax a copy of the Complaint Control Form to the Office of Internal Affairs. The supervisor shall forward all remaining copies of the Complaint Control Form to Internal Affairs by the next business day.

NOTE: In the case of an internal investigation the supervisor shall forward all copies of the Complaint Control Form to Internal Affairs.

8. Case numbers are generated by the Computer Aided Dispatch (CAD) system and shall be obtained by the supervisor taking the complaint by contacting the Communications Bureau. Case numbers are deciphered as follows:

- PC Indicates External Personnel Complaint

- PA Indicates Internal Complaint / Investigation
- 01 Year (First two numerical digits, i.e., "01")
- 123 Julian Date (Third, fourth, & fifth numerical digits, i.e., "123")
- 001 Report File Number (Last three numerical digits, i.e., "001")

9. Each calendar day, the Communications Bureau shall produce a computer printed log of all complaint case numbers and forward it immediately to Internal Affairs. For external complaints, the Communications Bureau complaint log shall contain only the case number, complainant's name, address and telephone number, and the name of the supervisor obtaining the case number. For internal complaints, the Communications Bureau complaint log shall contain only the case number and the name of the supervisor obtaining that case number.
10. Internal Affairs shall log all complaints by the assigned number and complainant's name and track them. For all external complaints, Internal Affairs shall forward copies of the Communications Bureau Complaint Logs and Complaint Control Forms to the Executive Director of the Community Police Review Commission.
11. Internal Affairs shall determine whether an external complaint is to be investigated as a complaint or inquiry, and will be responsible for assignment of Category 1 complaints for investigation. Category 2 complaints will generally be handled at the division level, but may be handled by Internal Affairs.
12. Internal Affairs shall retain the original copy of the Complaint Control Form for tracking purposes. Two copies of the Complaint Control Form will be forwarded to the captain of the command assigned to investigate the complaint. One copy shall be a work copy to be used by the investigating supervisor. The second copy is to be given to the subject employee, except in cases of internal complaints or when such notification would compromise the investigation.
13. Applicable to external complaints against sworn personnel, and effective 01/01/96 section 148.6 was added to the Penal Code, to read:

148.6. (a) Every person who files any allegation of misconduct against any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, knowing the report to be false, is guilty of a misdemeanor.

(b) Any law enforcement agency accepting an allegation of misconduct **against a peace officer** shall require the complainant to read and sign the following information advisory, all in boldface type:

**YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.**

**IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER**

**KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.**

**I have read and understood the above statement.**

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**Complainant**

14. Section 148.6 PC does not apply to complaints made against civilian members of the Department.
15. A member of the public who makes a complaint in person against an officer shall be required to read and sign the advisory statement. If the complainant refuses to sign, the supervisor shall indicate "refused" in the signature block and initial the statement. The supervisor shall still accept the complaint. The complainant will be given his/her blue copy of the complaint. The white copy of the complaint and the advisory statement routing procedure will remain the same.
16. If an external complaint is taken by telephone, the complainant shall be advised that they will receive a copy of the complaint and advisory statement for signature in the mail. The routing procedure will remain the same. The Office of Internal Affairs will mail the statement to the complainant for signature. A stamped self-addressed envelope will be enclosed for the complainant to return the signed advisory statement to Internal Affairs.
17. Upon receipt of the Complaint Control Form, Internal Affairs will notify the external complainant, in writing, that the complaint has been received and that an investigation has been initiated. The blue copy of the Complaint Control Form will also be mailed to the complainant, if it has not already been provided to them by the accepting supervisor.
18. Completed complaint investigations shall be forwarded through the chain of command to Internal Affairs.

**D. COMPLAINT INVESTIGATION:**

1. The supervisor accepting the complaint shall be responsible for accurately and fully completing the Complaint Control Form. The supervisor shall obtain preliminary statements from the complainant and any immediately available witnesses. When practicable to do so, all interviews will be tape recorded. If an interview is not tape recorded, the supervisor must provide a written explanation. Additionally, the supervisor shall collect and preserve any physical evidence that is readily available or may be time or weather sensitive.
2. The supervisor accepting the complaint must clearly, accurately and completely document each allegation made by the complainant on the Complaint Control Form. It is essential that the specifics (date, time, location) of the allegation(s) are obtained and included on the Complaint Control Form. If additional space is required, supervisors shall use a continuation page(s).
3. Internal Affairs shall be responsible for overseeing all external and internal complaint investigations and ensuring that they are completed in a thorough and timely manner. The Personnel Services/Internal Affairs Commander and Internal Affairs Lieutenant shall have the authority to assign investigations to other divisions or to assign Internal Affairs personnel to conduct investigations.

4. The supervisor first becoming aware of allegations of criminal conduct by a Department member shall initiate appropriate police action to ensure the safety of the Department member and the public and shall immediately notify his/her Watch Commander. The Watch Commander will then make the appropriate notifications.
5. The Department has established a goal of completing Category 2 complaint investigations within thirty (30) calendar days from the date assigned. The Division Commander then has five (5) calendar days to submit the completed investigation with a Memorandum of Finding to Internal Affairs. If additional time is required, the Division Commander will request approval for an extension from the Personnel Services/Internal Affairs Commander.
6. The Department has established a goal of completing Category 1 complaint investigations within sixty (60) calendar days from the date assigned. The Division Commander then has five (5) calendar days to submit the completed investigation with a Memorandum of Finding to Internal Affairs. If additional time is required, the Division Commander will request approval for an extension from the Personnel Services/Internal Affairs Commander.
7. All recognized investigative methods for determining the facts surrounding a complaint will be used. Tape recorded interviews will be conducted with the complainant, employee(s), and all witnesses when practicable. If an interview is not tape recorded, the supervisor must provide a written explanation. To avoid having to interview the Department member against whom the complaint is lodged more than once, it is recommended the employee be the last person interviewed.
8. Investigating supervisors shall separately set forth and address each issue raised in the complaint and specify the applicable policy sections.
9. Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint.
10. When applicable, investigating supervisors shall make credibility determinations on the complainant(s), each witness, and subject employees and expressly set forth the rationale for those determinations in their investigative report. If such credibility determinations are not applicable, the investigating supervisor shall explain why in his/her investigative report.
11. The subject employee's personnel history, including their existing record of complaints, shall be considered in making a determination of their credibility. A copy of the employee's Internal Affairs complaint history summary shall be included as an attachment to the investigative report.

**E. COMPLAINT INVESTIGATION FINDINGS, REVIEW AND APPROVAL:**

1. Investigating supervisors shall not make findings in their investigative report as to the complaint allegations.
2. Lieutenants/managers charged with reviewing investigations conducted by sergeants/supervisors shall make findings and explain their rationale as to each of the complaint allegations. The specific policies applicable to each of the complaint allegations must be listed and addressed. They will submit those findings and rationale on a "Memorandum of Findings" which will accompany all completed complaint investigations.

3. In cases of sustained allegations, the affected Division Commander shall cause to be prepared a separate "Letter of Transmittal" stating each of the allegations, the applicable policies, findings, and administrative insight.
4. Completed complaint investigations will be routed through the chain of command to Internal Affairs. Each level of management shall review the completed investigation for objectivity, thoroughness, timeliness, and compliance with Department policies and procedures.
5. Each command officer responsible for reviewing the investigation shall provide a written statement of concurrence or disagreement with the conclusions and findings of the investigation. If there is a disagreement, a full written explanation of the reason(s) for the disagreement shall be provided.
6. Command Personnel charged with reviewing investigations conducted by sergeants/supervisors who directly supervise the employees that are the subject of a complaint shall review the investigation to ensure that a fair, unbiased, and thorough investigation was conducted.
7. Internal Affairs shall obtain final approval of the complaint investigation from the Chief of Police or designee.
8. Investigating supervisors and reviewing managers shall only discuss or disclose investigative information with superior officers or members currently assigned to Internal Affairs.
9. Once the completed investigation is approved, in external complaint cases where the subject employee(s) is a sworn officer, Internal Affairs will forward the investigative report to the Executive Director of the Community Police Review Commission for their review as per Chapter 2.76 of the Riverside Municipal Code.
10. Upon receipt of a finding from the City Manager's Office in cases where the subject employee(s) is a sworn officer, the subject employee's commanding officer, or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.
11. The City Manager will be responsible for notifying the external complainant, in writing by certified mail, within thirty (30) days of the disposition of the complaint. Additionally, Internal Affairs will notify, in writing, the Department member against whom the complaint was lodged and the member's commanding officer of the disposition of the complaint upon receipt of the finding from the City Manager.
12. In cases of internal investigations or external complaints where the subject employee(s) is a civilian, the completed investigative report will be forwarded through the chain of command to the Chief's Office via Internal Affairs and the Personnel Services/Internal Affairs Commander.

The subject civilian employee's commanding officer, or designee, shall review the investigation and findings with the involved Department member(s). The commanding officer will have the Department member(s) read and sign a copy of the investigative report. Department members will not be given a copy of an investigative report unless it is to be used as a basis for disciplinary action against that member.
13. If a Department member disagrees with the disposition or finding(s) of the investigation,

he/she may submit a written rebuttal within thirty (30) days to the Personnel Services Commander. The Department member's written rebuttal will be filed with the completed investigation.

**F. COMPLAINT INVESTIGATION FILES:**

Internal Affairs will be responsible for maintaining a comprehensive file of all complaints and inquiries received by the Department for a period of five (5) years.

**G. PITCHESS MOTION:**

A Pitchess Motion is a motion for discovery of peace officer personnel records where the defense counsel is attempting to establish a custom, habit or practice of excessive force, untruthfulness or false arrest against an arresting officer. Pitchess Motions generally are filed in cases where the defendant is charged with violating Penal Code sections 148, 241, 243, 245, or similar statutes.

1. Internal Affairs will handle all Pitchess Motions.
2. Upon the filing of a Pitchess Motion, Internal Affairs will promptly notify, in writing, the Department member whose records are being sought for discovery. Internal Affairs will also notify the involved officer(s) what information, if any, was ordered released. The Department member(s) whose file was the subject of a Pitchess Motion will be given the opportunity to review the information which was released, prior to testifying.
3. If the affidavit filed by the defense attorney is found by the judge to fulfill certain legal requirements, the judge will review the records requested which include complaint investigations "in camera" (judge's chambers).
4. In those cases where the judge feels that one or more of the complaints are relevant to the case in question, the judge may order the release of the names, addresses and telephone numbers of the complainants and any witnesses identified in those investigations, as well as the disposition of the complaint.

**H. COMPLAINT PROCEDURE COMPLIANCE AUDIT:**

Internal Affairs will be responsible for conducting random testing at least three times a year to ensure compliance with the Personnel Complaint Policy.

1. The Internal Affairs Lieutenant may solicit the cooperation of any person to act on behalf of the Department posing as a member of the public requesting to file a personnel complaint or requesting information on the complaint procedure. The details of the fictitious complaint shall be sufficiently serious to cause a supervisor to complete the Complaint Control Form.
2. Upon receipt of the completed Complaint Control Form, Internal Affairs will immediately make the necessary changes to the Complaint Control Log to reflect the complaint as an audit.
3. The Internal Affairs Lieutenant will review the audit complaint for completeness, accuracy, and compliance with the complaint policy and procedure. A report summarizing the results of the audit will be prepared and forwarded to the Chief of Police.
4. Failure of any supervisor to follow the complaint procedure shall be referred to that supervisor's Division Commander for appropriate action. This section shall also apply during any testing or audit exercise.

**RIVERSIDE POLICE DEPARTMENT  
COMPLAINT CONTROL FORM**

**Complaint File Number:** \_\_\_\_\_  
**Police Report/Cite Number:** \_\_\_\_\_

Location of Incident: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_ Date/Time: \_\_\_\_\_ Routed to: \_\_\_\_\_

Subject Employee: \_\_\_\_\_ ID# \_\_\_\_\_

Complainant: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

Witness: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

Witness: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Sex: \_\_\_\_\_ Race: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_

Business Address: \_\_\_\_\_

**Complaint:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of Complainant (Optional):** \_\_\_\_\_

POLICE DEPARTMENT USE ONLY	
<b>Nature of Complaint:</b>	<input type="checkbox"/> External <input type="checkbox"/> Internal <input type="checkbox"/> <b>Inquiry :</b> _____
	<i>Internal Affairs</i>
<b>Complaint Received:</b>	<input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Other
<b>Complaint Result of:</b>	<input type="checkbox"/> Radio Call <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Arrest <input type="checkbox"/> Investigation <input type="checkbox"/> Other
<b>Copy of Complaint Received by Complainant?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No    If "No," explain: _____
<b>Category I:</b>	<b>Category II:</b>
_____	_____
_____	_____
Specify the allegation	Specify the allegation

Copy of Complaint Received by Employee: \_\_\_\_\_

Complainant Notified of Results by: \_\_\_\_\_ Date: \_\_\_\_\_ Method: \_\_\_\_\_

Employee Notified of Results by: \_\_\_\_\_ Date: \_\_\_\_\_ Method: \_\_\_\_\_

# **Section D**



## **ADMINISTRATIVE INVESTIGATION**

This guide was prepared by the Office of Internal Affairs to assist supervisors investigating complaints of misconduct. However, there are differences in each complaint, investigation and employee which prohibits a strict protocol. Therefore, this guide serves only as a source of direction.

In all cases, however, the investigating supervisor must be unbiased and objective. Having an open mind, a desire to seek only the truth, the ability to ask the “tough” questions and the perseverance to answer all of the questions are some attributes you must possess to successfully investigate an incident. An incomplete investigation is not only a disservice to the community and the Department, but it can disassociate the employee who will no longer have any trust or faith in the system.

Your opinion of the lack of seriousness of the investigation will often be completely opposite to the employee’s concern. Some employees will dwell upon a complaint to the point that it will affect performance. The Department has set goals for the timeliness of completing the investigation. It is incumbent upon you to meet those time demands without sacrificing or compromising your investigation.

Many supervisors are unfamiliar with the administrative system and they can jeopardize the Department’s ability to resolve an investigation through a careless approach. If you have any questions about any administrative issue that is not addressed in this text, contact the Office of Internal Affairs.

Remember, the burden of proof in an administrative investigation is a **preponderance** of the evidence and not beyond a reasonable doubt as in a criminal case.

## **PREPARATION**

The first step in any complaint investigation is to evaluate the complaint. There are several issues to consider:

- Determine the issues to be addressed.
- Motive of the complainant.
- What evidence exists?
- What is the time required to complete the investigation?

**ORGANIZING THE INVESTIGATION**

Once you have an initial understanding of the complaint, it is time to organize your investigation. By outlining some brief steps, you will have an investigative path to follow. Some of the steps are:

- Review the complaint. Contact the accepting supervisor if the complaint is not clear.
- What are the specific allegations? Is there criminal conduct?
- Verify the existence of the policy or rule in question.
- Review the associated police investigation and related documents such as the communications printout.
- Identify any discrepancies in the complaint and the reports.
- Analyze the evidence, lack of evidence or seek evidence that was not secured.
- Who should be questioned and in what priority?
- What questions should be asked?
- Who are the witnesses, where are they and are they available? Do they have any motive?
- Visit the scene. All too often witness statements are taken without the investigator having any knowledge of obstructions or surroundings. Was weather or lighting a factor? Consider photographs of the scene if none were taken.
- Prepare a photo line-up if the identity of the employee is unknown.

**PREPARING FOR THE INTERVIEWS**

The most important and often the most under prepared part of the investigation is the interview.

It is also the most time consuming. Never schedule yourself to have to end an interview. You should be mentally prepared to remain in the interview at least twice as long as you think it will take.

Before you interview anyone involved in the complaint, you must be thoroughly prepared. That means that you have a thorough understanding of the complaint, have an above average knowledge of administrative procedures, specifically the Peace Officer's Bill of Rights, and have reviewed the questions that you have outlined. By outlining the questions that pertain to the complaint, you will not be as likely to forget an issue if the involved employee turns the interview in a completely unforeseen direction.

Know the history of the complainant, the witnesses, involved employees and the accused employee. While this does not diminish their credibility, it can assist you in determining motive and provide a direction and method to be used during the interview.

Remember that the interview can be stressful for an employee or a witness and having to reschedule subsequent interviews because you overlooked an issue or were unprepared is unprofessional.

Generally, the proper sequence for interviewing is:

- Complainant.
- Civilian witnesses.
- Other agency employees.
- Other involved agency employees.
- The accused employee.

#### WITNESSES AND COMPLAINANTS

Every reasonable effort should be made to ensure that all witnesses to the incident and allegation are located and interviewed. It is also equally important to rule out persons who may come forward later and purport themselves to be witnesses.

Some sources for witnesses are:

- The complainant. If arrested, the associates.
- Police reports, communications records, audiotapes, and digital recordings.
- Canvassing the area. Include any associated but unrelated areas in the canvass. Examine booking logs, hospital rosters or duty rosters for personnel who may have been in the area but who have not come forward.

- Security videotapes.

Document all your successful or unsuccessful attempts to locate and contact any witnesses.

Research all the witnesses. Not only is this helpful in planning an approach, but it can give you an indication for any possible motives.

At the very least, you should examine:

- Criminal and driving records. Since the investigation is administrative, it excludes any CII inquiry.
- Relationship to the complainant or other witnesses.
- Relationship to the employee.
- Medical or psychological history if appropriate.

Obtain photographs of witnesses and the complainant if the investigation is complex and involved and identification is essential. Drivers' license photos are the best source, however, booking photos can be used with due caution not to prejudice the viewer.

### **CONDUCTING THE INTERVIEWS**

As stated, the interview is the most essential part of the administrative investigation. Results from the interview are indicative of the skill, professionalism and preparation of the investigator. It can also be a reflection of the investigator's biased, slanted and opinionated orientation.

There are two keys to remember - civilian witnesses are unaware of the skills and techniques of a trained investigator and knowledgeable agency employees can be compelled to give complete and truthful statements.

The interview is too important to "wing it" without a plan. First, you must determine the objectives of the interview. Obviously, it is to get the facts of the allegation. Second, you must standardize your questions to address the following factors:

- The specific details of each allegation.
- Identify each person involved and their specific role or degree of participation.

- Resolve any inconsistencies, discrepancies or conflicts with statements and physical evidence.
- Uncover underlying motives or reasons for filing the complaint, not being truthful, or backing away from full cooperation with the investigation.

By preparing a list of standard questions to ask each person, you can avoid the issue of not being fair and objective.

Normally interviews can be conducted by one person. This is particularly true if the interview is taped. However, there are some instances when a second investigator should be involved:

- As a monitor for a criminal interview.
- Politically sensitive or potentially explosive interviews.
- In matters involving sexual improprieties, minor children or domestic violence.

Remember, if more than one investigator is present during an interview, one must be the lead with the roles clearly defined prior to entering the room.

Schedule the witness interviews at a time and place similar with the allegation. If the violation is occurring at the same time as the complaint, an immediate unscheduled interview would be necessary. However, most can be scheduled in advance and should be conducted in person.

Record all interviews, including those conducted by telephone or videotape. Avoid any unexplained breaks, identify all persons present, identify normal breaks and avoid off recording conversations.

Each subject employee is entitled to a representative during the interview. The role of the representative is to be an observer and an advocate. Representatives or attorneys should not be allowed to answer the “tough” questions for the employee. To limit their active involvement your questions should avoid the following:

- Questions that are compounded or confusing.
- Questions which may constitute an unwarranted intrusion into the employee’s right of privacy such as medical records or tax returns.
- Questions which do not pertain directly, or sometimes even indirectly, to the allegations which are the subject of the interrogation.

- Questions that intrude into privileged areas such as conversations the employee may have had with his/her spouse, counselor, clergyman, attorney, therapist or the employee's representative.
- Questions which would tend to mislead the employee by misrepresenting prior facts or circumstances, or statements of other persons or prior statements by the employee.
- Questions which are argumentative.
- Questions which call for guesswork, surmise or conjecture on the part of the employee.

### **INTERVIEW FORMAT**

All administrative interviews shall use the following introductory format:

- Date, time and location of the interview.
- Note that the interview is being recorded.
- Who is conducting the interview and his/ her current assignment.
- Persons present during the interview.
- Purpose of the interview.
- Nature of the investigation.
- That the employee is ordered to answer questions truthfully, honestly and completely.

### **INTERVIEW TECHNIQUES**

#### **General**

- Identify any physiological or psychological limitations on the witnesses' ability to perceive events or give a reasonable statement.
- At the beginning of the interview, allow witnesses to explain the entire incident in their own words without interruption. You can revisit specific areas in conjunction with your preplanned questions.

- It's very difficult to describe or capture physical actions on a tape. If witnesses are describing an area or location, they should use a sheet of paper. If they are describing a physical hold, position of other witnesses or actions of any involved participant, consider videotaping the interview.
- You must ask the right question to get the right answer. They must be specific and direct. Do not ask general questions for specific allegations.
- Interviews are not always congenial as the person may be extremely emotional. They may be uncomfortable being with a member of the agency against whom they are making a complaint. If there is conflict, consider rescheduling the interview, recap the statement as a method for a break or break to allow the person to regain their composure.
- Make note of body language, pauses, looking from side to side or other indicators.
- At the conclusion, ask the interviewee if they have any additional information or questions that were not covered.

#### Some Common Pitfalls

- Leading questions.
- Failure to verify answers.
- Refreshing a witness' memory.
- Badgering the interviewee.
- Failure to record every witness.
- Calling a person a liar.
- Engaging in a confrontation with the witness or employee.
- Helping a witness to speedup an interview.
- Failure to reenact the alleged misconduct with each witness at the scene.

## **THE INTERVIEW**

### Complainant

Interviewing the complainant is not any different from interviewing any other person involved in the investigation. Read the complainant's statement to him and ensure that it is accurate and complete. Conduct your interview using the questions you have developed as a road map.

Before concluding the interview, request the following if they are warranted and have not already been obtained:

- Photographs of the alleged injury whether or not any is visible.
- Medical release.
- Additional witnesses.
- Reason for any significant time delay in making any complaint.
- Availability for follow-up.

### Agency employees who are not accused.

When employees who are not being accused of misconduct are being interviewed, the ground rules and procedures are the same as any witness. Agency employees, however, should be allowed to review their own reports prepared in conjunction with the incident giving rise to the allegation. These employees do not have the same rights as accused employees in regard to disclosure of investigative materials. They should be reminded of their obligation to fully and truthfully respond to questioning and that their failure to do so could be deemed insubordination and result in administrative discipline.

If the employee being interviewed makes a self-incriminating statement regarding a criminal offense or a statement, which may lead to disciplinary action, the interview should be terminated. The employee should be advised why the interview is being stopped and advised of possible further actions. At this time, the investigator should follow the guidelines for an accused employee.

At the conclusion, the investigator must inform the employee that the interview is confidential and admonish the employee not to discuss the interview with anyone except a representative or attorney if appropriate.

If the employee is believed to have given a false or a deliberately misleading statement during the interview to obstruct the administrative investigation, a new internal investigation should be

initiated. This can normally be eliminated or minimized through skillful interview techniques and challenging obviously evasive and avoidance methods. You must confront employees with obvious discrepancies or contradictions.

### Accused Employee

This interview is the most critical. It should be the last interview of the investigation and should be designed to answer or respond to all of the allegations. It is important that you limit the necessity to conduct any follow-up interviews with the accused employee which is often interpreted as intimidating or harassing.

By this time in the investigation you should be familiar with the accused employee's personnel file, reputation, assignment history, training or qualification records if appropriate and prior discipline. You must be familiar with the employee's contractual, statutory and constitutional rights. There is no excuse for testifying later at arbitration that you did not know what *LYBARGER* means.

You should notify the employee of your intention to interview him/her, the allegation and a time and place for the interview. If the employee requests representation, the interview should be scheduled to accommodate that request. However, serious allegations may require that the employee be interviewed as soon as practical and not as a matter of mutual convenience.

## **INVESTIGATION BIFURCATION - CRIMINAL OR ADMINISTRATIVE**

If the complaint is both an allegation that the Department rules were violated and an allegation of criminal conduct, the investigation must be bifurcated. The underlying facts in each case must be evaluated to determine the procedure to follow and for purposes of making a decision on the use of an administrative investigation or criminal investigation or both.

Cases involving allegations of criminal misconduct will first be investigated by the Investigations Division or the appropriate outside law enforcement agency. Internal Affairs will monitor these investigations and obtain copies of all criminal reports.

Criminal investigations will always have priority over administrative investigations. Once the criminal investigation is completed, it will be incorporated into the administrative investigation.

The goal of the criminal investigation is the prosecution of appropriate cases on behalf of the People. The goal of the administrative investigation is to determine whether a department rule has been violated and whether the employee committed the violation.

ADMINISTRATION AND CRIMINAL INVESTIGATION ELEMENTS:

<u>Administrative</u>	<u>Criminal</u>
No right to silence	Right to silence
IA investigation	Criminal investigation
Confidential pursuant to PC 832.7	May not be confidential
Department disciplines	DA may prosecute
Right to criminal report	No right to administrative investigation or report

LYBARGER AND MIRANDA

Most of the investigations that you will conduct will not require a *MIRANDA* admonishment. Those Category 1 investigations, excessive force, false arrest, discrimination/harassment, and criminal conduct, are normally conducted by Internal Affairs in conjunction with a detective from General Investigations. However, if you are assigned an investigation that may be construed as a potential criminal allegation, you should proceed cautiously when it comes to admonishing an accused employee of his/her rights. However, police employees are very familiar with these admonishments and they will probably demand both *MIRANDA* and *LYBARGER*. Therefore, prior to conducting any interview with an accused employee, the investigator must be sure of the direction of the investigation.

If the decision has been made by the Chief's Office or the Office of Internal Affairs to investigate the allegation as administrative, the investigator will admonish the employee of both *MIRANDA* and *LYBARGER* rights from the Admonition of Rights form. This should be done on tape and the employee asked to sign the form and verbally acknowledge his/her rights. The form will become part of the permanent package.

If the employee refuses to cooperate during the interview after being advised of the *LYBARGER* admonishment, he/she should be reminded of their obligation to fully and truthfully respond to questioning and that their failure to do so could be deemed insubordination and result in administrative discipline. If the employee continues to refuse to cooperate, you should request that the employee's commanding officer admonish him/her.

Remember, if the employee is compelled to give a statement, the criminal investigator shall not be present during the interview nor can he/she become aware of any information obtained during the interview.

If you are assigned to investigate only a criminal allegation, you should proceed as you would with any other criminal investigation dependent upon the response to *MIRANDA*.

If you are assigned to investigate only a violation of Department policy or procedure, you may *LYBARGER* the employee if he/she declines to respond during the interview.

The admonition of rights and the appropriate time to do so cause the most confusion for supervisors and investigators. That is why it is important to have preplanned your interview. You can be sure that if the employee is accompanied by an attorney or representative, they will demand both *MIRANDA* and *LYBARGER*. However, you should not automatically shield the employee by *LYBARGER* if he/she waives *MIRANDA* or declines to respond. If you have any doubt, you should seek advice from a superior or the Office of Internal Affairs.

### **PROCEDURAL BILL OF RIGHTS REVIEW**

#### When does it apply?

- Applies to a public safety officer who is under investigation and subjected to interrogation by his/her supervisor, or any other employee of the public safety department.
- Does not apply to any interrogation of an officer in the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact with a supervisor or any other employee of the public safety department, nor shall this apply to any investigation concerned solely and directly with alleged criminal activities.

Interrogation shall be conducted under the following conditions if it could lead to punitive action:

- Punitive action is defined as any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment.
- Interrogation shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, or during the normal waking hours for the officer, unless the seriousness of the investigation requires otherwise.
- If the interrogation does occur during off duty time, the officer shall be compensated and the officer shall not be released from employment for any work missed.

- The officer under investigation shall be informed prior to such interrogation of the name, rank and command of the officer in charge of the interrogation, the interrogating officers, and all other persons to be present during the interrogation.
- All questions directed to the officer shall be asked by and through no more than two interrogators at one time.
- The officer under investigation shall be informed of the nature of the investigation prior to any interrogation.
- The interrogating session shall be for a reasonable period taking into consideration gravity and complexity of the issue being investigated.
- The officer under interrogation shall be allowed to attend to his/her own personal physical necessities.
- The officer under investigation shall not be subjected to offensive language or threatened with punitive action, except that an officer refusing to respond to questions or submit to interrogations shall be informed that failure to answer questions directly related to the investigation or interrogation may result in punitive action.
- No officer shall be lent or temporarily reassigned to a location or duty assignment if a sworn member of his/her department would not normally be sent to that location or would not normally be given that duty assignment under similar circumstances.
- No promise or reward will be made as an inducement to answering any questions.
- The employer shall not cause the officer under interrogation to be subjected to visits by the press or news media without his/her express consent nor shall his/her home address or photograph be given to the press or news media without his/her express consent.
- The complete interrogation of an officer may be recorded. If a tape recording is made of the interrogation, the officer shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The officer being interrogated shall have the right to bring his/her own recording device and record any and all aspects of the interrogation.

- The officer shall be entitled to any transcribed copy of any notes made by a stenographer or to any reports or complaints made by investigators or other persons, except those which are deemed confidential. No notes or reports which are deemed confidential may be entered into the officer's personnel file.
- If prior to or during the interrogation of an officer it is deemed that he/she may be charged with a criminal offense, he/she shall be immediately informed of his/her constitutional rights.

When can the officer have a representative?

- Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters which are likely to result in punitive action against an officer.
- The officer, at his/her request, shall have the right to be represented by a representative of his/her choice who may be present at all times during such interrogation.

Representative

- Shall not be a person subject to the same investigation.
- Shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from the officer under investigation for noncriminal matters.

Please do not hesitate to contact the Office of Internal Affairs for guidance at any time during your investigation. Most, if not all of your questions, have already been asked and answered during prior investigations. If the information is not available, we will contact the City Attorney's office for direction. Never move forward if you are not sure what you are doing. Remember, it is your responsibility to know, and with all the resources available day or night, there is no excuse for not doing it right. The citizen expects it, the Department demands it and the employee respects it.

**INVESTIGATIVE REPORT FORMAT**

A Riverside Police Department Complaint Control Form shall be completed and a personnel complaint (PC) or internal investigation (PA) file number obtained from Communications. A copy of the Complaint Control Form is attached.

The investigation shall use the Internal Affairs investigation format. Copies of the Internal Affairs investigation format and Riverside Police Department Employee Admonishment of

Rights forms can be found at the end of this chapter. The Employee Admonishment of Rights forms include the Riverside Police Department Grant of Immunity (Lybarger) admonishment.

Investigating supervisors shall separately set forth and address each issue raised in the complaint.

Investigating supervisors shall thoroughly investigate, evaluate, and specifically address in their investigation report the rationale and actual reason for any stop or search related to the complaint. Note in the investigation narrative the existence or lack of any digital recording(s) made by the officer(s) involved in the incident by setting apart the names and ID numbers of the officers that made recordings, the number of recordings by each officer, and the incident number.

When applicable, investigating supervisors shall make credibility determinations on the complainant(s), each witness, and subject employees and expressly set forth the rationale for those determinations in their investigative report. If such credibility determinations are not applicable, the investigating supervisor shall state that in his/her investigative report.

The subject employee's personnel history, including their existing record of complaints, shall be considered in making a determination of their credibility. A copy of the employee's Internal Affairs complaint history summary shall be included as an attachment to the investigative report.

### **COMPLAINT INVESTIGATION FINDINGS:**

Investigating supervisors shall not make findings in their investigative report as to the complaint allegations.

Lieutenants or managers charged with reviewing investigations conducted by sergeants or civilian supervisors shall make findings and explain their rationale as to each of the complaint allegations. They will submit those findings and rationale on a "Memorandum of Findings" which will accompany all completed complaint investigations.

In cases of sustained allegations, the Memorandum of Findings shall include administrative insight listing the employee's past discipline and other relevant performance factors. Any mention of past discipline should include the file number, the Department policy or procedure that was violated and the type of discipline imposed. All supporting documentation of past discipline should be attached.

**COMPLAINT INVESTIGATION REVIEW AND APPROVAL:**

The Department demands, and the community and employees deserve investigations that are fair, unbiased and thorough. The preparing supervisor and each reviewing manager shall ensure that these objectives are met.

Upon completion of the investigation, the investigating supervisor will complete applicable information on a Personnel Investigation Mandatory Routing form and forward the investigation to their immediate superior for review and approval.

During the first level review, the lieutenant/manager will review the investigative report for objectivity, thoroughness, timeliness, and compliance with Department policies and guidelines. The investigation must reflect the supervisor's use of proper investigative procedures and diligent efforts to locate witnesses and obtain statements. Additionally, the report must address all applicable topics, as described in the Investigative Report Format section of this chapter. Particular attention will be given to ensure that each issue raised in the complaint is addressed separately, that the rationale for any stop or search related to the complaint is explained, and that the rationale for any credibility determination is reasonably supported. Reports not meeting these minimum standards shall be returned for further investigation.

Upon completion of this review, the lieutenant/manager will determine an appropriate finding for each allegation listed, prepare a Memo of Finding stating the justification for such finding(s), complete applicable information on the Personnel Investigation Mandatory Routing form, and forward the investigation to the division captain/manager.

At the second level of review, the division captain/manager will review the report and Memo of Finding. The division captain/manager may return the report for further investigation or, upon concurrence, complete applicable information on the Personnel Investigation Mandatory Routing form and forward the investigation to Internal Affairs.

During the third level of review, Internal Affairs will review the investigation report and Memo of Finding. Internal Affairs may return the report for further investigation or, upon concurrence, complete applicable information on the Personnel Investigation Mandatory Routing form and forward the investigation to the Office of the Chief of Police.

At the final level of review, the Office of the Chief will review the report and all related documents. The Office of the Chief may return the report for further investigation or, upon concurrence, initiate appropriate action(s) to conclude the investigative process.

## **COMPLAINT PROCEDURE EVALUATION AND COMPLIANCE AUDITS**

Internal Affairs shall annually prepare a report to the Chief of Police evaluating the complaint investigation process. The annual report shall include, but not be limited to, assessment of the following:

- Manner in which the Department receives complaints;
- Quality of complaint investigations;
- Adherence to established timelines;
- Effectiveness/efficiency of the overall process;
- Recommendations for improvement.

The Office of Internal Affairs shall engage in random testing of the complaint procedure at least three times per year.

Evaluation of compliance shall be conducted through audits or some equivalent.

The Internal Affairs Lieutenant/Sergeant may conduct audits in a manner that evaluates any dimension of the personnel complaint procedure.

Upon completion of a compliance audit, personnel conducting the audit shall prepare a written report summarizing the audit and shall submit it to the Internal Affairs Lieutenant.

Within fifteen days of the audit, the Internal Affairs Lieutenant shall submit a written report to the Chief of Police. The report shall summarize the audit and contain an evaluation of compliance.

Upon completion of the audit review by the Chief of Police, involved personnel shall be notified of the audit findings by the Internal Affairs Lieutenant or the Division Commander.

Failure of any personnel to follow the complaint procedure shall be referred to that employee's Division Commander for appropriate action.

All compliance audits will be tracked and retained in the Office of Internal Affairs.

# **Section E**



# Man fatally shot by Riverside police

**THE PRESS-ENTERPRISE**

01/01/2003

**RIVERSIDE** – A man was shot and killed by police inside a southwest Riverside home Tuesday night, authorities said. Riverside police released no details of the shooting.

Police came to a home in the 2700 block of Aires Lane, near Tyler and Victoria avenues, after a woman called 911 about 7:20 p.m. and said she had been choked, Riverside County fire Battalion Chief Tedd Laycock said.

Paramedics withdrew from the house when they were told a man was armed with a knife and planned to commit “suicide by cop,” Laycock said.

The man was shot about 8:05 p.m., Laycock said. He was taken to Kaiser Permanente Medical Center in Riverside.

No one else was injured, Laycock said.

# Neighbor says man wanted to be killed by the police

**SHOOTING: The Riverside resident, 22, was slain by police Tuesday while holding a knife.**

01/02/2003

By VANESSA COLON and RICH SASKAL  
THE PRESS-ENTERPRISE

**RIVERSIDE** - A 22-year-old Riverside man who was shot to death New Year's Eve by Riverside police had told his mother weeks before that he wanted to be killed by police, a neighbor said Wednesday.

Michael Wetter was holding a 4-year-old child and wielding a knife when he charged police, causing police to shoot, said Riverside police Lt. Mark McFall.

Wetter was shot about 8:05 p.m. Tuesday inside a single-story home in the 2700 block of Aries Lane, near Tyler and Victoria avenues, police said.

He was pronounced dead after paramedics arrived to treat him.

McFall said Riverside police would not release any additional information before today, including details on how many shots were fired, how many officers fired them and where Wetter was hit.

Police said they went to the home Tuesday night after a woman in the house called about being assaulted by Wetter.

When officers arrived, the woman had escaped the house, but she told police Wetter was still inside with her niece and her niece's two children, ages 3 and 4, authorities said.

Police were trying to rescue the children when Wetter confronted them, holding the 4-year-old and wielding a knife. He was shot when he charged police, authorities said.

Bess Wening, a neighbor who lives directly across the street, said Wetter had told his mother weeks before the shooting that he wanted to be killed by police. Wening said the mother told her.

Riverside County fire Battalion Chief Tedd Laycock said the night of the shooting that Wetter had planned to commit "suicide by cop." Wetter, his mother, the niece and her two children moved into the gray-and-white single-story home about a month ago after living in Anaheim, Wening said.

"It's been a quiet house," Wening said. "I've never expected this to happen," she said.

McFall said the standard procedure in officer-involved shootings is to place officers on paid administrative leave and conduct a thorough investigation.

"They are typically given some administrative time off with pay because it is such an emotional experience, an intense event," he said. "They're not ready to function yet."

Reach Vanessa ColÀon at (909) 682-6181 or [vcolon@pe.com](mailto:vcolon@pe.com)

# Man upset over drink

**RIVERSIDE:** He hurt his mother for denying him liquor before he was shot by police, officials say.

01/03/2003

By LISA O'NEILL HILL  
THE PRESS-ENTERPRISE

**RIVERSIDE** - A 22-year-old man shot and killed by Riverside police on New Year's Eve held a knife to the throat of a 4-year-old child, then charged an officer with the weapon raised, authorities said Thursday.

Michael Wetter, who authorities said previously had talked about committing "suicide by cop," was pronounced dead at 8:20 p.m. Tuesday inside a home on Aries Lane where he had lived with his mother, his mother's niece and the niece's two young children.

William Rodriguez, the officer who shot Wetter, remained on paid administrative leave Thursday, a standard procedure when an officer fires his or her weapon on duty.

Rodriguez fired his gun to protect the officer who was being charged, said Riverside police Lt. John Wallace. Rodriguez has been with the Police Department since April and is a former New York Police Department detective, Wallace said.

Wallace declined to say how many times Wetter was shot or where on his body he was struck. He said police also were waiting for toxicology results from the Riverside County Sheriff-Coroner's Office.

Neighbor Bess Wening called police about 7:15 p.m. after Wetter's mother, Laurie Wetter, knocked on Wening's door. Laurie Wetter, who had marks around her neck and a bloodied nose and mouth, said her son had assaulted and choked her, Wening said.

Laurie Wetter also said she and her son had argued about alcohol.

The mother told police she had given her son a couple of 40- ounce beers, Riverside County Deputy District Attorney Kelton Tobler said.

"The information we have from her is that she provided some alcohol to her son earlier on New Year's Eve but was keeping the hard liquor away from him and he became upset about that and that led to him assaulting and choking her," said Tobler, who went to the shooting scene Tuesday.

Laurie Wetter escaped from the home but told police that her niece's children, ages 2 and 4, were still inside with her son, Riverside police said; the children's mother was at work. Officers were trying to get the children out of the house through a large rear window when Wetter confronted them, police said. He was armed with a large knife and was holding it to the throat of the 4-year-old. Police said officers repeatedly ordered Wetter to drop the weapon, but he refused.

Police said Wetter was shot when he held the weapon up and charged an officer.

"He came at the officer in a very threatening manner and one of our officers made the decision to fire his service weapon," Wallace said.

Wening said Wetter had told his mother weeks before the shooting that he wanted to be killed by police.

"I honestly don't think they had a choice," Wening said of the officers. "This was something that obviously he had talked about. He thought it out."

Tobler said Laurie Wetter told police that her son became violent when he drank. She also told authorities that her son said something along the lines of "don't involve the cops or I'll make them shoot me," Tobler said.

Laurie Wetter, her niece, and the niece's children are staying with other relatives. They returned briefly on Wednesday to get clothes and personal belongings, Wening said.

Wening and her husband, Rick, called the incident tragic and sad.

The shooting will be discussed at an upcoming Community Police Review Commission meeting.

Don Williams, executive director of the commission, said he has notified the commission's independent investigator about the killing. The investigator has started gathering background material, Williams said. The commission will discuss the shooting, possibly at its next meeting, scheduled for Jan. 8, Williams said.

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# Mom criticizes police in son's death

**RIVERSIDE:** Laurie Wetter says officers should not have used lethal force.

01/08/2003

By LISA O'NEILL HILL  
THE PRESS-ENTERPRISE

**RIVERSIDE** - The mother of a knife-wielding man fatally shot by Riverside police on New Year's Eve said Tuesday that police could have handled the situation differently.

Laurie Wetter said she told officers that her 22-year-old son, Michael, did not want to return to jail and that he would make them shoot him if they tried to arrest him. She also said she told police her son would have a knife.

But she questioned why police did not call out hostage negotiators, use a SWAT team or try less-lethal ammunition before the shooting.

"I just don't want this to happen to anyone else," Laurie Wetter, 46, said. "I really don't think he was ready to die."

Riverside police have said Wetter held a knife to the throat of a 4-year-old child, then charged an officer with the weapon raised. Officer William Rodriguez, a former New York City police detective, fired his gun to protect the officer who was being charged, Riverside police Lt. John Wallace has said.

## Meeting scheduled

Rodriguez has returned to duty, Wallace said Tuesday. Wallace declined additional comment, saying police would brief the Community Police Review Commission meeting about the shooting today. That meeting is scheduled for 5:30 p.m. at the Riverside City Council Chambers.

Authorities have said that Wetter had said in the past that he wanted to be killed by police.

"Even though he might have said the suicide-by-cop stuff, it doesn't give them the right to kill him," Laurie Wetter said.

Riverside's policy allows for the use of deadly force if an officer has reasonable cause to believe that a suspect poses a significant threat of death or serious injury to the officer or another person.

A neighbor called police to the home on Aries Lane about 7:15 p.m. after Laurie Wetter showed up at her door with a bloodied lip and nose and marks around her neck. Laurie Wetter told the neighbor her son had assaulted and choked her, the neighbor has said.

## Did not understand

Laurie Wetter said Tuesday that her son had never been violent toward her before and that she did not understand why it happened. Her son, she said, had had two 40-ounce beers, but was not intoxicated. Authorities have said that Wetter had wanted more liquor and had become upset when his mother would not provide it. Laurie Wetter escaped from the home but told police that her niece's children, ages 2 and 4, were still inside with her son, Riverside police said.

Officers were trying to get the children out of the house through a large rear window when Wetter confronted them, police said. He was armed with a large knife and was holding it to the throat of the 4-year-old, an action that Laurie Wetter said she does not believe because she said her son would not have hurt the children.

"I know he would never touch a hair on their heads. He only had one of the kids in his arms so they wouldn't shoot him," she said.

## Officer fires

Police have said officers repeatedly ordered Wetter to drop the weapon, but he refused.

Rodriguez fired when Wetter held up the weapon and charged an officer in a threatening manner, police said.

Wetter was shot in the head by an officer standing behind him, his mother said. Police have declined to release specific information about where on his body Wetter was shot. Wetter had spent eight months in jail after he went after a friend of his father's with a knife when he was 18, his mother said. He also had a warrant in San Diego, she said.

Laurie Wetter said she and her son had always been close. She said they only had been in Riverside for about a month and that her son used to work for a Goodwill store in San Diego.

The night before the shooting, Wetter had been running around the house, laughing and giggling with one of the children, his mother said. Laurie Wetter said her son adored the children and someday wanted his own.

"I miss my son desperately," Laurie Wetter said. "I don't believe it was truly his time to go yet."

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# Probe set of shooting by police

**RIVERSIDE: The civilian board promises updates on its look into the death of a knife-wielding man.**

01/09/2003

By LISA O'NEILL HILL  
THE PRESS-ENTERPRISE

**RIVERSIDE** - Members of the city's civilian review board pledged Wednesday to conduct an independent investigation into the police shooting death of a knife-wielding man and to provide updates on the status of their inquiry.

On Wednesday night, Riverside police briefed the Community Police Review Commission about the New Year's Eve death of Michael Wetter, 22, who police say held two knives and a 4-year-old girl when he was shot by a police officer.

Wetter's mother, Laurie Wetter, cried and bit her nails as police Capt. Dave Dominguez explained the chain of events that led to the shooting.

Laurie Wetter has said she warned police that her son would make officers shoot him if they tried to arrest him and that he was armed with a knife.

A neighbor had called police to the home on Aries Lane in southwest Riverside about 7:15 p.m. after Laurie Wetter said her son had assaulted and choked her. Laurie Wetter had escaped from the home but her niece's children, ages 3 and 4, were still inside with her son.

Laurie Wetter had told authorities that her son had made previous statements about committing "suicide by cop."

Talking about "suicide by cop does not give anyone permission to kill you," Laurie Wetter told the commission Wednesday night.

Two officers entered the home through a bedroom window to try to get the children out, Dominguez said.

One officer, Scott Borngrebe, was armed with a 12-gauge shotgun loaded with less-lethal ammunition. The other, William Rodriguez, carried his service handgun. Borngrebe saw the 4-year-old girl in the hallway and tried to make the child walk toward him, the captain said.

Michael Wetter then "appeared from a position of concealment" and picked up the child with his left arm, Dominguez said. Wetter was holding two knives, including one with a 7-inch blade, and held one to the child's throat, Dominguez said.

Borngrebe shouted, "He has a knife. He has a knife," the captain said.

Dominguez said Borngrebe pointed his less-lethal shotgun at Wetter and told him to drop the weapons. The officer began backing up. Wetter was advancing on Borngrebe, who backed into a corner, Dominguez said. Rodriguez fired once. Wetter was struck in the back of the head.

Michael Wetter's record included a warrant for alleged assault with a deadly weapon out of San Diego, and he was on felony probation for domestic violence and evading arrest in Tennessee, Dominguez said.

Resident Mary Shelton said police always provide criminal records of people shot by police, but said residents are told nothing about the history of the officers involved.

"That kind of gives you an asymmetric perspective if you're a member of the community," she said.

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# Police panel probes death

**RIVERSIDE: The victim pointed a gun at officers before he was shot, the commission is told.**

02/06/2003

By MELANIE C. JOHNSON and LISA O'NEILL HILL  
THE PRESS-ENTERPRISE

**RIVERSIDE** - Being wanted on two felony arrest warrants may have prompted a man to flee police and point a gun at them during a recent fatal shooting, a police official said.

During a special meeting Wednesday night of the Community Police Review Commission, Capt. Dave Dominguez briefed the panel on the shooting death of Robert McComb.

McComb, 36, whose last known address was in Corona, was fatally shot Jan. 28. Dominguez said McComb was being chased by two Riverside police officers, Jose Loera and Ryan Wilson, when he turned and pointed a .25-caliber gun at them.

The shooting occurred just after midnight on Indiana Avenue in the Riverside Auto Center. The area was well-lit by a nearby car dealership, Dominguez said.

"Wilson saw the gun . . . and fired two rounds," Dominguez said as he turned his body and extended his arm during a demonstration of McComb's confrontation with the two officers. "Loera fired three rounds and the suspect was hit twice."

McComb was on felony probation and had two warrants out for his arrest at the time of the shooting, Dominguez said. McComb had felony convictions on burglary, firearm possession and drug charges, he said.

The two officers tried to stop McComb for expired car-registration tags near Indiana Avenue and Bernard Street, Dominguez said. When they got out of their car and approached McComb's red Nissan sedan, McComb drove off, he said.

The car stopped a short distance away and McComb ran off, Dominguez said. McComb then ran into a residential area and into a back yard, where he tried to open a back door but could not get in.

McComb ran back toward Indiana Avenue and turned toward the pursuing officers, holding a handgun and pointing it in their direction, Dominguez said. Both officers fired.

McComb is the third person to be shot and killed by Riverside police in less than three months.

On New Year's Eve, an officer shot and killed Michael Wetter, 22, who police said held two knives and a 4-year-old girl when he was shot.

On Nov. 17, 40-year-old Anastacio Munoz was shot and killed by police after a brief pursuit that police said began when an officer spotted him weaving and driving erratically in the area of Tyler Street and California Avenue.

Police said Munoz disobeyed police commands, drove across two lawns and tried to run over an officer with his vehicle.

No one was fatally shot by Riverside police in 1999 or 2000. In 2001, Riverside police shot and killed one person, Vanpaseuth Phaisouphanh, 25. Police said he was shot after approaching an officer while holding knives in both hands and refusing police orders to drop the weapons.

Resident Mary Shelton said she was concerned about the recent officer-involved shootings and the danger to residents.

"What about the situation where officers are firing in the street and there are residences?" Shelton said. "I was disturbed when I heard about the shots."

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# Man shot by police after pursuit, dies

## SHOOTING: He had pulled a gun on officers near the Riverside Auto Center. No one else was hurt.

01/29/2003

By JOSE ARBALLO JR.  
THE PRESS-ENTERPRISE

RIVERSIDE - A man being chased by Riverside police was shot and killed Tuesday after he turned on pursuing officers and pointed a gun at them, authorities said.

Robert McComb, 36, of Costa Mesa, died just after 12:30 a.m. at Riverside Community Hospital. McComb had been shot multiple times in the upper and lower torso, said Rick Bogan, deputy coroner for Riverside County.

McComb lists various addresses, including some in Riverside, Norco, Corona and Orange County, Bogan said.



Kurt Miller/The Press-Enterprise

Riverside police work the scene near the intersection of Indiana Avenue and Vance Street, where officials said two officers shot and killed a man after he pulled a gun on them after a car chase.

The officers involved in the shooting, Jose Loera and Ryan Wilson, were not injured and have been placed on administrative leave as is customary in such cases, said Officer Felix Medina, spokesman for the Riverside Police Department. Loera is an eight-year veteran of the department and the training officer for Wilson, who has been with the agency for three months, Medina said.

The shooting occurred just after midnight on Indiana Avenue, between Vance and Doyle streets, in the Riverside Auto Center.

The officers stopped McComb, who was alone driving a compact sedan, near Indiana Avenue and Bernard Street for an undisclosed vehicle violation, Medina said. The officers got out of their cruiser and approached the car, which drove off and headed east on Indiana. Medina said the car stopped a short distance away near Vance and then McComb ran off.

McComb ran into a residential area and into a back yard, where he tried to open a back door but could not get in, Medina said. McComb ran back toward Indiana and turned toward the pursuing officers, holding a handgun and pointing it in their direction, Medina said.

Both officers fired, but Medina said he does not know how many times they shot or the number of times McComb was hit. McComb did not fire his weapon, Medina said.

Neighbors said they heard about five shots and watched as various officers, including a police helicopter, converged on the area. Hours after the incident, Indiana, a main traffic artery through the auto center, remained closed between Adams and Monroe streets.

As investigators walked from home to home interviewing nearby residents, evidence technicians collected bloody clothing and other items from the street, including a handgun found in front of a patrol car.

One of the front windows at Suzuki of Riverside was shot out and the business was closed in the morning. Bob Owens, service manager for the business, was one of several employees waiting behind police lines for investigators to complete their work.

Owens said there was no one in the business at the time of the shooting and damage appeared to be limited to the window and some ceiling material.

Medina said it is unclear whether there were witnesses to the incident and anyone with information is being asked to call Detective Keith Kensinger at (909) 320-8034.

Reach Jose Arballo Jr. at (909) 368-9412 or jarballo@pe.com



Kurt Miller/The Press-Enterprise

Riverside police Officer Greg Matthews documents evidence after a fatal shooting involving two officers. The car driven by the man who was killed can be seen in the background.

# Riverside police shoot, kill man near community center

05/28/2003

By ANDREA CAVANAUGH  
THE PRESS-ENTERPRISE

**RIVERSIDE** - Police fatally shot a man Tuesday afternoon in Casa Blanca after he advanced on two officers with a knife in his hand, authorities said.

The man, whose name was not released, was shot about 1:45 p.m. in the street outside the Ysmael Villegas Community Center at Marguerita Avenue and Esperanza Street. He was pronounced dead at a hospital a short time later.

The man emerged from his parked car with a knife in his hand as officers approached on foot, Riverside police Officer Felix Medina said.

"He made some type of advance toward the officers in a threatening manner," Medina said.

The officers fired their weapons and the suspect was hit at least once, but it was unclear how many shots were fired, Medina said. Police recovered a knife at the scene, he said, but would not elaborate.

Myron Halcon III, 16, who lives at the corner of Peters and Esperanza streets, said he ran out the front door of his home when he heard gunfire.

"When we came outside, he was falling down and they were still shooting him," Myron said.

His father, Myron Halcon Jr., said two of the bullets fired by officers passed through the front bedroom of his home while his brother, four of his children, a nephew and two of their friends were inside.

No one was in the bedroom where the bullets passed through, and no one was injured. Medina said he could not confirm whether the home was struck by gunfire.

Halcon said he was shocked and angry that police would fire their weapons near occupied houses.

"Any one of my kids could have gotten hit," Halcon said. "If they had been in that bedroom, who knows what could have happened?"

The timing of the shooting was even more dangerous, resident Theresa Halcon said, because neighborhood children walk to the Villegas Center for tutoring around the time the shooting occurred.

Residents said the man had been sleeping in his parked car in the area since Friday. The car, a gray 1997 Acura sedan, was reported stolen from Riverside earlier this month, Medina said.

The names of the officers involved in the shooting were not released. Both have been placed on administrative leave, a standard practice following an officer-involved shooting.

The man was shot within four minutes of the time officers approached the car, Medina said. There may not have been time for them to call for less-lethal force such as a beanbag gun, he said.

"I don't know if it was available or if a request was even made for it," Medina said.

Tuesday afternoon, Villegas Park was roped off with yellow police tape as investigators combed the shooting scene for evidence.

Marisol Moreno, who works at the Villegas Center as a recreation aide, said she first saw the man parked in the neighborhood on Friday. He had little interaction with neighborhood residents, she said.

"He wasn't bothering any of the kids," she said. "He didn't even bother anybody for food."

Roy Rivera tutors at the center and spent the afternoon turning youths away before they reached the yellow police tape.

"I'm letting them know that something happened," said Rivera, who was concerned that children might not feel safe at the center if they learned someone had been shot.

The man's death was the second fatal officer-involved shooting by Riverside police this year. Two other men were shot and wounded earlier this year by Riverside officers.

Reach Andrea Cavanaugh at (909) 368-9460 or [acavanaugh@pe.com](mailto:acavanaugh@pe.com)

Staff writer Michael Coronado contributed to this story

# Man shot by police identified

**RIVERSIDE: Authorities confirm that a bullet did hit a nearby home. The investigation continues.**

05/29/2003

By ANDREA CAVANAUGH  
THE PRESS-ENTERPRISE

**RIVERSIDE** - Residents of a Casa Blanca neighborhood expressed concern Wednesday about a fatal police shooting near a community center that sent a bullet flying into an occupied home.

One bullet fired by an officer struck a home in the 7300 block of Peters Street during the shooting on Tuesday, Riverside police Sgt. Steve Johnson said in a telephone interview. No one inside the home was injured.

Volne Lemont Stokes, 31, of Riverside was pronounced dead at Riverside Community Hospital about 2:20 p.m. Tuesday. He was shot after he advanced on two officers with a knife and a screwdriver in his hands, Johnson said.

The officers were identified Tuesday as Tina Banfill, who has been with the department since November 1996, and Adam Brown, a five-year police veteran. Both have been placed on paid administrative leave while the shooting is under investigation, a standard practice in officer-involved shootings.

Myron Halcon Jr., who lives in the house that was struck by the bullet, said he was weighing the officers' need to protect themselves against the threat to public safety that the shooting created.

"They did what they had to do -- that's understandable," Halcon said. "I'm still angry about the fact that anybody in this house could have gotten hurt."

Halcon said it was a miracle that no one was in the bedroom at the time of the shooting. Eight people were inside the house when the bullet struck, he said. Three adults and 10 children live in the single-story, three-bedroom home.

"There's always someone in that bedroom," Halcon said. "The man upstairs is watching over us."

Woodie Rucker-Hughes, president of the Riverside office of the National Association for the Advancement of Colored People, said in a statement that the organization was concerned about Stokes' shooting and the fact that it occurred so close to the Ysmael Villegas Community Center in an area that is frequented by children.

Stokes was sitting in a stolen car parked at Esperanza Street and Marguerita Avenue on Tuesday when two officers walked toward the car about 1:40 p.m., police said. Residents said Stokes had been sleeping in the car for several days.

As the officers approached, Stokes got out of the car, holding a knife and a screwdriver, and walked toward the officers, Johnson said. Both officers opened fire when Stokes ignored their commands to drop the knife, he said.

Stokes was 15 to 20 feet away from the officers when they ordered him to drop the knife and was six to 10 feet away when they fired their weapons, Johnson said.

Stokes' uncle, Melvin Stokes of Los Angeles, said police should have used "less-lethal" weapons to disarm his nephew.

"I believe they had time to use nonlethal weapons," Stokes said in a telephone interview.

"I don't think the gun was necessary."

A variety of less-lethal weapons are used by Riverside police, including stun guns and shotguns that fire a missile resembling a beanbag. Less-lethal weapons are intended to disarm people without resulting in death.

Although less-lethal weapons are available to all patrol officers, Riverside police spokesman Felix Medina said he couldn't comment on what type of less-lethal force was available to the officers involved in the shooting or whether they had time to use them.

Stokes was shot within four minutes of his initial encounter with Brown and Banfill, Medina said in a telephone interview.

"In situations that go by at such a fast pace, there may not be an opportunity to deploy less-lethal force, especially in a situation where someone is armed with a knife," Medina said.

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# Officers in danger, witnesses say

**SHOOTING: A community review panel report outlines events leading to a Riverside man's death.**

07/03/2003

By ANDREA CAVANAUGH  
THE PRESS-ENTERPRISE

**RIVERSIDE** - Witnesses to the fatal police shooting of a Riverside man say they didn't see a metallic object an officer said was in the victim's hands, but most agreed the use of deadly force was appropriate, according to a report issued Wednesday.

Eyewitness accounts in the report by the Community Police Review Commission state that the officers' actions were appropriate because of the danger they believed Anastacio Munoz posed to police and the public.

The report is a preliminary look at the circumstances surrounding the shooting.

Munoz, 40, was shot in the head on Nov. 17 and died at a hospital one day later. He had amphetamines in his system and his blood-alcohol level was 0.20, the report said. The legal limit for driving is 0.08.

The commission still needs the results of the Police Department's administrative investigation before deciding whether the officers acted within departmental policy, commission chairman Michael Gardner said. The results are expected to be made public within 90 days, he said.

"It's a long, drawn-out process," Gardner said in a telephone interview. "It's frustrating to the commission and, we think, it's frustrating to the family and the public."

Riverside police spokesman Felix Medina referred inquiries to Police Chief Russ Leach, who did not return a call for comment Wednesday.

## **SUV incident**

Police gave the following account of the shooting, according to the review board's report. Officer Melissa Wagner spotted Munoz driving erratically about 1:30 a.m. on Nov. 17 and tried to pull him over. Munoz drove to the home of his in-laws in the 8900 block of Colorado Avenue and stopped his SUV in the yard.

He then drove down the street, made a U-turn, and returned to his in-law's yard. Wagner told investigators she saw a metallic object in his hands and heard him shout that he had a gun. Wagner radioed that information to dispatch, the report said.

Munoz ignored Wagner's commands to turn off his engine and drove the SUV into the street. Then he revved the engine and backed toward the officers, prompting Wagner and Officer Carl Turner to open fire, according to the report.

The report states none of the witnesses interviewed saw a metallic object in Munoz' hand, as Wagner told investigators. Several witnesses heard shouting about a gun, but couldn't identify the source.

Officer John Burnette told investigators Munoz said, "I'm going to shoot you." Munoz' mother-in-law heard him say, "I'm gonna kill one of you guys," according to the report.

Most witnesses agreed Munoz backed the SUV toward the officers, but offered different opinions of how far it traveled and at what speed, the report said.

A witness told police the SUV may have backed up, but he believed it had stopped by the time the officers fired their weapons. Munoz' estranged wife, Lee Munoz, said the SUV never backed up, according to the report.

## **Earlier citation**

Munoz started drinking beer at a Tyler Street bar about 10 a.m. on the day before the shooting, according to the report. The bartender noted his glassy eyes and slurred speech after 7 p.m. and cut him off. He was seen sleeping in his SUV in the bar parking lot between 10:30 and 11 p.m.

One bar customer told another that Munoz said, "You're going to see me in lights," and Munoz' father-in-law told a neighbor that Munoz said he had nothing to live for, the report said.

Munoz was cited in 1998 for ramming another vehicle with his SUV, and a neighbor recalled Munoz ramming his wife's vehicle about 18 months before he was shot. The report stated that the neighbor may have been referring to the incident for which Munoz was cited.

Munoz' sister, Marguerite Romero, said she didn't believe her brother intended to hurt anyone the morning he was shot.

"What they're saying he's done -- trying to run over the officers -- he never would have done that," Romero said. "I think he was scared and he just wanted to go home."

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Wednesday, October 29, 2003

## 2 named 'top cops' for rescuing girl

**NATIONAL AWARD:** The Riverside officers saved the 4-year-old who was being held at knifepoint.

**BY KATIE E. ISMAEL**  
THE PRESS-ENTERPRISE

**RIVERSIDE** – Two Riverside police officers have been honored nationally as “top cops” for saving a young girl who was being held by a man who had put a knife to her throat.

Officers Scott Borngrebe and William Rodriguez were nominated by another officer who had been at the scene. The award was presented by the National Association of Police Organizations.

Bill Johnson, the executive director of the group, said the awards committee chose the New Year's incident because the officers “saved this little girl from harm.”

They put themselves in harm's way to rescue the two young children inside the home, he said.

The New Year's Eve incident was selected among the top 10 from a couple hundred nominations by a committee of law enforcement officials.

Lt. Mark Boyer said that any time an officer gets national recognition, “it's huge.”

“The department is ecstatic for them and proud of the work that they do,” he said. “it's just a big honor.”

Borngrebe said the Oct. 11 ceremony at the Lincoln Theatre in Washington, D.C., was “a once-in-a-lifetime event that you remember the rest of your life.”

On Dec. 31, Borngrebe and Rodriguez went to a home on Aries Street on a call about a woman being assaulted by her son. Laurie Wetter had escaped from the home, but her niece's children, ages 3 and 4, remained inside.

Wetter told authorities her son had made previous statements about committing “suicide by cop.”

The two officers entered the home through a bedroom window to get the children out. Borngrebe was armed with a 12-gauge shotgun loaded with less-lethal ammunition, police have said.

Borngrebe saw the 4-year-old girl in the hallway and tried to make her walk to him. Michael Wetter appeared and picked up the girl. He was holding two knives, one with a 7-inch blade, and held one to the child's throat, police said.

Borngrebe pointed the shotgun at Wetter and told him to drop the weapons. Borngrebe began backing up as Wetter advanced on him, backing officer Borngrebe into a corner, according to police.

Officer Rodriguez fired once. Wetter was hit in the back of the head and died.

Laurie Wetter filed a claim against the city, the Police Department, Chief Russ Leach and Rodriguez and Borngrebe that alleges the use of deadly force was excessive. The city has rejected the claim.

“It's a tragedy that they had to shoot the suspect,” Johnson said.

Lt. Boyer called the situation “intensely stressful,” and said they would have liked to take Wetter into custody.

“We don't like to use deadly force...” he said.

Borngrebe has been with the department since July 1995, and was honored with a medal of valor for his work during the Riverside City Hall shooting in 1998. Rodriguez joined the department in 2002 after 12 years with the New York City Police Department.

# Police urged to fill gap in shooting policy

01:10 AM PST on Thursday, December 11, 2003

By **KATIE E. ISMAEL / The Press-Enterprise**

Riverside - Riverside's Community Police Review Commission voted Wednesday night to recommend that police develop a policy on shooting at moving vehicles, and that the Internal Affairs unit conform to existing policy while investigating officer-involved shootings.

The recommendations came out of the commission's investigation of the November 2002 fatal police shooting of Anastacio Munoz, who police said backed toward them in a sport utility vehicle outside his in-laws' house.

The commission voted to recommend the department's firearms policy be modified to include language that deals with shooting at a moving vehicle. The department has a policy governing shooting from a moving vehicle.

The department should also establish or modify training to teach officers to consider their environment before firing, the commission decided.

The panel's Internal Affairs recommendation stemmed from its finding that the unit did not follow written policy in reviewing the Munoz shooting.

While strongly recommending that the department follow existing policy, the commission said that as an alternative, the department could rewrite the rules so they conform to what the panel believes is the unit's current practice. Commissioners found that the unit's approach to investigating officer-involved shootings amounted to an administrative review, not a truly independent investigation.

"I hope we're not saying we accept the fact (that) the practice of the department is contrary to the policy," Commissioner Jim Ward said during a discussion of the recommendation.

In the Munoz case, the panel found, Internal Affairs reviewed the actions of the team that investigated the shooting and others involved with the case, but did not conduct an independent investigation, including interviewing witnesses.

According to the commission's report, police said Munoz ignored an officer's commands to turn off his engine and drove the SUV into the street. He revved the engine and backed toward the officers,

Officers fired 11 shots at him-one hitting Munoz, eight the SUV and one a mailbox. Another hit the frame of a house across the street at the end of the block.

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# Chase ends in driver's death

**CRASH: After ramming a patrol car and trying to hit a motorcycle, the man is shot by police.**

**01:35 AM PST on Tuesday, December 16, 2003**

**By TAMMY McCOY / The Press-Enterprise**

A driver leaving a hit-and-run crash tried to hit a Riverside motorcycle officer and rammed his van into a patrol car before he was shot by police and crashed into a church, authorities said. The driver later died.

The man was shot at about 4:30 p.m. near the intersection of Philbin and Ivanhoe avenues in the Arlanza area, said Riverside police Officer Felix Medina. The van, a light-colored Mazda MV, then hit an outside wall of a one-story church.



Nearby resident Willie Crawford was trying to take a nap when the shooting occurred.

"I heard three shots, bang, bang, bang, and then a big bang, and I think that's when the car hit the building," he said.

The man was taken to an area hospital where he was pronounced dead. Medina said he did not know how many times the man was shot. His name and identifying information were not available.

David Bauman / The Press-Enterprise  
**Riverside motorcycle Officer Bobby Sayers explains to a supervisor Monday afternoon how he was almost run down by the driver of a van**

Medina said police were called to a non-injury hit-and-run crash on Tyler Street and Magnolia Avenue. A motorcycle officer tried to stop a man driving a Mazda van.

"The suspect attempted to ram into the motor officer several times," Medina said.

The chase continued onto Rutland Avenue where an officer driving a patrol car joined the pursuit. Medina said the van rammed into a patrol unit several times. The van chase continued onto Philbin Avenue and the driver attempted to make a U-turn near the intersection of Ivanhoe Avenue.

At least two other patrol units joined the chase and at least one fired at the van, Medina said.

The van crashed into the front corner wall of the church. The van's hood was crumpled, its front end touching the corner wall in front of Iglesia da Dios Pentecostal church.

Medina said one officer involved in the incident complained of pain and was taken to an area hospital. Medina had no details about the officer's injury.

The building was empty when the crash occurred, said minister Rony Guebara. The minister said he came to check on the church and find out what happened. He waited at the edge of an empty gravel lot that spans some 30 feet on the east side of the church to Challen Avenue.

Long strips of yellow police tape prevented bystanders in the neighborhood from entering Philbin Avenue at Rutland and Challen avenues.

Four police cars in front of the church's driveway were parked at varying angles, as if they had swarmed the area from every direction. The patrol units' red, white and blue lights flashed more rapidly than the blinking icicle lights hanging from the eaves of neat one-story home across the street. The patrol cars' lights reflected off a white, lattice fence around another well-manicured yard facing the shooting scene.

Riverside police detectives are investigating the shooting.

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Staff photographer David Bauman contributed to this report.