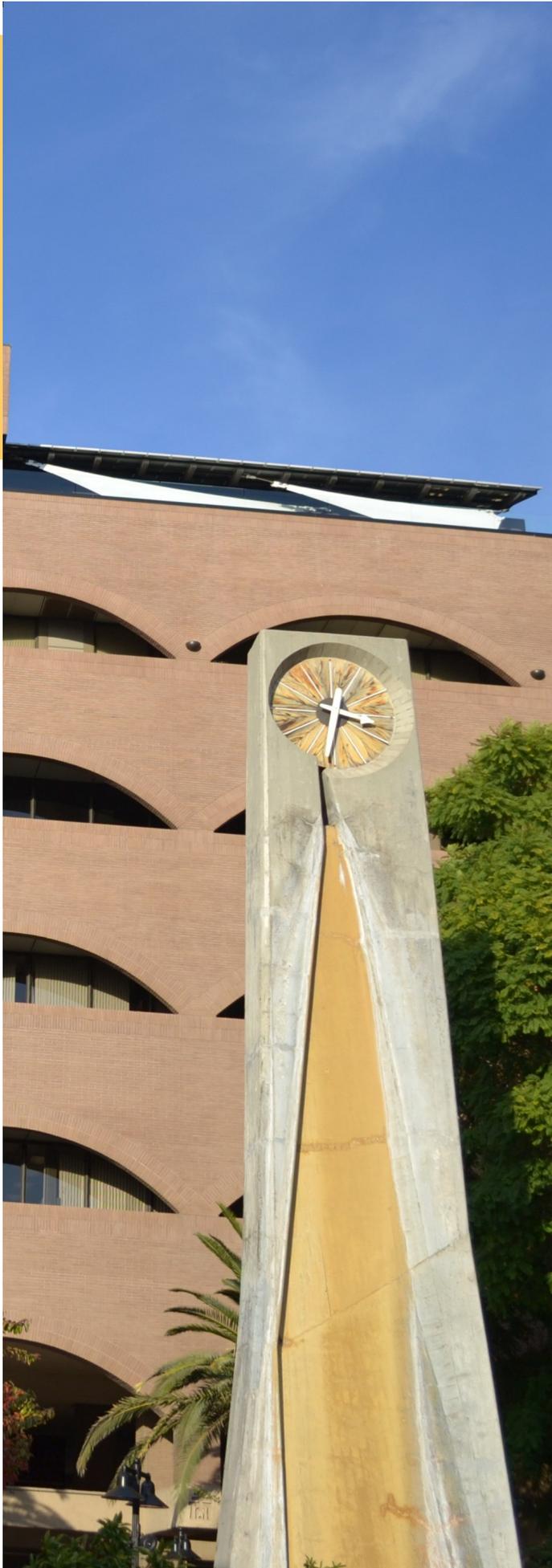


City of Riverside
Community Police
Review Commission
2012 ANNUAL REPORT

3900 MAIN STREET, 6TH FLOOR, RIVERSIDE, CALIFORNIA 92522
PHONE: 951.826.5509 / FAX: 951.826.2568
WEBSITE: www.riversideca.gov/cprc



COMMUNITY POLICE REVIEW COMMISSION

City of Riverside, California

*Celebrating
12 Years of Service
to
Riverside and Its Citizens*

Commission Members 2012

Dale Roberts
Chair

Robin Jackson
Vice-Chair

Ken Rotker
Claudia Smith
Jon Johnson
Janice Sawyer
Joe Ortiz
Art Santore
Jane Adams

Staff

Frank Hauptmann
CPRC Manager

Phoebe Sherron
Senior Office Specialist

Our Acknowledgment & Thanks to...

The 2012 Annual Report Ad-Hoc Committee

*Claudia Smith – Committee Chair
Janice Sawyer
Art Santore*

*Golden Badge Awards Photo
Courtesy of Sunshine Portrait Studios
www.sunshineportraitstudios.com*

*Commissioner Biography Photos
by
Brenda Flowers
Project Coordinator, Arts & Cultural Affairs
and
Phoebe Sherron, CPRC Staff Member*

*Event Photos
by
Commissioner Jon Johnson and Phoebe Sherron*

*Cover Photo and Report Preparation
by
Phoebe Sherron*

TABLE OF CONTENTS

<i>THE ANNUAL REPORT</i>	1
<i>THE STRUCTURE OF THE COMMISSION</i>	2
<i>MESSAGE FROM THE CHAIR</i>	3
<i>PRESENT COMMISSION MEMBERS</i>	5
<i>PAST COMMISSION MEMBERS</i>	9
<i>COMMISSION STAFF</i>	10
<i>COMMISSION ATTENDANCE</i>	11
<i>COMMISSION OUTREACH</i>	12
<i>TRAINING, SEMINARS, AND CONFERENCES</i>	19
<i>COMMISSION RELATIONS</i>	21
<i>OFFICER COMMENDATION</i>	22
<i>THE COMPLAINT AND REVIEW PROCESS</i>	24
<i>CASE ACTIVITY</i>	25
<i>CASE DISPOSITIONS</i>	26
<i>CASES FILED BY NEIGHBORHOOD</i>	28
<i>ALLEGATIONS AND FINDINGS</i>	30
<i>CASES REVIEWED BY NEIGHBORHOOD</i>	31
<i>COMPARISON OF FINDINGS</i>	34
<i>OFFICER-INVOLVED DEATHS</i>	36
<i>OFFICER-INVOLVED DEATH EVALUATIONS</i>	38
<i>DEMOGRAPHIC AND OTHER DATA FOR 2012</i>	43
<i>POLICY RECOMMENDATIONS</i>	44
<i>HISTORIC ANALYSIS</i>	45
<i>APPENDIX</i>	47



THE ANNUAL REPORT

The Community Police Review Commission (CPRC) describes and provides an overview of its principal activities in its 2012 Annual Report. As mandated by Charter Section 810, the CPRC prepares and submits this report to the Mayor and City Council.

The CPRC continues to focus on its mission of promoting public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department.

Contact Commission staff at (951) 826-5509 or via e-mail at cprc@riversideca.gov for additional information or questions. Many answers to frequently asked questions are also available on our website at www.riversideca.gov/cprc.

About the Commission

The **City Council's** passage of Ordinance No. 6516 in April 2000, created the Community Police Review Commission and amended Title 2 of the Riverside Municipal Code by adding Chapter 2.76. One of 13 boards and commissions, the Community Police Review Commission was created to promote effective, efficient, trustworthy, and just law enforcement in the City of Riverside.

Mission

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). The CPRC accomplishes this mission by conducting an independent review of officer-involved death (OID) cases and citizen's complaints. The CPRC has the power to contract with independent investigators on OIDs or complaints when deemed appropriate and necessary by the CPRC or the CPRC Manager. The CPRC may recommend changes in RPD policy and maintains community relationships through continuous public outreach efforts.

Purpose

By ordinance, the purpose of the Community Police Review Commission 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."

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



Structure of the Commission

The Commission is made up of nine citizens of the City of Riverside who are appointed to four-year terms as Commission members by the City Council. There is at least one member from each ward in the City. The terms are staggered so that, except for one year, three Commission member terms expire each year. As with other commissions, members do not receive compensation. A Manager and Sr. Office Specialist are funded in the City Manager's Office to provide members of the Commission with all necessary staff support.

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 et. Seq., and applicable Penal Code sections and case law and Peace Officer Standards Training (POST) guidelines and regulations.

The Community Police Review Commission's total budget appropriation approved by the City Council for FY 2011-2012 was \$260,567. and FY 2012-2013 is \$274,071.

Who does the Commission Represent?

The Commission is designed to be able to carry out the charge "to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside." In other words, the Commission's primary function is to increase public trust towards the Riverside Police Department. It seeks to give the public the assurance that any allegations of misconduct lodged against a sworn officer will be fairly and thoroughly investigated. The Commission is not an adversarial body. It represents the community's perspective on the complaint investigation process -- hence its name, "Community Police Review Commission."

When the Commission receives the investigative report on a complaint, the CPRC Manager reviews it for thoroughness and writes an executive summary for the Commission members. The Commission then reviews the allegations in each case and makes a recommended finding to the City Manager. During this review process, the Commission also critiques the quality of the investigation and the investigative



process. This review and comments by the Commission members gives City and Police Department management the advantage of having a perspective that is not found in most communities.

In short, the Commission offers a community perspective of the Police Department that is available to the citizens of Riverside, the policy makers, City and Police Department managers, and line police personnel.

Message from the Chair

by Dale Roberts



It has been my honor and pleasure to serve as the 2012 Riverside Community Police Commission (Commission) Chair. I would like to convey my gratitude and appreciation for the confidence and support of my fellow Commissioners who elected me to the Chair position for the 2012 term and for the exemplary dedication and passion of each Commissioner in working to achieve the objectives outlined in our Mission and Purpose statements. I wish to personally acknowledge the dedication and support of the Commission Vice-Chair, Robin Jackson, and of last's year Chair, Art Santore, who will complete his second, four-year term in March 2013.

Each Commissioner dedicates many hours in reviewing Officer-Involved Death cases and citizen complaints, as well as in training and community outreach. Our Outreach Coordinator, Commissioner Jon Johnson, continues to do a tremendous job working in the Community and highlighting areas where the Commission can interact with the Community to create awareness of the Commission and its Mission. Additionally, in 2012, the Commission formed two ad-hoc committees, the Annual Report Review Committee, chaired by Commissioner Claudia Smith, and the By-Laws Review Committee, chaired by Commissioner Ken Rotker. I commend each Commissioner who contributed on the ad-hoc committees. I would also like to welcome our newest member, Janice Sawyer, who was appointed in March 2012.

The Community Police Review Commission was created in order to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department. As such, one of the Commission's primary duties is to independently review and report its findings on officer-involved deaths. The Commissioner's findings are made by thorough analysis of information and data received from independent investigation, RPD's reports, and through other training and media.

In 2012, there were five officer-involved deaths as compared to two officer-involved deaths in the previous year. During 2012, the Commission reviewed three, prior-year officer-involved deaths. The Commission noted through the review of officer-involved death cases, citizen case review, and by community testimony, that RPD has frequent contact with persons displaying symptoms that could be associated with mental health illness. It is my belief that more in-depth training on mental health issues and greater collaboration with mental health workers are essential and necessary components in understanding how to handle contact with these citizens successfully.

Commissioners are encouraged to attend the annual National Association for Civilian Oversight of Law Enforcement (NACOLE) conference when funding is available. "Building Community Trust" was the theme for the 18th annual NACOLE conference, which was held in San Diego, California in October 2012. One of our Commission's goals is to build community trust by helping to improve communication between the citizens and police. We have found that our training, seminars, conferences, and community outreach furthers this goal. Overall, the 2012

Message from the Chair—continued

NACOLE event was a success. Several of our Commissioners attended as well as other oversight, law enforcement agencies and presenters from around the United States and from other countries such as Canada, Trinidad, Ireland, and Nigeria. Some topics of specific Commission interest presented at NACOLE were “How to Assess the Quality of an Investigation” and “Law Enforcement and Persons with Mental Illness”. Also, the highly esteemed and dynamic speakers Erwin Chemerinsky, Dean and Law Professor, University of California, Irvine, presented on issues pertaining to constitutional law and erosion of civil rights, and Connie Rice, Civil Rights Attorney, presented on her accounts in the crusade for basic rights.

The Commission specifically shared information with the RPD regarding the agencies who presented “Law Enforcement and Persons with Mental Illness” as the Commissioners were impressed with the San Diego model and how the San Diego Police Department handles cases involving the mentally ill. RPD plans to meet with these San Diego agencies to gain a better understanding of their model and its applicability to the Riverside Police Department, if any.

In 2013, Salt Lake City, Utah will host the 19th Annual NACOLE Conference. The Commission would like to host the 20th Annual NACOLE Conference in 2014 in Riverside and hopes to have a successful bid.

The Commission observed a dramatic decrease in citizen complaints from 41 complaints filed in 2011 to 23 in 2012. The Commission partially attributes this decrease to better relationships between the Community and RPD; however, the Commission cannot stress the inability to measure other factors that might decrease the number of complaints lodged such as unreported citizen incidents due to the lack of faith in the overall complaint system or simply not knowing how to make a formal complaint. To this end, the Commission will continue to communicate through positive outreach efforts on how the complaint process works.

In 2013, the Commission anticipates working with the Community and RPD in the continued effort of building bridges and trust. The Commission extends a special thanks to all concerned citizens, and to community activists Mr. Bill Howe and Ms. Mary Shelton for taking special interest and care in the daily lives of Riverside’s citizens. The Commission also thanks RPD Assistant Chief Chris Vicino for his regular attendance at Commission meetings. Lastly, we thank the Commission’s staff: Frank Hauptmann, Community Police Review Commission (CPRC) Consulting Manager and Ms. Phoebe Sherron, CPRC Administrative Assistant, who continue to provide phenomenal support and institutional knowledge making the Commission better as a whole.

The Commission invites and encourages Riverside residents and members of the public, in general, to come to the CPRC meetings as the importance of community involvement cannot be overstated. Regular public meetings are held on the fourth Wednesday of each month and the agendas are published in advance of these meetings. Public portions of our meetings are audio recorded and archived. To access the items online, please visit the CPRC website at www.riversideca.gov/cprc.

Present Commission Members



Dale Roberts, a Ward 3 resident, has lived in Riverside County for over 20 years and has resided in the City of Riverside for about nine years. She graduated from San Diego State University and CSU, Dominguez Hills, earning degrees in Geology and Accounting respectively. Most recently, Dale earned her Juris Doctor from Northwestern California University. She is employed at Jet Propulsion Laboratory in Pasadena, CA, and is passionate about earth sciences and technology and in creating pathways for exposure in these fields, especially for disadvantaged youth. She intends to broaden her professional career in the area of patent and intellectual property law and to continue participating in various community activities. Dale enjoys hiking, scuba diving, and traveling.

CPRC Chair. Term expires in March 2016*.

Robin “RJ” Jackson is a Ward 1 resident, arriving in Riverside in 2008, but adopting Riverside after being charmed by its cultural diversity, historical preservation, educational opportunities, and its desire to provide citizens with a participatory effort in its growth. She has volunteered at the Heritage House, the Fox Theater, Community Emergency Response Training, Mission Inn Relays, and has attended the Citizen Leadership and Citizen Police Academies. These opportunities eventually led her to interview for the Community Police Review Commission and her ultimate appointment there in March 2011.



Robin served on the Santa Ana Police Department as a bilingual Spanish-speaking officer and detective working in several assignments before injury caused her early retirement. Some of those assignments included Patrol Officer, School Resource Officer, Robbery Detective, Child Abuse/Sex Crimes Detective, Foot Beat Officer, Training Coordinator, and Backgrounds Investigator. She served in auxiliary roles as a Hostage Negotiator, Crisis Intervention Specialist, Recruiter, and assisted in Vice and Narcotics. While working for the Police Department, Robin earned her Bachelor of Arts Degree in Criminal Justice from Cal State University, Fullerton.

In addition, she served as an instructor at the Orange County Sheriff's Department Academy specializing in Cultural Diversity training. She worked for the Civil Service Academy designing programs for students who sought criminal justice careers but lacked basic reading and writing skills. She later became an adjunct criminal justice instructor for Everest College, which led to her appointment as the Criminal Justice Program Chair.

Now retired, she enjoys photography, gardening, walking, motorcycling, and spending time with her family. Her goal as a CPRC Commissioner is to provide **both** the citizens of Riverside and the officers of the Riverside Police Department with fair representation and review while insisting on courtesy, professionalism, and accountability by all. **CPRC Vice-Chair. Term expires in March 2015.**

*2nd Term

Present Commission Members



Ken Rotker has been a resident of Riverside for almost 30 years. He is a 1962 graduate of New York University and a 1982 graduate of the Air Force Air Command and Staff College. Ken retired from the Air Force after completing 28 years of commissioned military service. He also is retired from Federal Civil Service where he served in a variety of management and staff civilian personnel management positions with the Department of the Air Force. Ken and Katherine have been married for 46 years and have two children and two grandchildren. Ken, a licensed amateur radio operator since 1956, is an active member of the Riverside County Amateur Radio Association and the Riverside County Radio Amateur Civil Emergency Service (RACES) where he serves as Administration Section Chief responsible for training, public affairs, and development. His other hobbies include hunting, fishing, and target shooting. **Term expires in March 2016*.**

Claudia Smith has lived in Riverside County for approximately 18 years and in the City of Riverside for 13 years. She migrated to California from the East Coast after 22 years in the telecommunications industry. A licensed clinical social worker, she has 19 years of experience in the mental health field. Employed with Riverside County since 1995, she was initially a psychiatric social worker and then later worked as a mental health services supervisor at the County psychiatric hospital. She is currently with the County's Public Guardian and Conservator office, supervising conservatorship investigators. **Term expires in March 2017*.**



Ralph "Jon" Johnson has been a Riverside resident for over 20 years. He came to Riverside after retiring from the U.S. Army in 1990. While in the military, he served in a wide range of duty stations that included Vietnam, Italy, Germany, Korea, Washington, D.C., and California. His job assignments have been as varied and challenging as his postings. While in California, he was an Army recruiter in Pomona and a Recruiting Station Commander in LaVerne. Jon was also assigned with the Inspector's General Division at Fort Ord, California, working in the complaints section. While in Washington, D.C., he was responsible for investigating postal fraud and waste in the Military District of Washington.

After retiring from the military, Jon joined the San Bernardino Sheriff's Department as a Deputy Sheriff. He retired from the Sheriff's Department in 2001.

Jon enjoys golf, tennis, darts, and researching antiques.

Jon and his wife, Debra, enjoy Riverside and look forward to giving back to the community. "I know Riverside is growing every day, but I want it to keep that small, hometown feel that drew us in many years ago. I believe that starts with having a friendly, caring, and service-oriented police force."

Term expires in March 2015.

*2nd Term

Present Commission Members



Janice Sawyer, a Ward 7 resident, was born and raised in Abilene, Texas. She has lived in Riverside for approximately 16 years and continues working full time at Kaiser Foundation Health Plan, Inc. where she has been employed for 26 years.

Janice was raised as a preacher's daughter and is always involved in the ministry in whatever way she can such as playing piano on the worship team, teaching the children or anything else that needs to be done.

She is married to the best man in the world, has 3 sons, 2 step-sons, 1 step-daughter and ten wonderful grandchildren.

She enjoys time with her 2 dogs and 12 chickens (who live in the red, white, and blue chicken coop that her husband built for her). She loves her country and the red, white, and blue (after all, Janice was born on Flag Day), and wants to help her community in whatever way she can. **Term expires in March 2016.**

Joseph "Joe" Ortiz, has lived in Riverside for seven years and is a Ward 2 resident. Mr. Ortiz has a Juris Doctor from the University of Minnesota Law School and currently practices Labor and Employment law with Best Best & Krieger in the firm's Riverside office. An experienced trial lawyer, he has successfully tried employment matters before state and federal courts, administrative agencies, and arbitration tribunals on claims of all types. He also taught employment law recently as an adjunct professor at the University of California, Riverside extension program.

Mr. Ortiz is an active community volunteer. He is currently a member and President of the Board for Greater Riverside Dollars for Scholars (providing scholarships to exceptional local students), is Vice-Chair of District 11 (Inland Empire) of Professionals in Human Resources Association (PIHRA), and is board member with the Public Service Law Corporation (Riverside County Legal Aid).

Mr. Ortiz is married to Julia and has two young sons, Aiden and Jacob. He enjoys reading, playing guitar, snowboarding, and jogging. He and his wife are also active members of The Grove Community Church in Riverside. **Term expires in March 2017*.**



Present Commission Members



Arthur "Art" Santore, a Ward 6 resident, has lived in Riverside for close to 40 years and is a graduate of Riverside Community College. For a number of years, Art was sole owner of Z-Best Plumbing in Riverside, as well as a plumber for the University of California, Riverside. He has also worked for the International Union of Operating Engineers, Local 501, as a business representative.

Art is very active in the community and has volunteered for Community Emergency Response Team, or CERT, RFD Class 33. On May 25, 2011, he graduated from RPD's Citizen Police Academy; he has also attended the Neighborhood Leadership Academy, is the Coordinator of "La Sierra Watch Dogs" Neighborhood Watch, and is Commander of VFW Post 12021.

He has been an Eagle Scout Mentor, assisting Boy Scouts in completing their Plumbing and Fly-Fishing merit badges, and has shown children fly-tying at the Riverside County Youth Fishing Day at Lake Skinner. Art has also volunteered in other special education events throughout the years. **Term expires in March 2013*.**

Jane Adams is a Ward 3 resident. She and her husband Doug have lived in Riverside for over 39 years of their 41 year marriage. They raised two children: son, Chris, and daughter, Pauline, who both still live in Riverside with their families. They have three grandchildren.

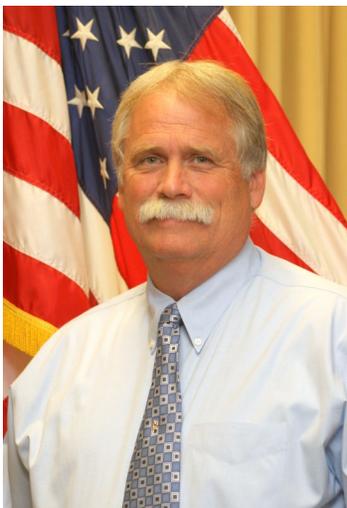
Jane has worked in County government for 40 years as well: 12 years with Riverside County, and 28 years with San Bernardino County. She is currently a Deputy Director in the Department of Aging and Adult Services with responsibility for the Older Americans Act Aging Programs, the Public Guardian, and the In Home Supportive Services Quality Assurance and Fraud Prevention Programs.

Jane received her Bachelor of Science Degree in Business Administration from Cal Poly, Pomona, and her Masters Degree in Business Administration from Cal State, San Bernardino.



Jane enjoys her family in her spare time. She also loves to racewalk, having now completed over 35 marathons in addition to many half-marathons and charity races. **Term expires in March 2015.**

Past Commission Members



John Brandriff

**Term began December 2006
2nd Term expired March 2012**

John Brandriff has lived in Riverside County for 30 years, residing in Riverside for close to 20 years. Active in both the City and the County, John is a former member of the Human Relations Commission and a current member of the County's Community Court Planning Committee. He is also the current coordinator for La Sierra Hills Neighborhood Watch. John has been employed by UPS for 25 years. He enjoys camping and boating on the Colorado River with his family.

Did You Know...

...most complaints can be avoided through the use of common courtesy?



Commission Staff



Frank Hauptmann, CPRC Manager, comes to the Community Police Review Commission a seasoned professional with exposure and expertise in policing for 35 years. Mr. Hauptmann has been employed by the Glendale and Garden Grove Police Departments in Southern California. In his most recent position as Chief of Police for the former Maywood / Cudahy Police Department, he became a “change agent” in reforming the Department by developing new policies, practices and procedures. In addition, he restored public confidence and trust in the Police Department through enhancing community relations and outreach. His relevant expertise includes evaluating accountability processes, managing and directing staff, community policing strategies, budgeting, customer service, criminal investigations, internal investigations, developing policy and procedure, and terrorism threat assessments.

Mr. Hauptmann also served 15 years in the military reserves with the U.S. Naval Intelligence Command, possessing a Department of Justice Top Secret clearance and having worldwide intelligence experience in this position. Also in his capacity as a reservist, he spent 10 years as a federal credentialed agent with the U.S. Defense Intelligence Agency.

Mr. Hauptmann is currently an adjunct instructor in the Advanced Officer Training Program at California State University Long Beach. He has taught Internal Affairs Investigation in this program for the past 16 years, training over 3,000 police supervisors and managers throughout the State of California. He has also taught courses in criminal justice at local colleges. As a police executive, he attended the prestigious West Point Leadership Command Program at the Los Angeles Police Department, the Law Enforcement Executive Development course at the FBI National Academy in Quantico, Virginia, and another in San Francisco.

Mr. Hauptmann has lived in the Corona – Norco area for over 30 years and is familiar with the Inland Empire culture. He looks forward to using his experience, training, and education in serving the community of Riverside.

In 2011, Mr. Hauptmann attended the following courses in order to enhance his skills as the CPRC Manager: 1) Instructor Certification – Excited Delirium & Sudden In-Custody Deaths, Institute for the Prevention of In-Custody Deaths, Inc. 2) Use of Force – Deadly Force Certified Analyst, Force Science Institute, University of Minnesota 3) Auditing Police Performance, Cal State University, Long Beach 4) National Association of Citizen Oversight of Law Enforcement, Annual Conference, New Orleans.

Phoebe Sherron began her employment with the City of Riverside through a temporary agency in October 1996. A vacancy was created in the Riverside Fire Department (RFD) Administration office when the position she temped in was filled. Phoebe was able to fill the RFD vacancy and was hired by the Fire Department in July 1997.

In 2000, Phoebe applied for a promotional position. One of the job openings she eventually interviewed for was the clerical position with the new Community Police Review Commission. Phoebe was the top applicant, accepted the job offer, and began working with the Commission in November 2000. The roots Phoebe has established as the longest-serving staff member of the CPRC has made her a valuable resource to the CPRC managers and commissioners who have served since its inception.



Commission Attendance

In 2012, the Commission held 20 meetings, 12 of which were the standard, or Regular, monthly meetings. The other meetings held were primarily training meetings, although some Special meetings were held to address Commission business of a time-sensitive nature, such as officer-involved death (OID) case evaluations or OID briefings.

2012 Attendance	January 11	January 25	February 8 Case Review	February 8 Training / Special	February 22	March 14 Case Review	March 14 Training / Special	March 28 Case Review	March 28 Regular	April 25	May 23	June 27 Case Review	June 27 Regular	July 25	August 22	September 26	October 24 Case Review	October 24 Regular	November 14	December 12	
	John Brandriff 12/5/06 - 3/1/12*	✓	B	✓	B	✓															
Arthur J. Santore 5/15/07 - 3/1/13*	✓	✓	✓	✓	✓	✓	S	S	✓	✓	O	O	S	✓	✓	S	S	S	✓		
Claudia Smith 9/20/11 - 3/1/13	O	O	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Joe Ortiz 12/12/11 - 3/1/13			✓	✓	✓	L	✓	✓	LE	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Robin L. Jackson 3/1/11 - 3/1/15	S	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	V	✓	✓	✓	✓	✓
Ralph L. Johnson 3/1/11 - 3/1/15	✓	✓	✓	✓	✓	L	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Jane Adams 3/1/11 - 3/1/15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	O	✓	
Janice Sawyer 3/1/12 - 3/1/16						✓	✓	O	✓	✓	V	V	V	✓	✓	✓	✓	✓	✓	✓	✓
Kenneth I. Rotker 3/1/08 - 3/1/16*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	V	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Dale Roberts 11/17/09 - 3/1/16*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	S	✓	✓	✓	✓	✓	✓	✓

- ✓ = Present
- B = Absent / Business
- S = Absent / Sick
- V = Absent / Vacation
- O = Absent / Other
- UE = Absent / Unexcused
- L = Late
- LE = Left Early
- = Vacant / Not Yet Active or No Longer Serving

Commission Outreach

The Commission continued in 2012 to promote the philosophy that the Commission works for the Riverside citizenry and can only be effective with the assistance of the Riverside citizen. The more the Commission's message is conveyed to the public, the more the citizens will realize that the objective is to promote harmony, trust, and confidence between Riverside residents and the Riverside Police Department. To that end, in 2012, Commissioners and Staff continued its attendance of a wide range of meetings and events in an effort to enhance community cohesiveness and communication between Riverside citizens and the sworn personnel serving the public. The Commission's outreach activities included:

Annual Events

- Riverside Air Show
- Martin Luther King, Jr. Annual Walk-a-Thon
- Annual Board & Commission Reception
- 9th Annual Seniors' Conference – Goeske Senior Center
- Law Enforcement Appreciation Dinner and Awards Ceremony (LEAC)
- CPRC Chair's Annual Report to City Council
- Annual Chili Cook-Off
- Riverside Neighborhood Conference (Booth)
- 2012 NACOLE Conference (National Association for Civilian Oversight of Law Enforcement)
- Eastside Community Fair and Spring Egg Hunt at Bobby Bonds Park — Eastside Health Center and Riverside Parks, Recreation, and Community Services Department
- 8th Annual Community Health Fair at Bryant Park — Arlanza Family Health Center and Eric M. Solander Center
- "Safe in His Arms" Peace Officers' Memorial
- 2012 National Night Out
- Cruisin' Under the Stars
- Riverside Police Foundation's
 - 1st Annual Chief's Breakfast
 - Inaugural Golden Badge Awards

Neighborhood / Ward Specific Events

- Christian Intercessors of the Nations Organization's (CIONO) "Free Shop Day"
- Riverside Police Foundation fundraiser at California Pizza Kitchen
- Northside Improvement Association Meeting
- Raincross 5K Run
- Black History Month Parade and Expo
- Riverside Coalition for Police Accountability (RCPA) Public Forum

At 2012 Riverside Events



CPRC Table
Black History
Parade & Expo

Commissioner
Joe Ortiz & Son

Eastside
Community Fair
and
Spring Egg Hunt



Commissioners
Robin Jackson
& Jon Johnson

Eastside
Community Fair
and
Spring Egg Hunt

Commission Outreach – continued

Other Meetings & Events - Continued

- Blindness Support Services Friends' Appreciation Night
- Leadership Riverside
- Historic Wood Streets Quarterly Meeting (2 meetings attended)
- Community Meeting regarding the death of Lareanz Simmons
- Dr. Oliver Thompson's Community Relations Class, Riverside City College, Spring and Fall Semesters
- City of Riverside GTV (Government TV) Interview on RPD's Strategic Plan
- The Group (1— meetings)
- Immanuel Lutheran Church
- Christian Intercessors of the Nations Organization's (CIONO) meetings
- K & N Filters' Car Show
- Great American Cleanup, Bobby Bonds Park
- Kansas Avenue SDA Pace-Setters Seniors Group
- Blindness Support Services Fundraiser
- RPD / ACLU Community Policing Symposium
- Meeting with RPD and Community Leaders in Casa Blanca
- Casa Blanca Community Action Group Meeting
- Riverside Latino Network Meeting
- Chamber of Commerce Mixer, Riverside Arts Museum
- Casa Blanca Neighborhood Meeting
- Food Truck Festival
- Heritage House
- Riverside Downtown Business Council, Riverside Chambers of Commerce
- Inland Empire Latino Lawyers Association
- Public Service Law Corporation
- Mary S. Roberts Pet Adoption Center volunteer
- Rubidoux Swap Meet
- Rhythm of Riverside Concert(s)
- Canyon Crest Athletic Club Grand Opening
- Chambers of Commerce Mixer at Parkview Community Hospital
- Concert in the Village
- Movies on Main Street
- Concerts in the Park

Other Events We Attended...

Riverside Police Foundation's Inaugural Golden Badge Awards



Commissioners Joe Ortiz, Ken Rotker, & Art Santore;
Phoebe Sherron, CPRC Staff

Commissioners Janice Sawyer & Claudia Smith

Commission Outreach – continued

Other Meetings & Events - Continued

- Governmental Affairs Committee Meeting
- Human Relations Commission Meeting
- Councilmember MacArthur's Constituent BBQ
- 9/11 "Moms of Military"
- Orange Co. Traffic Officers' Assoc. "Police Rodeo" (several RPD officers participated)
- "Give Big" Campaign
- Path of Life Ministries
- River of Life Ministries "Fun Fest"
- Big Cheese Pizza Company "Deaf Awareness Week"
- Car Show at Duke's Bar & Grill
- Riverside Coalition for Police Accountability (RCPA) Meeting
- Tip-a-Cop at Chili's
- Riverside Optimists' Club Presentation
- RPD Community Outreach Lecture Series, Martin Luther King, Jr. High School
- Riverside County Psychiatric Hospital Meeting
- Riverside African-American Historical Society Banquet
- Police Safety Event
- Assisted CIONO with preparation for Thanksgiving Turkey Distribution
- CIONO Turkey Distribution
- 42nd Annual Veterans' Recognition, Kansas Avenue SDA Church
- Neighborhood Leadership Academy
- Rocktoberfest at The Rock Church
- Election Integrity Project
- The Act in Corona
- Riverside Tea Party Patriots Meeting
- Community Hospital Auxiliary
- Festival of Lights Opening Celebration
- Inland Empire Cigar Night Business Mixer at Sevilla's
- Festival of Lights
- Christmas Extravaganza at Grove Community Church
- Riverside Neighborhood Partnership (RNP) meeting
- Riverside Neighborhood Partnership Area 1 Holiday Celebration & Toy Drive
- Mayor Bailey's Swearing-In Reception

More Community Involvement...

Blind Support Services
Fundraiser

Commissioner Jon Johnson,
an avid golfer,
sacrifices his golf money
for a worthy cause



Commissioners Ken Rotker,
Janice Sawyer, and Jon Johnson
Riverside Neighborhood
Conference



Commissioner Jon Johnson
with Minister Turner Stancil,
CIONO Turkey Distribution



Commission Outreach – continued

One-on-One's / Small Group Discussions

- Discussion with a neighbor
- Receptionist at Riverside Chambers of Commerce
- RPD Ride-Alongs (several commissioners on separate occasions)
- Various RPD Personnel
- Wood Streets Neighbors
- Individual neighbor contacts Ward 1, Wood Streets Neighborhood
- Sear's Employee Associate while getting tires changed
- Mental Health Family Advocate's Office
- Citizens from Pachappa Hills
- United Way Seminar for Grant Writing
- RPD Lecture Series: North High School
- RPD Lecture Series: Martin Luther King, Jr. High School
- Owner of Block & Shelton Garage

An announcement of the Commission's regular meetings is published in the Press-Enterprise every month and is also posted on the City's monthly event calendar. CPRC brochures can be found in libraries and community centers, as well as other public buildings throughout the city. Finally, the Commission's website at (www.riversideca.gov/cprc) offers valuable information about the Commission.



February 8, 2012
Joseph "Joe" Ortiz being sworn in as a CPRC Commissioner
by Colleen Nicol, City Clerk for the City of Riverside

Training, Seminars, and Conferences

In 2012, the Commission hosted a training presentation conducted by the Riverside Police Department (RPD) on its Early Warning System. Additionally, several Commissioners attended the three-day “Street Crimes” Seminar hosted by RPD and presented by Pat McCarthy Productions staff. Several Commissioners also attended the annual NACOLE Conference (National Association for Civilian Oversight of Law Enforcement) hosted by the City of San Diego.

The Commission’s goal is to focus and broaden overall knowledge on current issues and subject matter — to improve communication, promote understanding and confidence, and build bridges between the citizens and the police. Therefore, training, seminars, and conferences on current and past topics are important tools and are essential for the continued growth and learning of the Commission, the community, and the police as a whole. Understanding and learning from past issues enable the community and police to confront present practices and ideally prevent the same undesired problems from recurring. The Commission endeavors to articulate and share this knowledge with the Community to improve citizen-police interaction. Training, seminars, and conferences are designed to educate and facilitate the following:

- **B**roaden the knowledge base of current and past issues concerning citizen-police interaction;
- **R**elay and share this knowledge with the community.
- **I**mprove citizen-police interaction;
- **D**evelop and promote confidence;
- **G**ain the community’s respect and trust; and
- **E**mpower and enable the community to communicate effectively.

Training will continue to be an on-going process and standard training topics will be repeated periodically for incoming Commissioners as well as to serve as refresher training for incumbent Commissioners.

The combination of “Commission – Training, Conferences and Seminars” and “Community Outreach” parallel and strengthen the core fundamental values and mission of the Community Police Review Commission resulting in positive police reform, police policy and procedure recommendations, and the promotion of community trust, confidence, and constructive involvement.

Did You Know...

...you can read the results of cases reviewed by the CPRC online at www.riversideca.gov/cprc by clicking on the “FINDINGS” link?



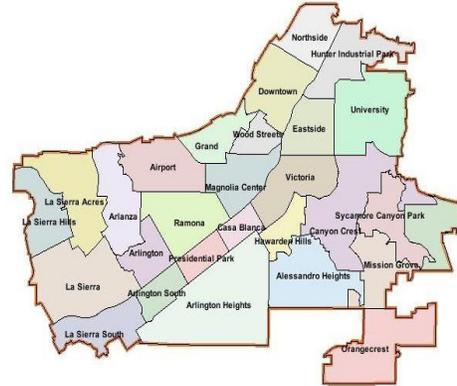
Training, Seminars, and Conferences

Generally, the regularly scheduled training sessions are conducted during the open session of the CPRC meetings and the public is encouraged to attend. Its completed and proposed Training, Conference, and Seminars schedule and bulletins are posted on the CPRC website.

Date	Topic & Presenter
January 11	"Hollywood vs. Reality: Officer-Involved Shootings" Video Prepared by Oregon State Police and introduced in Force Science News Transmission #194
February 8	RPD's Early Warning System Lt. Bruce Loftus, RPD Support Services, Personnel, and Training Division
March 14	"Unsolved History: Shoot-out at the OK Corral" Video From The Discovery Channel's "Unsolved History" Series. Analysis of shootings; portrayal of modern investigative methods
Seminars & Conferences	
August 27— 29	Street Crimes Seminar Pat McCarthy Productions
Oct. 14 — 18	2012 NACOLE Conference — San Diego, California (National Association for Civilian Oversight of Law Enforcement) Various classes and presenters
Publications	
Jan — Dec	Force Science News: Transmissions #196 — #218

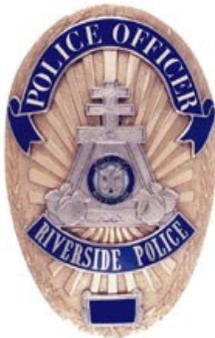
Commission Relations

The Commission has a dual task of maintaining relations with both the community, to which the Commission members belong and serve, as well as with the Riverside Police Department. Maintaining relations with the police can be particularly challenging because law enforcement is a highly structured enterprise, encompassing substantial rules, policies, procedures, training practices, and approaches. Learning the “landscape” can be difficult for Commission members.



Commissioners are also challenged to understand community relations that may not parallel their personal experiences with the police. The Commission endeavors to reach out into all segments of the community to listen for concerns and to provide information that will improve police and community relations. Commissioners are strongly encouraged to continue to attend community and neighborhood meetings and are available to make presentations to interested groups.

Concurrently, the police oversight function can create a response of wariness on the part of police. Most police officers do not have personal contact with Commission members; most commissioners know only a few officers. Ride-alongs continue to be one of the most effective bridges in improving relations between police and the Commission. Commissioners are strongly encouraged to participate on a ride-along in the first few months of Commission membership. The experience serves several purposes. Both the officer and the commissioner have the opportunity to personalize police review. Officers learn that members are generally empathetic, concerned, and open to learning and understanding. Commissioners have a chance to see, first-hand, the demands on officers in their daily routines and to hear their concerns and views. Commissioners have overwhelmingly reported with strong enthusiasm about their ride-along experiences.



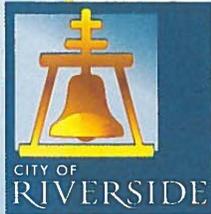
The Community Services Bureau (CSB), was established to strengthen the relationship between the community and the police department, providing a proactive and innovative approaches to problem solving, personal safety, and crime prevention. Some of the programs currently experiencing great success in the community are:

- The Teen 2 Teen Program which is a youth-based program in partnership with John W. North High School’s Law and Protective Services Academy.
- Riverside Youth Court is an innovative approach to juvenile justice and is early intervention for first-time offenders of misdemeanor crimes.
- Opportunity With Education (OWE) is another collaborative program, implemented by RPD, designed to “positively redirect male and female “at risk” youth between the ages of 10-17.

The Commission looks forward to its continuing partnership with Chief Diaz, his Command Staff, and the Police Department as a whole, as we work toward enhancing police / community relations.



Officer Commendation



Sergio Diaz
Chief of Police
Riverside Police Department

SUBJ: Letter of Commendation – Officer Zach Fishell #1425

This Letter of Commendation for Valor and Courage demonstrated by Riverside Police Officer Zach Fishell during a deadly encounter on May 10, 2011, is honorably submitted to him by the members of the Riverside Community Police Review Commission (CPRC) of 2012.

In the performance of its duties as defined in the City Charter for the City of Riverside, the Commission conducted its evaluation of an Officer-Involved Death Case during the months of May 2012 through January 2013 regarding a subject known as Virgil Anthony Millon. Mr. Millon murdered two Riverside residents on May 10, 2011, before engaging in a deadly encounter with the responding officer, Zach Fishell. The case evaluation consisted of the Commission's review of hundreds of pages of the investigative process of this incident.

On May 10, 2011, just before 6:00 PM, Officer Zach Fishell received a radio call of gunshots being fired by a male subject in the 11500 block of Trailway Drive in Riverside. As the call was dispatched, Officer Fishell was close enough to the neighborhood to hear the gunshots. Without hesitation, Officer Fishell responded directly to the scene of the call. He entered the gated community and parked his police vehicle a safe distance away. It was still light outside and many residents were either coming or going from the neighborhood. Considering this an "active shooter" situation, Officer Fishell did not wait for support units to arrive. It was apparent that someone's life may be in immediate danger and waiting for assistance could be the difference between life and death.

Officer Fishell approached the area on foot and located the suspect shooter, later identified as Virgil Millon, standing over an adult female who was lying on the ground in the front yard of 11532 Trailway Drive. Mr. Millon had a pistol in his hand and fired two shots at the woman lying on the ground. Fearing for the life of the unknown woman, Officer Fishell, from a distance of approximately 64 yards, fired his service weapon at Millon in an attempt to stop the threat of death or serious injury to the helpless woman.

Community Police Review Commission

3900 Main Street, 6th Floor • Riverside, CA 92522 • 951.826.5509 • www.riversideca.gov/cprc

The shot fired by Officer Fishell drew Mr. Millon's attention away from the woman and toward the sound of the gunshot. Millon took cover behind a parked vehicle but then began walking in a direction as though to flank Officer Fishell. Fearing for his own safety, Officer Fishell fired at Mr. Millon a second time from a distance of approximately 30 yards, apparently striking him in the lower extremity. However, Millon continued to move in a flanking maneuver toward Officer Fishell. Officer Fishell fired a third round from his service weapon, striking Millon and ultimately stopping him from any further threat to Officer Fishell or other members of the neighborhood.

After reviewing the facts in this case, the members of this Commission felt that Officer Fishell's selfless and courageous action in this deadly encounter is deserving of special recognition for his Valor in the face of extreme danger while protecting his community and the lives of many people he did not know. The members of the Community Police Review Commission are grateful and honored to have an officer of this caliber amongst the ranks of the Riverside Police Department.

Officer Fishell, we thank you for your commitment and dedication to the City of Riverside.



Dale Roberts, Chair
Community Police Review Commission

- Cc: Robin Jackson, Vice-Chair
Ken Rotker, Commissioner
Claudia Smith, Commissioner
Jon Johnson, Commissioner
Janice Sawyer, Commissioner
Joe Ortiz, Commissioner
Art Santore, Commissioner
Jane Adams, Commissioner

Community Police Review Commission

3900 Main Street, 6th Floor • Riverside, CA 92522 • 951.826.5509 • www.riversideca.gov/cprc

The Complaint and Review Process

The Community Police Review Commission was designed primarily as a “monitoring” body with the power to conduct independent investigations. After a complaint is received through the Commission or the Riverside Police Department, it is investigated through the Police Department by a Field or an Internal Affairs sergeant. The Commission may choose to contract with a private independent investigator to gather additional information on the case.

The complaint process is activated when the complainant files a statement against a sworn member of the Riverside Police Department (Figure 1). In order to file a complaint, a complainant must contact the Commission by phone, email, letter, or in person or the complainant must file directly with the Riverside Police Department. The RPD Internal Affairs Unit and the Commission log the complaint and the tracking process begins.

The RPD investigates all complaints; however, the CPRC reviews complaints filed solely against sworn RPD personnel that have been filed within six months of the incident.

The Internal Affairs Unit (IA) categorizes complaints as Category I or Category II complaints. Generally, Category I are the more serious complaints; whereas, Category II complaints are less serious complaints such as discourtesy and improper procedure.

The IA assigns the complaint to an investigator. Generally, Internal Affairs sergeants handle Category I and some Category II complaints.

After the RPD investigates and makes its recommendations as to each allegation in a case, RPD sends it to the Commission. Each Commissioner reviews the case independently. Then as a group, the Commission reviews the allegations and deliberates as to whether the officer’s actions were within the scope of the governing RPD’s policies and procedures for the case in question.

At times, an officer’s conduct may have been within policy; however, the CPRC’s review may lead to a recommendation to the Riverside Police Department.

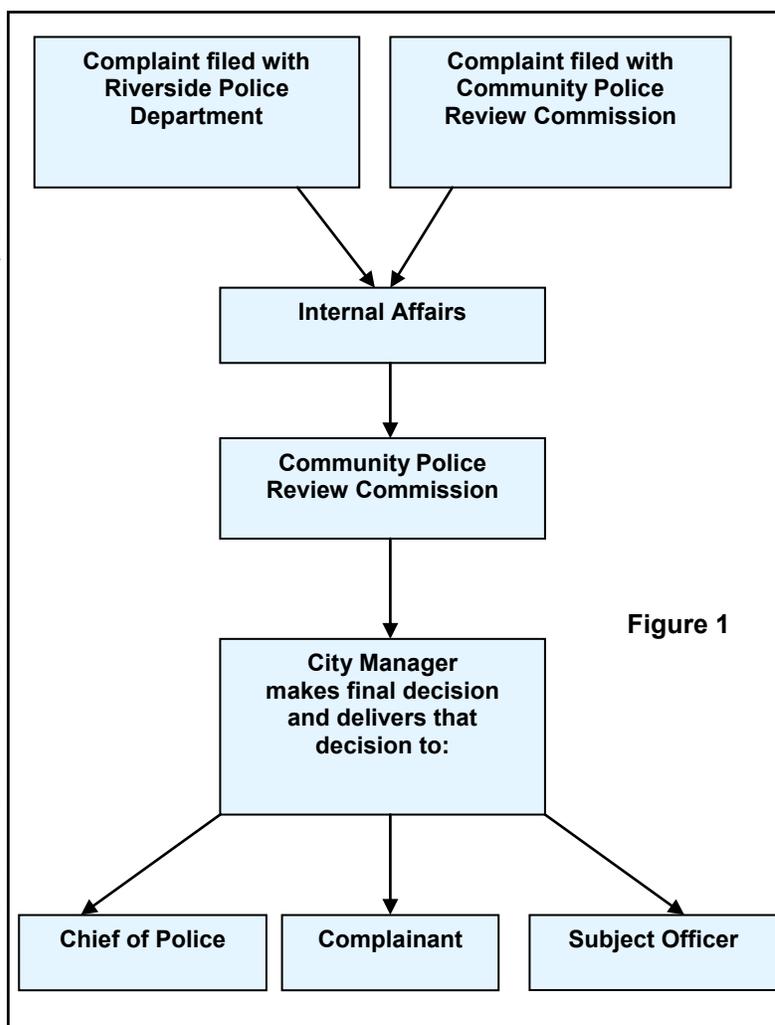


Figure 1

Field Operations or Investigations Division supervisors generally investigate the majority of Category II complaints.

An important aspect of the complaint process is that the Commissioners have no prior knowledge of RPD's findings in a case. This process aids in each Commissioner's ability to review the evidence contained in the investigative package and arrive at an independent and unbiased conclusion before the Commission deliberates as a whole and makes its finding and / or recommendation.

The process following the Commission's finding is as follows:

- 1) The CPRC Manager meets with the City Manager to discuss each case and any recommendations made by both the Chief of Police and the Commissioners;
- 2) The City Manager makes the final decision on each allegation; and then
- 3) The Chief of Police imposes and carries out any disciplinary action if sanctioned.

It should be noted that the Commission has no role in the disciplinary process.

Case Activity

Case 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 completes its review of the case. This ensures a timely response to a community member's complaint, which is beneficial to both the community member and officer.

According to Riverside Police Department Policy and Procedure 4.12 D 5 & 6, the goal of completing investigations for Category I cases is 60 calendar days, plus five calendar days for administrative processing, and for Category II cases, 30 calendar days, plus five calendar days for processing.

Case Tracking - 2012

Figure 2

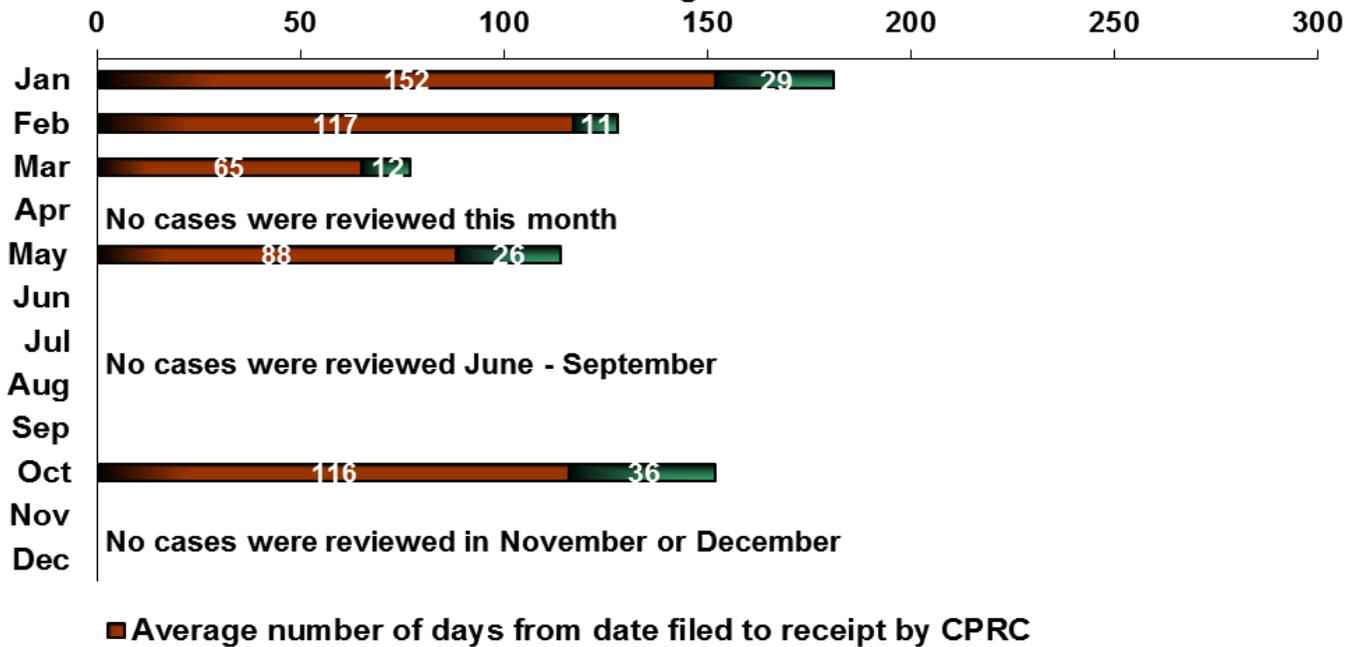


Figure 2 illustrates tracking of cases, using a monthly average, showing how many days elapsed from the date filed through the final Commission review.

Case Dispositions

The Commission reviewed 12 complaint cases containing 23 allegations in 2012. In addition, the Commission completed its evaluation of one officer-involved death case.

Figures 3 and 4 on the following page show the disposition of cases by the Commission in 2012 and case disposition comparisons with previous years. For example, in 2010, there was a decrease in the number of cases reviewed compared to 2009, while there was a increase in the number of cases that were administratively closed.

“Inquiry” 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 not filed nor reviewed by the Commission.

2012 CPRC Case Dispositions
Figure 3

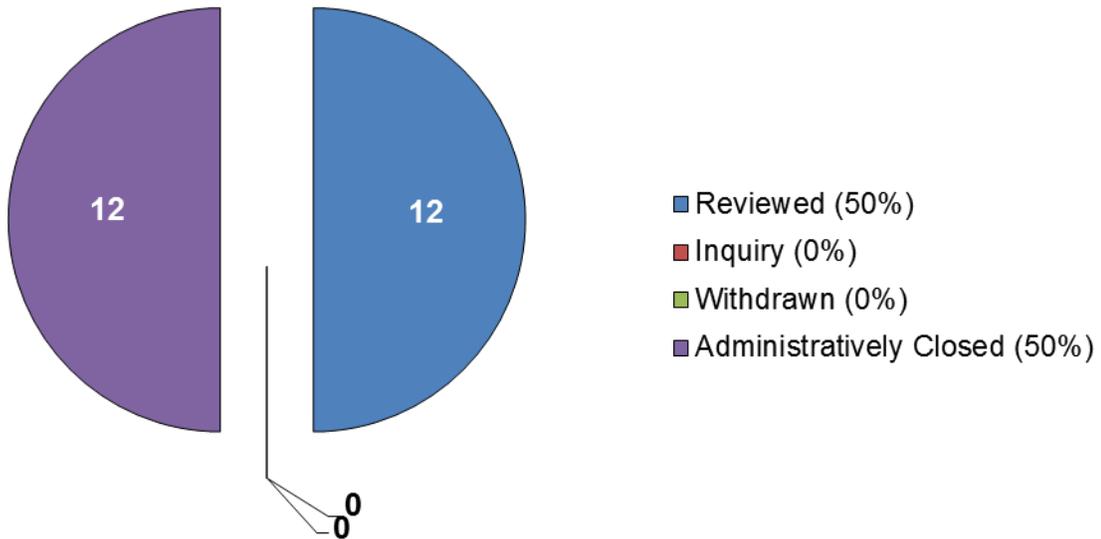


Figure 3 illustrates the disposition of cases by the Commission in 2012 and the manner in which they were disposed.

Figure 4

	2008		2009		2010		2011		2012	
Reviewed	76	79%	47	87%	37	76%	42	68%	12	50%
Inquiry	0	0%	0	0%	0	0%	9	14%	0	0%
Withdrawn	0	0%	1	2%	1	2%	3	5%	0	0%
Administratively Closed	20	21%	6	11%	11	22%	8	13%	12	50%
	96	100%	54	100%	49	100%	62	100%	24	100%

Figure 4 shows case disposition comparison numbers and percentages with previous years. For example, there was an increase in the number of cases reviewed in 2011 (42) compared to 2010 (37).

Cases Filed by Neighborhood 2012

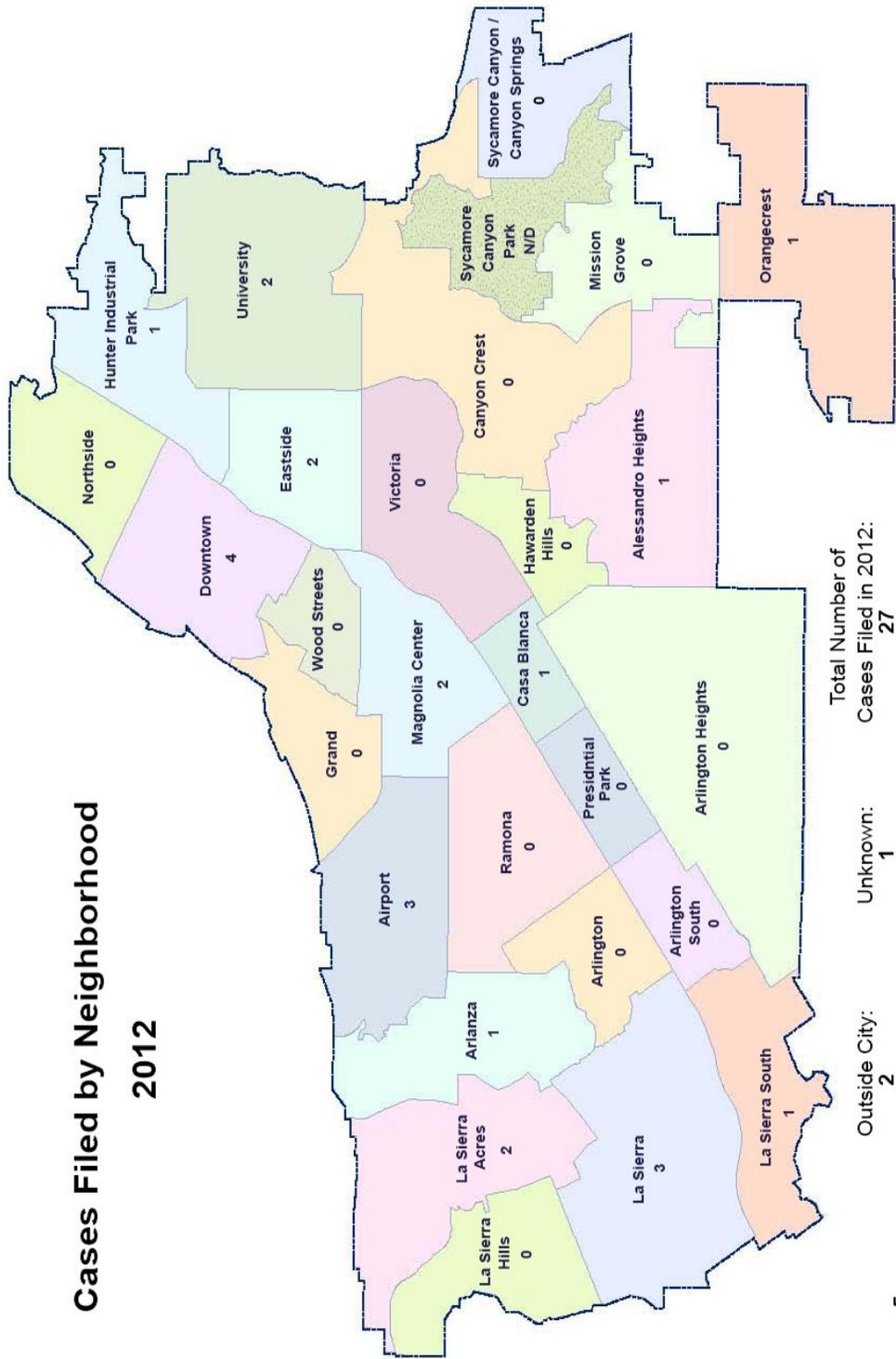


Figure 5

Figure 5 illustrates the number of cases filed in 2012 by neighborhood.

For purposes of “cases filed”, officer-involved death (OID) cases are not considered “cases filed” and therefore are not included in the total shown on this map. Discussion of OID cases appear subsequently under the “Officer-Involved Deaths” section.

Figure 6

2008 — 2012							
	Cases Filed by Neighborhood / Area	2008	2009	2010	2011	2012	Totals
1	La Sierra Acres	0	0	1	1	2	4
2	La Sierra Hills	0	0	2	0	0	2
3	La Sierra	4	1	3	12	3	23
4	La Sierra South	0	0	2	1	1	4
5	Arlanza	2	1	0	1	1	5
6	Arlington	2	2	1	2	0	7
7	Arlington South	1	1	1	0	0	3
8	Airport	0	2	1	1	3	7
9	Ramona	4	2	1	3	0	10
10	Presidential Park	1	0	0	1	0	2
11	Arlington Heights	1	0	1	0	0	2
12	Grand	1	2	1	0	0	4
13	Magnolia Center	2	3	2	1	2	10
14	Casa Blanca	2	1	0	0	1	4
15	Downtown	9	19	18	5	4	55
16	Wood Streets	1	1	0	1	0	3
17	Victoria	0	0	1	1	0	2
18	Hawarden Hills	0	0	0	0	0	0
19	Alessandro Heights	1	1	1	0	1	4
20	Northside	0	0	1	0	0	1
21	Eastside	1	6	10	3	2	22
22	Canyon Crest	5	2	1	0	0	8
23	Hunter Industrial Park	0	2	0	1	1	4
24	University	4	1	3	2	2	12
25	Mission Grove	1	1	1	1	0	4
26	Orangecrest	1	3	0	1	1	6
27	Sycamore Canyon / Canyon Spgs	0	0	0	0	0	0
28	Outside City	2	2	1	1	2	8
29	Unknown	5	3	4	2	1	15
30	Multiple Locations	0	0	0	0	0	0
		50	56	57	41	27	231

Figure 6 compares the number of cases filed by neighborhood / area (excluding officer-involved death cases) from 2008 through 2012.

Allegations and Findings

Figure 7

2012 ALLEGATIONS	COMMISSION FINDINGS							TOTALS
	Unfounded	Exonerated	Not Sustained	Sustained	Inquiry	Withdrawn	No Finding	
Excessive Use of Force	0	0	0	0	0	0	0	0
False Arrest	0	0	0	0	0	0	0	0
Discrimination / Harassment	1	0	0	0	0	0	0	1
Criminal Conduct	0	0	0	0	0	0	0	0
Category 1 Subtotal	1	0	0	0	0	0	0	1
Poor Service	0	2	0	5	0	0	0	7
Discourtesy	4	0	2	2	0	0	0	8
Improper Procedure	5	1	0	1	0	0	0	7
Conduct Unbecoming an Officer	0	0	0	0	0	0	0	0
Infractions, Traffic Violations, and Riverside Municipal Code Violations	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Category 2 Subtotal	9	3	2	8	0	0	0	22
TOTALS	10	3	2	8	0	0	0	23

Figure 7 illustrates the allegations and Commission findings for cases reviewed in 2012 excluding officer-involved death cases.

Findings — Definitions

Unfounded — The alleged act did not occur.

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

Not Sustained — The investigation produced insufficient evidence to prove or disprove the allegation.

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

Inquiry — a member of the public is requesting clarification of a policy or procedure.

Withdrawn — Occurs when a member of the public requests to withdraw their complaint.

No Finding — No finding was made as there was no policy regarding the specific allegation.

***Reviewed 2012 Complaints per Neighborhood
Associated with Allegation and Finding Types***

Figure 9

Reviewed Complaints per Neighborhood / Area	Number of Allegation Types per Neighborhood / Area	Number of Finding Types per Allegation
1 La Sierra	1 Discourtesy	1 Unfounded
1 La Sierra South	1 Discourtesy 1 Improper Procedure	1 Unfounded 1 Unfounded
1 Airport	1 Improper Procedure 1 Improper Procedure	1 Unfounded 1 Sustained
1 Magnolia Center	1 Discourtesy	1 Sustained
1 Downtown	1 Discourtesy 1 Improper Procedure	1 Unfounded 1 Unfounded
1 Alessandro Heights	6 Poor Service	2 Exonerated 4 Sustained
2 Eastside	1 Improper Procedure 1 Poor Service	1 Unfounded 1 Sustained
2 University	4 Discourtesy	1 Unfounded 2 Not Sustained 1 Sustained
1 Orangecrest	2 Improper Procedure	1 Unfounded 1 Exonerated
1 Outside City	1 Discrimination / Harassment	1 Unfounded

Figure 9 illustrates, by neighborhood / area, the 12 complaints reviewed by the Commission in 2012, and the 23 allegations logged and the Commission's subsequent findings.

Figure 10	CALENDAR YEAR				
	2008	2009	2010	2011	2012
ALLEGATION					
Excessive Use of Force	17	22	9	9	0
Discrimination / Harassment	5	16	9	7	1
False Arrest	1	9	2	2	0
Criminal Conduct	7	18	0	12	0
Category 1 Subtotal	30	65	20	30	1
Poor Service	5	3	0	3	7
Discourtesy	31	22	19	31	8
Improper Procedure	109	57	51	30	7
Conduct Unbecoming an Officer	1	3	1	1	0
Infractions, Traffic Violations, and Riverside Municipal Code Violations	1	0	0	1	0
Other	0	0	1	0	0
Category 2 Subtotal	147	85	72	66	22
TOTALS	177	150	92	96	23

Figure 10 shows comparison data for 2008 through 2012 and excludes officer-involved death (OID) cases.

Misconduct Noted

During investigations of alleged misconduct, all aspects of an officer's actions are inspected. When a policy violation is discovered by RPD beyond that alleged by the complainant, it is classified as "Misconduct Noted" and, by definition, is a "Sustained" finding. Because the Commission makes no finding in this type of action, Misconduct Noted is no longer listed with complainant allegations or findings, but is reported separately here.

Of the complaint cases the Commission reviewed in 2012, RPD discovered no instances of "Misconduct Noted" during its investigation of these complaints.

Comparison of Findings

Figure 11 2008 - 2012

FINDING	2008	2009	2010	2011	2012
Unfounded	128	109	72	57	10
Exonerated	10	1	1	3	3
Not Sustained	22	11	10	19	2
Sustained	4	21	8	17	8
Inquiry	7	8	1	0	0
Withdrawn	5	0	0	0	0
No Finding	0	0	0	0	0
TOTALS	176	150	92	96	23

Figure 11 compares the Commission's findings for cases reviewed in 2008 through 2012. These figures do not include the results of Officer-Involved Death investigations, which are discussed in a separate section of this report.



Figure 12 Comparing Complaints to Number of Sworn Employees

Number of sworn RPD Employees (as of December 31, 2012)	366
Number of complaint cases reviewed	12
Number of sworn employees named in complaints	12
Total number of allegations involved	23
Total number of "Sustained" findings	8 (34%)

**Comparisons of 2011 CPRC Findings with those of the
Riverside Police Department (RPD) and the City Manager's Office (CMO)**

Figures 13 through 15 provide data comparing the complaint case findings of the CPRC, RPD, and the City Manager's Office (CMO). Each of the three entities independently reach findings on allegations as described in the "Complaint and Review Process" section.

Figure 13		2012					
Findings	RPD		CPRC		CMO		
Unfounded	11	48%	10	43%	9	39%	
Exonerated	3	13%	3	13%	3	13%	
Not Sustained	8	35%	2	9%	7	30%	
Sustained	1	4%	8	35%	4	18%	
Total Findings	23	100%	23	100%	23	100%	

Figure 13 presents the data in terms of types of findings.

Figure 14		2012	
RPD & CPRC Findings Comparison		Count	%
Agencies agreed that either:			
a)	Officer's actions were out of policy (Sustained)	1	
b)	All other findings (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding)	14	
Sub-total Agreed		15	65%
Agencies disagreed whether or not a policy violation occurred			
Sub-total Disagreed		8	35%
Total Findings:		23	100%

Figure 15		2012	
CPRC & CMO Findings Comparison		Count	%
Agencies agreed that either:			
a)	Officer's actions were out of policy (Sustained)	4	
b)	All other findings (Unfounded, Exonerated, Not Sustained, Withdrawn, Inquiry, No Finding)	14	
Sub-total Agreed		18	78%
Agencies disagreed whether or not a policy violation occurred			
Sub-total Disagreed		5	22%
Total Findings:		23	100%

Figures 14 and 15 compare how frequently the RPD / CPRC and CPRC / CMO agreed or disagreed in finding a policy violation.

Officer-Involved Deaths

The Riverside City Charter defines the ability of the Community Police Review Commission (“the Commission”) to review and investigate officer-involved deaths. Charter Section 810, Subsection, empowers the Commission “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.”

The Officer-Involved Death Evaluation Process

Immediately upon the death of a person arising out of or in connection with the actions of a sworn police officer, a criminal investigation commences. The Riverside Police Department (RPD) conducts the criminal investigation, which includes gathering physical evidence, obtaining statements from involved parties and witnesses, and gathering reports from all involved officers.

The Commission can authorize an independent investigator to begin a private and independent investigation immediately following an officer-involved death incident. This independent investigation can, but does not necessarily, parallel RPD’s investigation, in time and / or substance. The goal in conducting the parallel investigation is to ensure the Commission obtains an independent, unbiased, and objective Perspective from a disinterested party, the investigator, who is contracted by and reports directly to the CPRC Manager and the Commission.

All police reports are submitted along with the Riverside County Coroner’s report to the Riverside County District Attorney’s Office for review and consideration of criminal filing. The District Attorney’s Office determines whether to file criminal charges or to close the criminal investigation. The Riverside County District Attorney’s Office notifies RPD when they complete their case and close the criminal investigation process.

Upon the close of the criminal investigation, the RPD provides a “public book” containing all police reports that have passed review by the RPD Custodian of Records and any other documents that have been cleared for public release.

The Commission then conducts a public evaluation of the incident using the information obtained from the private independent investigator and the Riverside Police Department. The Commission employs a multi-stage process to certify the information and facts obtained and to identify applicable policies, procedures, and case law. The Commission seeks additional training, when necessary, to understand the facts of the case. The Commission ultimately takes a vote during the open session (open to the public) to determine whether or not the use of force was consistent with RPD policy based on all the publicly-available information. The Commission has no role in the disciplinary process; its finding is advisory to RPD and the City Manager.

Officer-Involved Deaths

Pursuant to Ordinance 6516, the Commission has the authority to identify issues and propose recommendations to RPD for policy or procedural changes concerning an incident. The RPD can accept or reject the recommended changes; therefore, these recommendations are advisory in nature. However, RPD has accepted and changed some policies as a result of the Commission's recommendations. Commissioners can make policy or procedural recommendations on a topic arising out of discussions during a closed session; in this case, the recommendation would be discussed and approved subsequently during an open session prior to forwarding the recommendation to the Riverside Police Department. The Commission then completes a public report which is posted on the Commission's website.

Lastly, the Commission conducts a confidential, closed-door review of the incident, including deliberation of information from the Police Department's internal Administrative Review. Then, based on all available information, the Commission takes a confidential vote, also advisory in nature, deciding whether or not the use of force was consistent with RPD policy in the previous finding of the case. Additional recommendations may be identified. The case is then deemed closed.

Did You Know...

***...that there are several ways by which a complaint may be filed?
These include:***



***By phone at
(951) 826-5509***



***Through the mail or in
person at the CPRC Office,
3900 Main Street, 6th Floor,
Riverside, CA 92522***



***Downtown Police Station at
4102 Orange Street or any
police station in the City***

***By e-mail at cprc@riversideca.gov
or online at
www.riversideca.gov/cprc***



Officer-Involved Death Evaluations: Completed

During 2012, the Commission conducted review and investigations of three officer-involved death cases. Details of the cases and the evaluation process for each are recounted below and on the following page.

Marlon Acevedo

On October 31, 2008, RPD officers responded to a call that Marlon Acevedo was standing in the roadway in the 7800 block of Cypress Avenue, screaming at passing motorists. When RPD officers arrived, Acevedo became agitated, refused to comply with directions, and then became combative with officers. Acevedo was subdued, arrested, and transported to a local hospital where he died a short time later.

Time Report:

OID Occurred:	October 31, 2008
DA review completion:	November 5, 2009 (371 days)
Criminal Casebook Received:	December 10, 2009 (406 days)
CPRC Public Review Began:	March 23, 2011 (104 days)
Public Report Approved:	December 14, 2011 (267 days)
Admin Casebook Received:	December 20, 2011 (7 days)
CPRC Admin Review:	January 11, 2012 (23 days)
Total time:	RPD / DA = 406 days / CPRC = 763 days 1,168 days (3 years, 2 months, 11 days)

On December 14, 2011, by a vote of 7 to 0 (1 absent), the Commission found that the officers' use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.

On December 20, 2011, the Commission received the administrative investigation casebook. The Commission's final review of this case took place in closed session on January 11, 2012.

Russell Hyatt

On January 17, 2009, RPD responded to a call that an adult male was involved in a disturbance with family members, and that the man had left the location with a loaded handgun. A short time later, RPD Dispatch received calls that a man with a similar description, including the gun, had entered a home in the 2800 block of Mulberry Street. The first officer who arrived on Mulberry found Russell Hyatt in a dirt lot, holding a handgun. Hyatt pointed the handgun at the officer, and the officer shot and killed Hyatt.

Officer-Involved Death Evaluations: Completed

Russell Hyatt — continued

Time Report:

Incident Occurred:	January 17, 2009
DA review completion:	March 3, 2010 (411 days)
Criminal Casebook Received:	July 9, 2010 (539 days)
CPRC Public Review Began:	June 22, 2011 (351 days)
Public Report Approved:	November 9, 2011 (141 days)
Admin Casebook Received:	November 16, 2011 (8 days)
CPRC Administrative Review:	January 11, 2012 (57 days)
Total time:	RPD / DA = 539 days / CPRC = 552 days 1,090 days (2 years, 26 days)

On November 9, 2011, by a vote of 7 to 0 (1 absent), the Commission found that the officers' use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.

On November 16, 2011, the Commission received the administrative investigation casebook. The Commission's final review of this case took place in closed session on January 11, 2012.

Officer-Involved Death Evaluations: In Process

Virgil Millon

On Tuesday, May 10, 2011, shortly before 6:00 PM, RPD's Communications Center received numerous 9-1-1 calls with the callers saying that a Black male adult, later identified as Virgil Millon, was shooting at people in the 11500 Block of Trailway Drive. At about 6:00 PM, the first RPD officer arrived on scene, confronted and ultimately shot Mr. Millon. Subsequently, Millon was transported to a local hospital where he was pronounced deceased. During further investigation at the incident location, officers located the two deceased shooting victims, an adult female and an adult male.

Time Report:

Incident Occurred:	May 10, 2011
DA review completion:	April 17, 2012 (344 days)
Criminal Casebook Received:	May 22, 2012 (378 days)
CPRC Public Review Began:	June 27, 2012 (37 days)
Public Report Approved:	December 12, 2012 (169 days)
Admin Casebook Received:	December 27, 2012 (16 days)

On December 12, 2012, by a unanimous vote of 9, the Commission found that the officer's use of deadly force was consistent with policy (RPD Policy 4.30 – Use of Force Policy), based on the objective facts and circumstances determined through the Commission's review and investigation.

The Commission will complete its evaluation after reviewing the administrative investigation.

Officer-Involved Death Evaluations: In Process

Alfred Romo

On Wednesday, November 16, 2011, detectives from RPD's Sexual Assault - Child Abuse (SACA) Unit were serving a search warrant at an apartment in the 10400 block of Indiana Avenue. As the detectives entered the location, they encountered a man armed with a shotgun. The subject, later identified as Alfred Romo, fired at the detectives, who returned fire. During the gun battle, detectives were able to exit the apartment and call additional officers to assist. RPD's Metro Team (SWAT) and police negotiators responded to the scene to assist with the now barricaded suspect. After two hours, the SWAT team eventually entered the apartment, where they found Mr. Romo deceased.

Time Report:

Incident Occurred:	November 16, 2011
DA review completion:	September 21, 2012 (days)
Criminal Casebook Received:	December 3, 2012 (days)
CPRC Public Review Began:	December 12, 2012 (10 days)

David Ledezma

On Saturday, January 7, 2012, RPD police officers responded to a call in the 10700 block of Cypress Avenue concerning domestic violence between David Ledezma and his wife. After officers arrived, family members pointed out Mr. Ledezma as the person they had called about. The officers contacted Mr. Ledezma, who was uncooperative, angry, and refused to follow directions. He took a pocket knife from his pants pocket, opened the knife, and put it against his neck, threatening to stab himself. The officers eventually convinced him to drop it. He then walked away from the officers and picked up a large metal pipe. Several times, officers told him to drop the pipe. He refused and finally threw it at the officers, who had to move to avoid being hit by the pipe. One officer deployed his Taser, but it was ineffective. Mr. Ledezma picked up another metal pipe and walked around the yard, hitting things. Again officers told Mr. Ledezma several times to drop the pipe, which he did not do. Fearing for their safety, three officers discharged their duty weapons, striking Mr. Ledezma several times. Medical aid was called and Mr. Ledezma was transported to a local hospital where he succumbed to his injuries.

Time Report:

Incident Occurred:	January 7, 2012
DA review completion:	October 31, 2012 (days)
Criminal Casebook Received:	December 6, 2012 (days)

Officer-Involved Death Evaluations: In Process

Isabel Pablo

On Sunday, May 13, 2012, an on-duty officer was driving north on Madison Street in his marked patrol unit. As he approached the intersection at Emerald Street, a female pedestrian, later identified as Isabel Pablo, attempted to cross Madison Street from east to west and outside the crosswalk. The patrol unit collided with Ms. Pablo, Riverside Fire and AMR paramedics responded and treated Ms. Pablo, who was severely injured. She was transported to Riverside Community Hospital where she died of her injuries.

Time Report:

Incident Occurred:	May 13, 2012
DA review completion:	September 11, 2012 (days)
Accident Investigation Received:	October 30, 2012 (days)
CPRC Public Review Began:	December 12, 2012 (10 days)

Officer-Involved Death Evaluations: Pending

Danny James Bond

On Saturday, February 18, 2012, officers with RPD's METRO unit were actively seeking Mr. Bond, who was wanted on felony assault charges. The officers, seeing Mr. Bond leave a residence on a bicycle, tried to stop him. When Mr. Bond abandoned the bicycle and tried to run from the officers, additional officers blocked his escape. Mr. Bond reached for a handgun and an officer-involved shooting occurred. Riverside Fire and AMR responded to the scene and pronounced Mr. Bond deceased.

Brandon James Dunbar

On Wednesday, March 1, 2012, two uniformed officers in a marked patrol unit stopped a vehicle for a license plate violation on Anna Street north of Lincoln Avenue. After making contact with both the driver and passenger, the officers asked both occupant to exit the vehicle. After exiting the vehicle, the passenger, later identified as Brandon James Dunbar, immediately ran away on foot. One of the officers gave chase as Mr. Dunbar ran into the backyard of a nearby residence. When Mr. Dunbar turned toward the officer, he was holding a handgun. The officer fired his handgun several times, hitting Mr. Dunbar. Because Mr. Dunbar was hit several times, the officers called for medical aid. Mr. Dunbar was taken to a local hospital where he was later pronounced deceased.

Officer-Involved Death Evaluations: Pending

Chaz Sherron

On Sunday, October 14, 2012, RPD's Communications Division received a call from a man, later identified as Chaz Sherron, who said he had a handgun and was going to kill himself. When uniformed officers responded to the Mr. Sherron's apartment in the 3700 block of Myers Street, they identified themselves and tried to make verbal contact with Mr. Sherron through the partially open front door. When there was no verbal response from anyone inside the apartment, officers continued to try and make verbal contact but still got no response. A male subject, Mr. Sherron, then appeared from inside the apartment pointing what looked to be a black semi-automatic handgun at the officers. In his other hand, he had a large kitchen knife. Mr. Sherron then advanced towards the officers. Fearing for their safety, four officers discharged their firearms. Mr. Sherron went down on the walkway outside his apartment and medical aid was immediately summoned. While Riverside Fire Department personnel and paramedics from American Medical Response provided immediate medical attention, Mr. Sherron was pronounced deceased at the scene.

Did You Know?

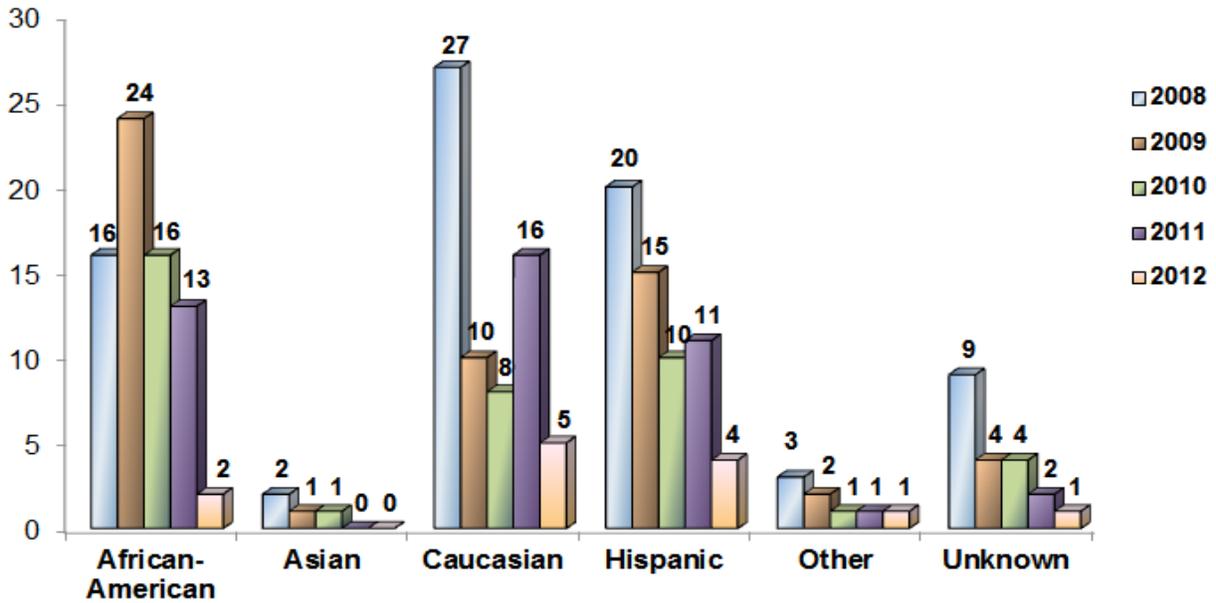


***You can arrange for a CPRC Commission Member
to speak to your group or association
by calling 951.826.5509***

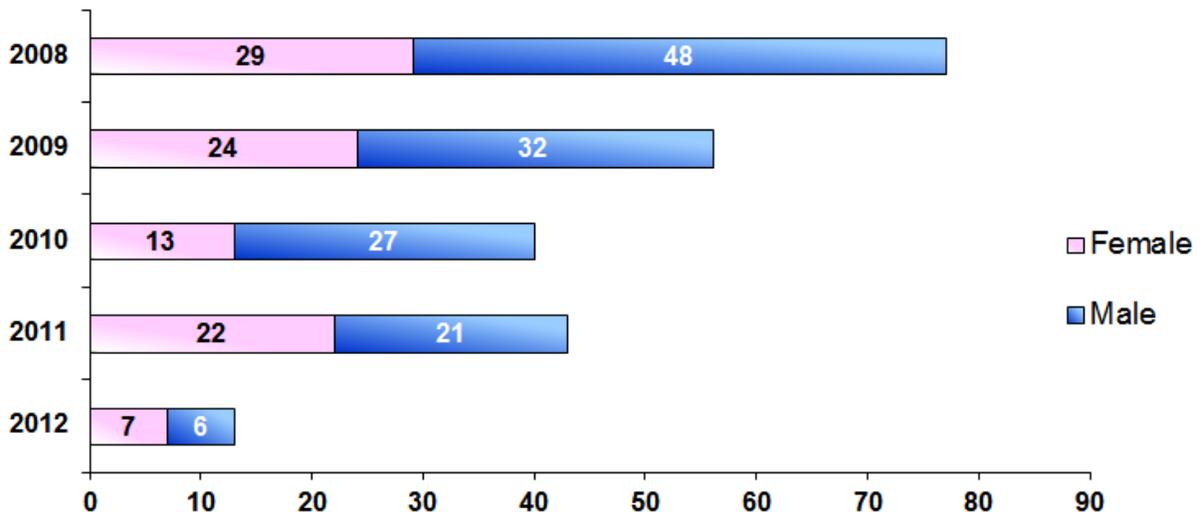
Demographic and Other Data for 2012

The following demographic data is based on the number of cases reviewed in 2008 through 2012. Ethnicity is based on self-identification of the complainant as well as Police Officer identification.

**Complainant Ethnicity:
Cases Reviewed in 2008 - 2012**
Figure 16



**Complainant Gender:
Cases Reviewed in 2008 - 2012**
Figure 18



Policy Recommendations

The following recommendations have been made to the RPD since the Commission's inception in 2001. The Commission keeps a record of all policy recommendations and tracks responses from RPD regarding those recommendations. The Commission revisits all recommendations twice yearly to consider whether updates or revisions are appropriate.

2012

The Commission made no Policy Recommendations in 2012.

2011

The Commission made no Policy Recommendations in 2011.

2010

1. *Modify RPD Policy Section 2.23, Rules of Conduct, Subsection (P), to include wording to address intentional omissions in reporting.*

Received.

2009

The Commission made no Policy Recommendations in 2009.

2008

1. *Consider whether the digital audio recorder unit can be carried in a location to prevent accidental turn-off.*

Officers are allowed discretion in determining how to carry the unit, due to differing officer sizes, and preference in accessing officer gear.

2. *Suggested providing blank business cards to uniformed officers.*

RPD had also identified this as worthwhile, and had implemented policy and practice of providing cards.

3. *Suggested more strict compliance with RPD Recording policy.*

Compliance with the policy is continually monitored by supervisors, but officers are given some discretion in determining the exact moment when the recording device is activated, in order to allow officer safety to be the predominate concern.

Historic Analysis

Citizen complaints against sworn members of the Riverside Police Department have continued to decrease since 2007. In 2007 there were 81 citizen complaints. The year 2012 has proven to be a record year with only 27 complaints filed. It has been the most significant decrease from one year to the next since 2008.

The Downtown neighborhood has consistently been one of the areas of the City where most complaints were generated in the past. In 2012, only one citizen complaint from the Downtown area was reviewed by the CPRC. It is difficult to specifically define the reason or reasons for the significant decrease in citizen complaints for 2012.

For the first time since 2007, there were no Category 1 complaints alleging Use of Force, False Arrest, or Criminal Conduct. There was only one Category 1 complaint in 2012 where the complainant alleged Discrimination. This allegation was deemed "Unfounded" by the Community Police Review Commission (CPRC). Discrimination / Harassment is the only other Category 1 dimension outside of those mentioned above.

There was a command changeover at the Riverside Police Department in July 2010 when Sergio Diaz was appointed as the Chief of Police. Chief Diaz then appointed a new command staff made up of an Assistant Chief and two Deputy Chiefs. With any command changeover of a police department, there comes a change in policing philosophies and strategies focused on community concerns and problem solving. Perhaps the new strategies and outreach by the Riverside Police Department have contributed to the reduction in complaints.

The training strategies implemented by Chief Diaz may also be a contributing factor. The training philosophy has moved from a "customer based" strategy to one that is "knowledge based". For example, the RPD has a three-day training course focused on dealing with people who suffer from mental health problems. The subject matter addresses clinical symptoms and interaction between officers, mental health experts, and patients who suffer from a variety of mental issues. This direct interaction provides officers with new and additional tools when dealing with people who suffer from mental health problems.

Another example is an expansion in the RPD Critical Issues and Tactics training course that included instruction on racial profiling and personal communications with the diverse groups in Riverside. The subject matter included how body language, words, and attitudes are perceived by people in general. In order to provide officers with different perspectives, the RPD staff invites community members with different ethnic backgrounds, genders, and sexual orientation to share their thoughts. Officers engage in personal interaction with these community members, allowing them an opportunity to get a better idea and understanding of their backgrounds.

Historic Analysis – continued

RPD officers are trained on the manner in which their behavior and interaction are captured on a variety of different media sources such as cell phone cameras and the video / audio devices they themselves carry with them and activate during public contacts. The officers are consistently reminded that they can consider themselves on video/audio by any one of these devices every moment of their work shift.

The philosophy that Chief Diaz shares with his officers when they interact with community members is to treat everyone with dignity and respect. In addition, he encourages his officers and staff to think openly about the diversity and issues faced by Riverside community members. For example, in 2012, Chief Diaz invited members of the ACLU and community to the Magnolia Station for an exchange of thoughts and ideas about hot topics such as vehicle impounds, immigration rights, recruitment, and training. He encourages local agencies to develop better lines of communication amongst each other as well as with state and federal agencies.

There was, however, a significant increase in Officer-Involved Death (OID) incidents in 2012 compared to the past three years. For example, in 2010 there were no OIDs, while in 2011 there were two; in 2012 there were five. One of the OID cases in 2012 came about as a result of a fatal traffic accident involving an RPD officer and a pedestrian. The other four OIDs were shooting cases. At this point in time, there is no clear data or information that can be examined to determine the reason behind the significant increase. This will be an area of further examination by the Commission.

Commissioners have once again expanded their outreach efforts and participated in a record numbers of events. Their outreach efforts also included interaction with the Riverside Police Department at various functions and activities. The Commission continues to develop better communication and understanding between their job duties and responsibilities and that of the officers.

During outreach events, Commissioners educate community members on what the Commission actually does and why it exists. In addition, they answer questions on how and where complaints may be filed and what a citizen complaint is versus what it is not. One would think that with a greater outreach effort by the Commission, there might be an increase in citizen complaints because more people know what it is and how it is accomplished. The fact is, even with a higher number of outreach efforts and people contacted, citizen complaints have gone down significantly. Perhaps a better measure of citizen complaints can be made when looking at the same statistics from 2013 through 2015. We can watch the direction the complaints go as the new policing philosophy, training, and organizational mission of the current command staff continues.

Appendix

City of Riverside Ordinance No. 6516 **Section A**

Charter Amendment – Section 810 **Section B**

CPRC By-Laws, Policies & Procedures **Section C**

RPD Policy & Procedure 4.12 **Section D**
Personnel Complaint Policy

RPD Conduct & Performance Manual **Section E**
Section 10: Administrative Investigation



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.

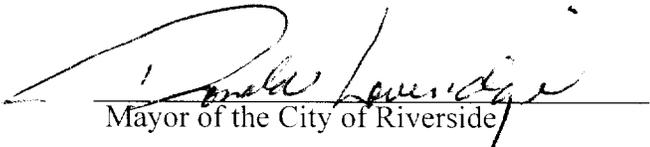
8 The hearing process shall be open to the public to the extent legally permissible and
9 insofar as it does not conflict with state or federal law.

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 11th 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

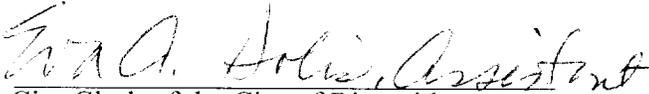
1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 4th
3 day of March, 2000, and that thereafter the said ordinance was duly and regularly adopted at a
4 meeting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

14
15
16
17
18
19
20
21
22
23
24
25
26
27 [ORD/00049001.SY]

Section B

RIVERSIDE CITY CHARTER

Sec. 807. Human resources board--Composition.

There shall be a human resources board, which shall have the power and duty to:

- (a) Recommend to the City Council, after a public hearing thereon, the adoption, amendment or repeal of personnel rules and regulations.
- (b) Act in an advisory capacity to the City Council on matters concerning personnel administration. (Effective 12/27/1995)

Sec. 808. Board of library trustees.

There shall be a board of library trustees, which shall have the power and duty to:

- (a) Have charge of the administration of City libraries and make and enforce such bylaws, rules and regulations as may be necessary therefor.
- (b) Designate its own secretary.
- (c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.
- (d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purchases shall be made and approved as elsewhere in this Charter provided.
- (e) Approve or disapprove the appointment, suspension or removal of the librarian, who shall be the department head.
- (f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.
- (g) Contract with schools, County or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council. (Effective 12/27/1995)

Sec. 809. Park and recreation commission.

There shall be a park and recreation commission which shall have the power and duty to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, parkways and street trees.
- (b) Consider the annual budget for parks, recreation, parkways and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Manager.
- (c) Assist in the planning of parks and recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.
- (d) Establish policies for the acquisition, development and improvement of parks and playgrounds and for the planting, care and removal of trees and shrubs in all parks, playgrounds and streets, subject to the rights and powers of the City Council. (Effective 12/27/1995)

Sec. 810. Community police review commission.

There shall be a community police review commission which shall have the power and duty to:

- (a) Advise the Mayor and City Council on all police/community relations issues.

RIVERSIDE CITY CHARTER

(b) Conduct public outreach to educate the community on the purpose of the commission.

(c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the commission or any other City office as established by ordinance of the City Council.

(d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.

(e) Conduct a hearing on filed complaints or commissions-initiated investigations when such hearing, in the discretion of the commission, will facilitate the fact finding process.

(f) Exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible by law. Subpoenas shall only be issued by the commission upon the affirmative vote of six commission members.

(g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.

(h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.

(i) Prepare and submit an annual report to the Mayor and City Council on commission activities.

ARTICLE IX. PERSONNEL MERIT SYSTEM.

Sec. 900. Generally.

The City Council shall by ordinance establish a personnel merit system for the selection, employment, compensation/classification, promotion, discipline and separation of those appointive officers and employees who shall be included in the system. (Effective 12/27/1995)

ARTICLE X. RETIREMENT.

Sec. 1000. Authority to continue under State system.

Plenary authority and power are hereby vested in the City, its City Council and its several officers, agents and employees to do and perform any act, and to exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement System, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under the Public Employees' Retirement System. The City Council may terminate any contract with the board of administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City, voting on such proposition at an election at which such proposal is presented.)

ARTICLE XI. FISCAL ADMINISTRATION.

Sec. 1100. Fiscal year.

The fiscal year of the City government shall be established by ordinance.

Section C

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**BY-LAWS
Amended March 13, 2013**

**ARTICLE I
DEFINITIONS**

- Section 1. As used in these By-Laws, unless a different meaning clearly appears from the context:
- A. "City" shall mean the City of Riverside.
 - B. "Commission" shall mean the City of Riverside Community Police Review Commission (CPRC).
 - C. "Commission Manager" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.
 - D. "Commissioners" shall mean the members of the Commission.
 - E. "Independent Investigator" shall mean the person(s) retained by the Commission Manager to receive, administer, or investigate, at the direction of the Commission, allegations of police misconduct or incidents where there has been an officer-involved death.
 - F. "Police Department" or "RPD" shall mean the Riverside Police Department.

**ARTICLE II
COMMISSIONERS**

- Section 1. The Commission shall be comprised of nine (9) Commissioners 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 Commissioner must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

Section 4. Commissioners who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

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. Commissioners shall be subject to all applicable local, state, and federal laws and codes of ethics adopted by the City Council.

Section 2. In the event that a replacement Commissioner has not been appointed when the term of office of an incumbent Commissioner expires, the incumbent Commissioner may continue to serve until a replacement is appointed.

Section 3. Commissioners may be removed from the Commission by an affirmative vote by five (5) of the total eight (8) potential votes. Each of the seven (7) City Council members, plus the Mayor, are entitled to vote. A vote may be taken 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. Commissioners 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.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

ARTICLE V

COMMISSION 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 Commissioners, 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 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. The Chair shall also perform such other duties as may be prescribed by the City Council and Mayor, so far as the requested duties are within the purview of duties of the Commission as set forth in the Charter.
- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. Upon the Chair's unavailability, but only with the Chair's concurrence and approval, the Vice-Chair shall be authorized to speak to the media on behalf of the Commission. 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 Commissioners for a term of one year. An officer may serve no more than two successive years in the same office. This article may be suspended by a majority vote of the Commission to allow any existing officer(s) to serve a term that is greater than two years based upon extenuating circumstances. The length of this term extension will be determined by the Commissioners on the day the vote is taken.
- 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. A mid-term Vice-Chair vacancy will be filled within sixty (60) days with the vacancy to be agendized until the position is filled. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

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 for that given meeting.

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 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) Commissioners.
- F. 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) Commissioners.
- G. 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.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

- 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. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.
- L. Advise the City Manager regarding the performance of said staff.
- M. 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.

ARTICLE VII MEETINGS

Section 1. Regular meetings of the Commission shall be held on the fourth Wednesday of each month at 5:30 PM 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) Commissioners, the Chair shall be required to call a meeting of the Commission within one week. Commissioners 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 Commission meetings and standing committees meetings 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 on the second Wednesday of each month for the sole purpose of considering cases and making related findings. The only exceptions to this are when training is to be scheduled, annual officer elections, officer-involved death (OID) case evaluations, or other time-sensitive Commission business. The notice and agenda for such meetings shall be distributed in the same manner as the notice and agenda for all other Commission meetings. Case Review meetings will not be open to the public; however, public comments may be heard prior

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

to going into closed session. The public will be allowed to attend training sessions, annual officer elections, or officer-involved death (OID) case evaluations.

Section 5. A majority of all Commissioners shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the Commissioners present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.

Section 6. Business at Commission meetings may include, but is not limited to, the following:

- A. Roll Call
- B. Report of Commissioner Absences
- C. Public Comments
- D. Approval of Minutes

- E. Outreach Reports
- F. Case Review
- G. Officer-Involved Death Case Evaluations
- H. Old Business
- I. Committee Reports
- J. Staff Reports
- K. Commission Manager's Report
- L. New Business
- M. Commissioner Comments
- N. Items for Future Consideration
- O. Adjournment

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

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

- 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 make such rules, regulations, policies, and procedures for its conduct, as it deems necessary, so long as said rules do not conflict with federal, state, or local law, City Charter, or the Commission's own By-Laws. Commission 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 first regular Commission meeting in March.
- 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 eight (8) hours of training annually.
- Section 14. Newly appointed Commissioners shall be required to attend an orientation meeting upon their appointment.
- Section 15. Newly appointed Commissioners are strongly encouraged to engage in ongoing outreach with their respective neighborhoods and Wards and with the RPD, so far as their time and circumstances allow. Commissioners are encouraged to attend community events on a regular basis and to schedule RPD ride-alongs on at least an annual basis. Newly appointed Commissioners are encouraged to schedule a RPD ride-along within the first ninety (90) days of their initial appointment and attend the Citizens' Police Academy.
- Section 16. Commissioners are strongly encouraged to undergo continuing education on issues relating to interactions between civilians and police officers. The Commission will endeavor to send at least one (1) Commissioner to the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference each year.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

ARTICLE VIII

INVESTIGATIONS AND HEARINGS

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing officer-involved deaths (OIDs) and 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 conducted by the Commission are two-fold: First, citizen complaint and administrative officer-involved death investigations are conducted by the Internal Affairs Division of the RPD and are reviewed by the Commission during closed session deliberations where findings are determined. In addition, criminal officer-involved death investigations are conducted by RPD Homicide Divisions and are reviewed by the Commission in open session where findings are determined. Secondly, there is an "investigative hearing" by the Commission held under special circumstances where witnesses may be called to testify and where a determination for further action may be recommended.
- Section 4. Investigations of any case having an officer-involved death will occur as soon as practicable.
- Section 5. 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. Electronic media, to the extent utilized by the Commission, shall also be kept by Commissioners in a secure location.

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

CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

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
- 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 Commissioners
- G. The amount of money expended in support of the Commission, to the extent such information is available
- H. A list of City personnel who regularly assist the Commission

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

Section 3. The Commission Chair may also advise the Mayor and City Council in a written or oral report on all pressing Commission or relevant community relations items.

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.

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001
Amended: September 24, 2001
Amended: February 26, 2003
Amended January 26, 2005
Amended July 27, 2005
Amended July 26, 2006

Amended April 22, 2009
Amended May 13, 2009
Amended December 9, 2009
Amended August 24, 2011
Amended December 14, 2011
Amended March 13, 2013

Respectfully Submitted,



Dale Roberts, Chair
Community Police Review Commission

MARCH 13, 2013

Date

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

**POLICIES AND PROCEDURES
Amended October 24, 2012**

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.

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

V. DEFINITIONS

The following definitions shall apply to this policy:

A. Commission:

Community Police Review Commission (CPRC)

B. Complaint:

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

C. Complainant:

The person filing the complaint.

D. Discrimination:

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

E. Sexual Harassment:

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

F. Employee of the Riverside Police Department:

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

G. Manager:

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

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

- H. Excessive Force:
Unreasonable force used by a sworn employee of the Riverside Police Department against a person or persons.

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

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

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

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

- M. Subject officer:
A sworn employee of the Riverside Police Department against whom a complaint is filed.

- N. Witness:
Any person who has information relevant to the complaint.

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

VI. COMMISSION ORGANIZATION

A. Commission:

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

B. Resignation – Replacement:

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

C. Agenda Format

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

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

VII. RECEIVING AND PROCESSING COMPLAINTS

A. Where to File:

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

B. How to File:

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

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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

C. Time Element:

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

D. Receiving and Forwarding:

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

E. Complaint File:

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

VIII. INVESTIGATIONS

A. Investigations:

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

B. Review:

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

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

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

C. Commissioner Notification:

Commissioners will be advised when the synopsis, prepared by the Manager, is available electronically. This synopsis is **Confidential** and will be available to the commissioners no later than five (5) business days before the next scheduled case review meeting. It is the commissioner's obligation to review the case file prior to the meeting when deliberations take place.

D. Deliberation:

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

E. CPRC Investigations:

1. All investigations conducted by the CPRC will be done through the Manager.
2. The Manager, or the Manager's designee, may interview the Complainant, Subject officer(s), and Witness(es), and should collect all relevant information, including all documentation available relative to the investigation.
3. The investigation shall be conducted in a fair, ethical and objective manner. The Manager is an agent of the Commission and personal opinions shall not be contained in the report.

CITY OF RIVERSIDE

COMMUNITY POLICE REVIEW COMMISSION

4. The Manager, or designee, may take a statement from the Complainant, the accused, witnesses, or any other person.

F. Preservation of Records/Evidence:

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

G. Investigation Timetable and Report:

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

The investigative report should include the initial complaint and police report, if applicable, and the Manager's summaries of the complaint, statements of witness(es), and evidence. The Manager shall have available all materials relevant to the case for review by the Commission.

H. Commission Review, Findings & Recommendations:

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

With five affirmative votes, the Commission may elect to hold a hearing. The full Commission will conduct this hearing. The Commission may request or subpoena the complaining parties, witnesses, and involved

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

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

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

IX. HEARINGS

A. Conducting the Hearing:

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

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

B. Subpoenas:

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

C. Recommendations / Findings:

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

CITY OF RIVERSIDE COMMUNITY POLICE REVIEW COMMISSION

1. Unfounded:
The alleged act did not occur.

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

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

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

5. Misconduct Noted:
The Department member violated a section of the Department Policies, Rules or regulations not originally alleged in the complaint.

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

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

**CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION**

X. DISTRIBUTION OF RECOMMENDATIONS / FINDINGS

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

XI. CONFIDENTIALITY

A. Commissioner Limitation:

All matters shall be kept confidential as required by law.

B. Penalty for Violation:

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

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

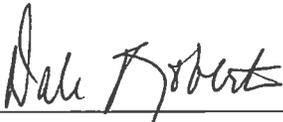
Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Amended: October 24, 2012

Respectfully Submitted,

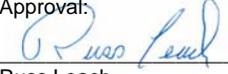


Dale Roberts, Chair
Community Police Review Commission

October 24, 2012

Date

Section D

Effective Date: 1/9/95 Revision Date: 1/9/95 Revision 2 Date: 4/29/2002 Revision 3 Date: 2/25/2008 Approval:  Russ Leach Chief of Police
--

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 Support Services Captain or Internal Affairs Lieutenant, may be considered an **Inquiry**. The inquiry box on the Complaint Control Form shall only be checked by the Support Services Captain 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 will be generated by Internal Affairs. Supervisors taking a complaint will contact Internal Affairs for the case number. In the event that a case number request is outside of normal business hours, Internal Affairs will advise the requesting supervisor of the case number the next business day. 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")
- 001 Report File Number (Last three numerical digits, i.e., "001")

9. 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 Complaint Control Forms to the Executive Director of the Community Police Review Commission.
10. Internal Affairs shall determine whether an external complaint is to be investigated as a complaint or inquiry, and will normally 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.
11. 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 working 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.
12. If an external complaint is taken by telephone, the complainant shall be advised that they will receive a copy of the complaint in the mail. The routing procedure will remain the same.
13. 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. A copy of the Complaint Control Form will also be included, as well as a stamped self-addressed envelope for the complainant to return additional information, if needed.
14. 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 Support Services Captain 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 Internal Affairs Lieutenant. .
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 employee(s) 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, administrative insight will be included in the Memorandum of Findings.
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 Support Services Captain.

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 Support Services Captain. 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	
Nature of Complaint:	<input type="checkbox"/> External <input type="checkbox"/> Internal <input type="checkbox"/> Inquiry : _____
	<i>Internal Affairs</i>
Complaint Received:	<input type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Letter <input type="checkbox"/> Other
Complaint Result of:	<input type="checkbox"/> Radio Call <input type="checkbox"/> Traffic Stop <input type="checkbox"/> Arrest <input type="checkbox"/> Investigation <input type="checkbox"/> Other
Copy of Complaint Received by Complainant?	<input type="checkbox"/> Yes <input type="checkbox"/> No If "No," explain: _____
Category I:	Category II:
_____	_____
_____	_____
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 E

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.