



## **CASE REVIEW MEETING MINUTES**

**January 12, 2005, 4:00 P.M.  
Art Pick Council Chambers  
and  
Council Chamber Boardroom  
3900 Main Street, Riverside, CA**

Chairman Gardner called the meeting to order at 4:10 p.m.

### **1) Roll Call**

Present: Commissioners Brewer, Corral, Garcia, Gardner, Huerta, Percy, Quinto, and Ward

Absent: Commissioner Davidson

### **2) Executive Director's Report & Comments**

Dr. Payne, Interim Director of the CPRC, told the Commission he is available, approachable. He introduced Bill Howe, former CPRC commissioner, as the special consultant. He said that Mr. Howe would be working part-time to help train him in working with CPRC cases.

Dr. Payne advised the Commission that he and the City Manager's office are working together to hold a retreat which will include himself, Jim Smith – Interim Assistant City Manager, Bill Howe – CPRC Consultant, chairs, vice-chairs, and staff of both the Human Relations Commission and the Community Police Review Commission, Greg Priamos – City Attorney, and Deputy Chief Dave Dominguez – RPD. The retreat will be held at the UCR Botanical Gardens to discuss some of the objectives that would be used to evaluate whether or not this transition has been successful. He said that the HRC commissioners were asked to draft a list of their objectives and expectations during the interim six-month period. He asked that the CPRC the commissioners do the same. He noted that expectations should be broad, but that the objectives should be measurable.

Chairman Gardner said it was a good idea and that it would be taken as a suggestion and request, not a direction. He asked if the Outreach Committee wanted to handle it or form an ad-hoc committee.

Commissioner Percy noted that the Outreach Committee was minus a member and said that if it isn't handled by the Outreach Committee that and Outreach Committee member should be on the ad-hoc committee. He also suggested that the ad-hoc committee be made up of committee chairs.

Commissioner Huerta said that each commissioner should have input before a final decision is made.

Chairman Gardner asked if the three committee chairs were willing to participate, who agreed. Chairman Gardner established an ad-hoc committee made up of the committee chairs – Commissioners Percy, Brewer, and Garcia – and that he would be an ex-officio member. He also asked for ideas from HRC and CPRC staff members.

Commissioner Huerta said she hoped that all the suggestions that were made would be brought back to the commissioners for discussion. Chairman Gardner said the intent is to measure whether or not their expectations of the Executive Director are being met and whether combining two commissions is working, not what the CPRC will look like in the future. Commissioner Huerta said it is the future of the CPRC if it is sharing the Executive Director.

Dr. Payne said the purpose is to be able to evaluate the interim model. He said the commission needs to be strong, healthy, and active.

Commissioner Percy asked if there was a particular model that they were looking at. Dr. Payne said there was none. The current model is being tested.

### **3) Commissioner's Comments**

Commissioner Quinto:

- said she was sorry she wasn't here for the meeting on December 22nd;
- told both Bill Howe and Dr. Payne that they have her support;
- said the Commission is a good group and they are sincere with the interest of the community at heart;
- said she felt it was an excellent idea to review the model to decide what is expected.
- informed the Commission that the Mayor's office called to invite her to a dinner being held at the home of Frank Schiavone for the mayor of Ensenada who was going to be visiting Riverside in January.

Commissioner Percy:

- informed the Commission of Commissioner Huerta's resignation from the Outreach Committee;
- welcomed Bill Howe;
- thanked Don Williams for his work for the Commission;
- said that outreach will be a bigger part of the Commission in the coming year;
- commended Commissioner Huerta on her letter to the editor that was published in the Press-Enterprise.

Commissioner Corral:

- welcomed Bill Howe;
- attended the City Council meeting the previous night (January 11) regarding Measure GG;
- read in the newspaper that there will be a workshop regarding Measure GG implementation.

Commissioner Brewer:

- said it was nice to see Bill Howe back;
- asked about other members of his committee.

Commissioner Huerta:

- apologized for her absence on December 22nd;
- said she will support Dr. Payne;
- glad Bill Howe is back to help;
- apologized for not putting as much time into the Commission the last few months of '04;
- was going to resign but was talked out of it by Bill Howe;
- she said she feels the Commission is important.

- said she didn't want to resign from Policies & Procedures Review Committee.

Commissioner Garcia:

- said he will work with Dr. Payne;
- said he was glad to see Mr. Williams at meeting;
- said he was glad Commissioner Huerta didn't resign.

Chairman Gardner:

- said a replacement is needed on the Outreach Committee;
- said the Policies & Procedures Review Committee needs active committee members.

#### **4) Public Comment**

Mary Shelton said she was glad that Commissioner Huerta didn't resign.

Ms. Shelton said that she attended the previous night's Council meeting. She said that other councilmembers wouldn't go along with the wishes of Councilmembers Schiavone and Adkison regarding the implementation of Measure GG. She said that wards aren't the best way to determine diversity. She also said the City needs to improve its people skills. She noted that attrition would take care of a lot of the problem. She said the community is watching the situation and is paying close attention to the CPRC. She said it may be a model; it may be a project, but that the main objective should be to maintain its independence.

#### **5) NACOLE '06**

Dr. Payne said that when he took over he was told right off that this was something the Commission had been working toward for a long time. He then deferred to Mr. Williams.

Mr. Williams said the Commission had been working toward this for a couple of years. He said that Riverside has a lot to offer NACOLE. He said that he and Commissioner Percy discussed the broad base of other people who need to be involved.

Mr. Williams said that, prior to leaving the Commission, he had received a commitment from Chief Leach that Deputy Chief Dominguez would represent RPD. Mr. Williams said that the RFP needs to be submitted to NACOLE by the end of March. He said there are six to eight slots for co-sponsors. He said the conference would be good for the City and the Commission. He also said that the Interim City Manager supports it.

Mr. Williams said he would assist in whatever way he can.

Commissioner Percy said that when they went to Chicago, they went with an eye to bringing NACOLE to Riverside. He said he's not sure where it will be held, but thinks we should still try to bring it to Riverside in '06. He cautioned that the Commission shouldn't feel bad if Riverside doesn't get it. Since the '03 conference was in the Southwest (L.A.), he thinks the '06 conference will be in the Northwest. He said applying for '06 was a good way of building a strong application for the '08 or '09 conference in Riverside. He noted that L.A. had the Los Angeles Police Department and the Los Angeles Sheriff Department as co-sponsors. He said it would be good for the CPRC to have strong support from RPD. He also noted that Dr. Payne's ties and connections to the UCR community would be a good fundraising opportunity, since funding can't all come from the CPRC budget. He said the CPRC director should become a NACOLE board member within next two years.

Commissioner Garcia asked if Dr. Payne was going to replace Mr. Williams on the NACOLE subcommittee. Dr. Payne said he didn't know how appointments to committees were made. Mr. Williams said it was a membership committee and that he had volunteered.

Chairman Gardner said that one of the Commission's expectations of Executive Director would be that his or her participation in NACOLE should be a goal.

## **6) CPRC 2004 Annual Report**

Chairman Gardner would, if possible, like to submit the report earlier than March. He said he would like to replace the Question and Answer section and focus more on trends and recommendations to the Mayor, Council, and possibly the city as a whole.

He asked if anyone was interested in helping draft the '04 report. Commissioners Percy, Quinto, and Corral volunteered to start the process and it will be open to all commissioners. He asked the group to shoot for the February 9 meeting for their first presentation.

Mary Shelton said she was reading annual reports online and that Oakland's was her favorite. She said it provides a breakdown of all the officers who enter the complaint system, lists statistics, and trends. She said she would like to have more information like that in CPRC reports. She said a person used to have to lobby for information. She said the Commission should take advantage of the report to tell people about the complaint process, saying it provides good outreach tools.

Commissioner Brewer noted that past reports were put together by staff and asked the Chair if he was now expecting the commissioners to write the report. Chairman Gardner said the commissioners wrote the trends and patterns. He said he was not thinking of the report being 30 or 40 pages, but maybe three or four. He said that the 2003 format doesn't seem to work as well for 2004.

Ralph Avila asked that complaints be noted in the annual report, saying there is not one statistic that represents the public. He said the report should include whether or not the investigations were proper.

Commissioner Huerta said the question and answer format is probably not the best for this report, but that it would be good to give new commissioners in their training packet.

## **7) Resubmission of Recommendation to RPD Policy & Procedure**

Chairman Gardner said the Commission received no response to its original submission of this policy recommendation that recommended RPD Policy & Procedure 4.60 be modified so that all citizen contacts by officers are recorded. He said that, in a conversation with the Interim City Manager, he was told that the recording issue was part of the RPOA negotiations. Chairman Gardner said he had reviewed the Memorandum of Understanding (MOU) and didn't interpret it that way. He said he had also contacted the Attorney General's consultant, Joe Brann. Mr. Brann said he had no problem regarding the broadening of the policy. Chairman Gardner said he would like the recommendation to be resubmitted.

Commissioner Percy asked if the Commission was approving the document or is it a draft to comment on. Chairman Gardner said he would like a motion on the concept, but that wording could be changed, if necessary. Commissioner Percy made the motion to accept the resubmittal of the recommendation and Commissioners Corral and Brewer seconded. The vote was unanimous for resubmittal of the policy recommendation.

Mary Shelton said it should be a no-brainer; that the recorders should be used all the time and that it is silly for RPD to ignore the recommendation. She noted that recorders are also for the protection of officers and that she doesn't understand the issue of not using recorders and RPD not responding to the original recommendation.

## **8) CPRC By-Laws / Policies & Procedures**

Commissioner Percy said that after reviewing the Commission's By-Laws and Policies & Procedures, he realized they needed updating. He said he was looking at this because of the upcoming CPRC officer elections. He suggested that the Commission keep the current officers because the things are in a state of flux. He said the By-Laws limits serving as an officer to two terms. He made a recommendation that By-Laws be amended to add an additional term, add an additional term with a sunset clause, or amend the By-Laws to allow the existing chair to stay, for continuity, while there is an interim executive director. The Commission would vote at the next meeting regarding the modification of the By-Laws.

Commissioner Huerta said she's not interested in being chair. She suggested former officers and said there are enough commissioners here to help Dr. Payne and "keep him on track." She said she feels the Commission will still be strong during the interim period.

Commissioner Brewer said he felt the issue should come to the Policies & Procedures Review Committee. He said he doesn't think policy should be changed, but it would be something the committee could discuss and bring back to the Commission.

Chairman Gardner said it was not his idea nor was he behind it or driving it. He said that the Commission needs a strong and active chair and that he would be pleased to serve in any capacity, but would stay out of the debate. He said he was looking forward to stepping down, but if the Commission decides to keep him, he will stay. He said it was a good idea to have it go to the Policies & Procedures Review Committee, but if the committee is going to review it, it would need to be done quickly because elections are held the first meeting in March.

Commissioner Quinto said she thought the Policies & Procedures Review Committee was for review of RPD Policies & Procedures, not the CPRC's. Chairman Gardner said that was also his understanding, but he noted that anything any committees do is not the final action. After some discussion, Commissioner Huerta made the motion that Commissioner Percy's recommendation be a separate agenda item for the January 26 meeting, separate and beyond the total revisions that need to be made to the CPRC Policies & Procedures and that the Policies & Procedures Review Committee be directed to review other changes for the CPRC's By-Laws and Policies & Procedures. Commissioner Brewer seconded the motion.

Ms. Shelton asked how the provisions, such as the officer term limits, made it into the CPRC Policies & Procedures. Chairman Gardner told her that the CPRC used the Long Beach commission's Policies & Procedures as a guide and revised them.

Commissioner Percy asked for clarification of the motion. Commissioner Huerta said she would like to see Commissioner Percy's proposal as an agenda item for review, discussion, and notice, if notice is needed. Commissioner Percy said that this discussion was notice because technically, a case review meeting is a regular meeting because it's been treated as a regular meeting and, in reality, none of the Commission's meetings are going by the By-Laws.

Commissioner Brewer withdrew his second.

Commissioner Garcia asked that the motion be restated.

Commissioner Huerta withdrew her motion. She then made the motion to have an agenda item on the next scheduled public meeting addressing the issue of CPRC officers serving more than two terms. Commissioner Brewer seconded. The motion passed 7 for, 0 against, with the chair abstaining.

Commissioner Huerta made a second motion that the existing Policies & Procedures Review Committee be tasked to review the CPRC By-Laws and Policies & Procedures. Commissioner Brewer seconded. The motion passed unanimously.

#### **9) Volne Stokes Officer-Involved Death Case**

Chairman Gardner said that the Commission had received a memo from the Interim City Manager regarding its decision to not publish a public report on the Volne Stokes officer-involved death case. In the memo, Mr. Evans had asked that the Commission reconsider its decision.

Commissioner Brewer said he agrees with Mr. Evans. He said that he thinks the Commission has enough information to issue a public report and that some sort of report should be issued.

Chairman Gardner said he agreed with Commissioner Brewer. He said that in order for the Commission to revoke on the issue, a motion for a revoke needs to be made by a commissioner on prevailing side. He said that Commissioner Davidson suggested the Commission issue a report as to why the Commission didn't want to issue a report. He said that a report of that nature could answer the reason there isn't a public report. He said that it would address all the questions to which the commissioners don't have answers. Chairman Gardner said that issuing this type of report accomplishes the purpose of advising the public as to why the majority of the Commission didn't want to put its "seal" on an incomplete investigation, but also is a viable means to get information out to public without going against the majority vote.

Commissioner Brewer said that the Commission doesn't work under Robert's Rules and that it's fine with him as long as something is issued. Commissioner Garcia said he feels the need to issue a report to public to let them know why a report wasn't issued.

Commissioner Corral said she would make the motion for a revoke. Commissioner Quinto suggested it be a memorandum rather than a report to public documenting the Commission's concerns.

Chairman Gardner said that if the Commission wants to issue a public report, then they need to vote, but if the Commission wants to issue detailed explanation of why the report wasn't issued, he didn't think it needed a vote.

Commissioner Ward said that it appeared that not issuing a report had the opposite effect to what he hoped it would have. He noted that the reason the Commission voted not to issue a report was to send a message to City officials that something is wrong. The Commission tried to say that if it had had the information it needed, it could have issued a report. He said that it was not just subject officer; a subpoena should have been issued to OIS team who interviewed the subject officer. He said that it goes much deeper than Officer Banfill. He said that RPD isn't getting the training, supervision, and monitoring it should. He said that he felt every commissioner's input should be in the report.

Commissioner Percy agreed with Commissioner Ward about the issuing of a report without sufficient facts. He said that if the Commission was to just issue a memo about why it didn't do certain things, they would lose sight of the bigger picture, which was that there was an employee who took a life. He said that he'd hoped not issuing a report would cause a discussion about the long-term implications of what occurred, not just by the Commission, but by others.

Commissioner Huerta said that when the Commission is in closed session we work hard to determine credibility of officers and witnesses. She questioned how the Commission could judge an officer's credibility if it doesn't know that officer's perspective.

Commissioner Corral said she felt a memo should be written regarding why the Commission didn't issue a report wasn't written. She then made a motion that the Commission issue a memo regarding why it didn't issue a report. Commissioner Brewer seconded the motion.

Chairman Gardner said that the Commission tried to send a message to City officials and they didn't get it, but that this is another opportunity. He said that he was troubled that an officer wouldn't be interviewed and feels the officer's rights were used to stonewall the Commission. He said that it is important that City officials and the community realize the Commission's concerns.

Chairman Gardner asked Commissioner Corral to restate her motion, which was to issue a memorandum to the public outlining why the Commission is not going to issue a public report. The motion passed with a vote of 6 for, 2 opposed.

Ms. Shelton said that she agreed with a comment made by Commissioner Pearcy that it looks like the City Manager is trying to manhandle the Commission. She said she doesn't think a report should be issued just because of the amount of money that was spent. She said that the City Manager's office was sending a message that every dime spent will be watched. She questioned how the DA came up with the information it needed for a report. She said she is against releasing a public report.

#### **10) Rene Guevara Officer-Involved Death Case**

The Commission began its continuing discussion on the Guevara public report. After a brief discussion, Commissioner Quinto recommended adjourning to the Boardroom to better facilitate roundtable discussion of the report.

The Commission adjourned to the Boardroom at 6:46 P.M. to continue its discussion of the Guevara draft public report.

Decisions were made regarding the content of the report. Staff was directed to make necessary editing corrections, produce maps detailing the sequence of events and where the various officers became involved, and what documents were needed for the Supporting Documents section.

Due to the late hour, the Commission did not adjourn to closed session.

The Commission adjourned at 9:00 p.m.

Respectfully submitted,

  
PHOEBE SHERRON  
Sr. Office Specialist