



**REGULAR MEETING  
MINUTES**  
for  
**Wednesday, January 24, 2007**  
**4:00 P.M. – 5th Floor Large Conference Room**  
and  
**5:30 P.M. - Art Pick Council Chambers**  
**3900 Main Street, Riverside, CA**

**CASE REVIEW – 4:00 P.M.**

**1. Case Review Roll Call**

Brewer	Davidson	Garcia	Brandriff	Ward	Pearcy	Corral	Castro	VACANT
✓	✓	A	✓	✓	✓	✓	✓	-----

✓ = Present    A = Absent

Staff: Mario Lara, Interim CPRC Manager; Phoebe Sherron, Sr. Office Specialist

**2. Public Comment**

There was no public comment.

**3. Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:15 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	05-068	PC-05-213-186
2)	05-080	PC-05-263-280
3)	05-081	PC-05-263-281

The Commission recessed at 5:45 P.M. to reconvene in the Council Chambers.

## OPEN SESSION – 5:30 P.M.

The following proceedings have been digitally recorded.  
For copies, please call the CPRC office at (951) 826-5509.

Chairman Davidson led in the Pledge of Allegiance. Chairman Davidson asked Ms. Sherron to confirm commissioner attendance.

### REGULAR MEETING – ROLL CALL

Brewer	Davidson	Garcia	Brandriff	Ward	Pearcy	Corral	Castro	VACANT
✓	✓	A	✓	✓	✓	✓	✓	-----

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Chairman Davidson welcomed Mr. John Brandriff to the Commission then turned the meeting over to Vice-Chair Jim Ward.

Vice-Chair Ward said that he had asked for an item to be agendaized reading "Events affecting the CPRC – Discuss events affecting the Commission that occurred during the Holiday recess." He said that, for some reason, it was substituted with the report to Public Safety Committee. Because of that change, the issues he had raised would be discussed under Item 11, Commissioner Comments.

#### 4. Public Comments

##### **Dr. Ron Bailey**

Dr. Bailey spoke regarding the policing of medically impaired individuals. He also asked about a presentation by RPD regarding medically impaired individuals. He asked if anyone on the Commission had taken the time to review the curriculum of the Los Angeles Police Department, which covers this issue. He said that he hopes this issue doesn't "marginalize more important issues" such as reformation of Internal Affairs – holding complaint cases until the statute of limitations for criminal prosecution of officers has expired, screening of applicants, and "red flagging" officers who have had previous Use of Force issues.

##### **Mary Shelton**

Ms. Shelton asked if members of the public would be able to respond to Commissioner Comments. Chairman Davidson asked Mr. Mario Lara, Interim CPRC Manager, to respond. Mr. Lara said it was his understanding that members of the public would not be able to respond to comments under Item 11. Ms. Shelton asked if the public would be able to respond under Item 5. Mr. Lara said that Item 5 was a discussion item and the public would be able to respond.

Vice-Chair Ward asked Mr. Lara what his "understanding" was when they had discussed the agenda item change. Mr. Lara said that it was his understanding that Vice-Chair Ward would be able to voice his concerns under Item 11, but discussion would be under Item 5.

City Attorney Greg Priamos offered clarification regarding Item 11 saying that the Commission can take public comment on that item if they wish to do so. He also said that the Commission was free to agendaize any issue raised by Vice-Chair Ward for discussion at a future meeting.

Chairman Davidson advised Ms. Shelton that she would be able to comment on Item 11.

Vice-Chair Ward asked Mr. Lara for clarification of their discussion regarding his comments under Item 11. Mr. Lara said that he'd told Vice-Chair Ward that he would be able to voice his concerns under Item 11, but that discussion would take place under Item 5. Vice-Chair Ward said that any members of the public wishing to speak regarding the events that took place during the Holiday recess, should do so under Item 5.

Ms. Shelton noted that the issues regarding the Commission's agenda was "very interesting" and said that proves that the Commission will no longer be able to set its own agenda since it has to go through the Assistant City Manager's (ACM) office for approval.

Ms. Shelton said that she supports and agrees with Dr. Bailey's comments regarding mental health training. She said she feels it's very important and is glad to see that the RPD is moving ahead with that training.

City Attorney Priamos noted as a point of clarification that any item placed on the agenda must comply with the Brown Act. He informed the Commission that the Brown Act requires that a description of the agenda item be given, generally not more than 20 words. However, if the description is not specific enough to inform the public as to what is going to be discussed, it does not comply with the Brown Act. Mr. Priamos said that was the issue with Vice-Chair Ward's agenda item as he felt the description was too broad.

Mr. Priamos said that it was necessary to add Item 5 (Public Safety Committee Report) to the agenda in light of the information reported to the Public Safety Committee. He said that the City Manager's Office felt information needed to be added to the agenda.

### **Bill Howe**

Mr. Howe expressed concern regarding Dr. Payne's resignation, stating that he didn't believe Dr. Payne resigned of his own free will.

Mr. Howe said he is concerned about the direction that City Staff taking the Commission, noting that it is not only detrimental to the Commission but the city as well. Mr. Howe noted that city staff directed Dr. Payne not to attend any community meetings and that the press reported that the city felt his attendance showed bias toward the police department. Mr. Howe said that appeared to be a violation of Dr. Payne's civil rights.

Mr. Howe also expressed concern regarding the city staff's decision, as reported in the press, to quit using Baker Street Group for CPRC investigations. He said they want to create a pool of investigators and will start using investigative agencies in Riverside County. Mr. Howe is concerned that agencies within the County would be biased, stating that an agency was chosen outside the area to avoid a conflict.

Mr. Howe also asked why the Commission was told not to look at the Brown OID case, asking if there was concern by the City that it might be a "bad shooting." He is troubled that the City wants the Commission to wait three to six months to investigate officer-involved death cases. He noted that anyone in investigations knows that witnesses may be gone or they forget details if too much time passes.

Mr. Howe said that the commissioners are dedicated and committed. The citizens of Riverside placed the Commission in the City Charter, but the city is trying to dissect the Commission and take away its authority. He also asked why Vice-Chair Jim Ward can't attend meetings with the Chair. He noted that when he was chair, Commissioner Brewer, as vice-chair, attended meetings with him.

Mr. Howe closed by encouraging the citizens of Riverside to speak up and make their voices heard because the city is trying to get rid of the Commission.

**Rev. Paul Mumford**

Rev. Mumford, pastor of New Joy Baptist Church, expressed concern and dismay regarding the current effort to undermine the purpose and power of the CPRC. He said it is no secret that RPD and the former city manager did not want a police commission. He said that the current city manager appeared to be "leading the charge" to get rid of the Commission. Rev. Mumford observed that if the police are doing their job well, they have nothing to fear from the Commission.

Rev. Mumford remarked that it was "ridiculous" to replace Dr. Payne for attending community meetings. He also asked why make the Commission do its work "and be at a disadvantage" by starting its investigations months after the RPD and the DA complete their work.

Rev. Mumford stated that the Commission needed to be shown more respect. He said that those who don't want police accountability are looking for the best time to "strike a sleeping community." He stated emphatically to the Commission, City Manager Brad Hudson, and others that the "Police Review Commission must do its job."

Rev. Mumford concluded by saying that he appreciates that CM Hudson agreed to meet with him and other pastors. Rev. Mumford said he wants the Commission to be free to do its job and not be in anybody's pocket. He said he feels that someone is trying to stir the pot; that the city manager is trying to satisfy RPD and vice-versa. He asked the Commission to "please do your job; demand freedom to investigate properly."

**Dr. Deborah Wong**

Dr. Wong invited the Commission and citizens to a public forum on January 29 organized by the Riverside Coalition for Police Accountability (RCPA) and the Eastside Think Tank. The topic of discussion would be the interaction between the Commission, RPD, and City Hall. She thanked Chairman Davidson for his participation on the panel, which included Councilmember Andy Melendrez, RPD Police Chief Russ Leach, and Deputy District Atty. Sara Danville.

Dr. Wong noted that this is a "delicate" time for the Commission. She said that many in the community feel Dr. Payne was pushed out of his position. She said there must be no changes to the Commission's policies and procedures by the City Manager's office, especially with regard to outside investigations. She was also critical of creating a pool of investigative agencies, stating that it is "unacceptable."

She said it is "ridiculous" to keep the executive director from participating in community outreach. She closed by urging the commissioners to work from within to insure the independence of the Commission.

Chairman Davidson commented that he was looking forward to being part of the forum panel.

**Victoria Jackson**

Ms. Jackson said she was disappointed regarding Dr. Payne's resignation. She noted that Dr. Wong was right in that there should not be any changes to the Commission. She said she was surprised that the Commission wasn't aware of the issues regarding Dr. Payne's community outreach.

Chairman Davidson remarked that this meeting was the first time Commission had met since these issues had occurred. He also noted that the Commission is not in agreement with the various issues

at hand. He said that his plan had been to talk about those issues at this meeting. He also noted that the Commission is bound by Brown Act not to discuss without quorum.

Ms. Jackson observed that Dr. Payne had the experience, education, and dedication. She said she is very disappointed in the Commission's current direction and feels that changes need to be made. She asked the Commission to let them, the public, know if there is anything they can do to make the Commission stronger.

Ms. Jackson said she is here for the Commission. She said she respects the RPD, but all agencies need a checks and balances. She told the Commission that the public "is with you," but is confused as to reasons behind the events of the past year and noted that it is very disheartening to the community.

### **Jennie Rivera**

Ms. Rivera informed the Commission of her son's arrest by RPD. Ms. Rivera showed pictures of her son to the Commission, saying that her son was "assaulted by the Riverside gang unit." She asked what would happen if the Commission wasn't here "looking over their shoulder."

Ms. Rivera said the community needs the Commission. She also said she was sad to hear about Dr. Payne, noting that he was a very good community person.

## **5. Status Report to the Council's Public Safety Committee**

Tom DeSantis, Asst. City Manager (ACM), reported to the Commission on the Special Meeting of the Public Safety Committee on January 22, 2007. Mr. DeSantis said that the voters "have made it very, very clear" that accountability is key to community policing. He said that the city is "fully committed to doing everything necessary to insure that the Commission can fulfill mission as laid out in the Charter.

ACM DeSantis briefed the Commission on:

- Staffing
  - City is undertaking a vigorous, nation-wide recruitment for the CPRC Manager;
  - Mario Lara, a member of ACM DeSantis' staff, is providing interim staff support for the Commission;
  - Jenna Combs, previously with the Human Relations Commission and CPRC, will assist during the interim period
- Caseload
  - Cases will be processed without delay
  - Interim staffing will not affect processing of cases for review
  - Three complaint cases reviewed today (Jan. 24, 2007)
  - Three officer-involved death (OID) cases
    - Brown OID delayed due to additional information becoming available during the criminal investigation being conducted by the District Attorney (DA)
    - Two cases still under investigation by RPD and DA.
- Outreach
  - Commission is committed to creating a robust outreach policy and program for all segments of the Community;
  - Plan will have roles for commissioners and staff;
  - Jenna Combs' primary task will be to provide assistance with outreach so that the process is not slowed in developing an outreach plan.

- Protocols and Processes
  - Trying, as staff, to provide resources to the Commission;
    - Goal is to provide consistency and Insure adequate staff support, including investigative support;
    - Process reflects the Commission's focus on community input, accountability, RPD policy reviews, and policy recommendations;
  - Engaged consultant services of Joe Brann, who monitored the RPD on behalf of the State Attorney General's office for the past five years;
    - Mr. Brann
      - will review the Commission's policies and procedures;
      - is looking at models throughout the country and will present policy recommendations to the Commission
  - No Commission policies or procedure have been changed as they are the Commission's and the Commission hasn't changed them;
  - Anticipate working with the Commission and Mr. Brann, over the next few months, to present information for consideration by the Commission.
  
- RPD Policy Updates
  - Need to update policies, procedures, and training with regard to encounters with individuals having mental illness or potential mental illness;
    - Commission and RPD support refined officer procedures;
    - Realize the need to partner with Riverside County Mental Health;
    - PET teams (Psychological Evaluation Teams) may be adapted for use by the City;
      - Meeting scheduled for Monday (January 29) to include City Manager staff, RPD, County Executive Office, County Mental Health, American Medical Response (AMR), and Riverside Fire Department (RFD);

ACM DeSantis closed by affirming the City's commitment to work with the Commission to help achieve its mission as stated in the Charter. He thanked the Commission and its chair for its guidance and patience.

Commissioner Brandriff asked about the time line for hiring the new CPRC director.

ACM DeSantis said they expected to open the recruitment within the next week or so and anticipates a recruitment period of approximately 30 days, noting that they want to "cast this net as broadly as possible."

Chairman Davidson thanked ACM DeSantis for his support.

### **Mary Shelton**

Ms. Shelton said she sees no problems with the Commission, just with that they oversee, which is the RPD. She said that the City and RPD have left the community and the Commission in the dark regarding issues.

Ms. Shelton remarked that the report sounded nice, but it wouldn't be the first time the City tried to "kill a body with kindness." She also questioned the "sudden fuss" to figure out what commission is all about. She noted that even though there weren't a lot of people at this meeting, many people are concerned about the Commission and the RPD. She concluded by noting that many people are asking: "Should we really be looking at the CPRC or should we really be looking at the Police Department?"

**Vice-Chair Ward**

Vice-Chair Ward said that he had asked for his concerns to be agendized because he believes that more business was taken care of during holidays than the Commission had taken care of all year. The Commission hasn't met since November 8, 2006, but the Chair had gone to a meeting, calling the vice-chair afterward to share what he had learned, such as dissatisfaction with the CPRC's current investigator and not wanting the Commission to conduct a parallel investigation into officer-involved deaths. Vice-Chair Ward said he felt it was time to call a special meeting to inform the Commission regarding those issues, but Chairman Davidson said no.

Vice-Chair Ward said the Executive Director has now been lost and that "they want to continue to weaken" the Commission with other changes. He said that information is "flowing back and forth between city officials and the chairperson of this commission," and he, as vice-chair, has been eliminated from meetings.

Vice-Chair Ward said the Commission is being told "all these wonderful things they're gonna do for the Commission," but there needs to be discussion about what's been done to the Commission. He said he's on the Commission because he's concerned about the community and people can talk about the progress in RPD, but he feels that the culture of RPD is the same as it was before Tyisha Miller.

**Dr. Ron Bailey**

Dr. Bailey complimented ACM DeSantis on his presentation and on the retention of Joe Brann. Dr. Bailey remarked on his past comments on outreach and the lack of community representation. He questioned why, though, if Joe Brann was concerned about the CPRC, he isn't at meeting. Dr. Bailey also noted that, as a group, the Commission needs to direct itself so that "rogue" cops aren't insulated from accountability.

**6. Annual CPRC Officer Elections**

Ms. Sherron informed the Commission of its procedures for annual officer elections, asking that commissioners complete the officer interest forms and return them to her. At the February Regular Meeting, commissioners would be given ballots. At the first meeting in March, the new officers would be selected.

**7. 2006 Annual Report**

Chairman Davidson asked that commissioners begin thinking about the '06 Annual Report. Commissioner Percy suggested that since there are new commissioners coming onboard, it might be good to introduce them in the report.

**8. Approval of Minutes**

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
November Regular Meeting	Brewer	Ward	7	0	0

**9. Staff Report**

Staff reported that

- Commission dark in December – no cases reviewed

## 10. Committee Reports

- A) Outreach Committee – Brian Percy, Chair
- significant community participation at November 8 Outreach Committee meeting
  - discussed Dr. Payne being asked not to attend community meetings
  - now working with Jenna Combs to
    - investigate what executive directors, or persons in a similar position, do regarding outreach
      - best practices with established programs
    - to identify what best practices being involved by outreach committees / groups to communities
- B) Budget Committee – Bob Garcia, Chair (absent)
- no report
- C) Policy & Procedure Review Committee - Jack Brewer, Chair
- no meeting in January due to lack of quorum
  - advised Commission that new members need to be appointed so the committee can meet.
- D) Internal Evaluation Ad-hoc Committee – Jim Ward, Chair – Reported by Bob Garcia
- committee members were asked by Committee Chair to contact people they met at NACOLE regarding guest speakers for the Commission.

## 11. Commissioner Comments

### Chairman Davidson

- advised the Commission that he has attended only three meetings with the City
  - one involved Dr. Payne,
  - one involved the Outreach Committee chair,
  - one was called by him as CPRC Chairman to discuss the various issues of concern and included the Vice-Chair, the Policies and Procedures Review Committee Chair, Outreach Committee Chair. ACM DeSantis, Mr. Lara, Chief Leach, and City Attorney Priamos;

### Commissioner Percy

- thanked Vice-Chair Ward for his participation;
- thanked ACM DeSantis for his presentation, noting that he would take at face value ACM DeSantis' promise to assist the Commission;
- thanked Mario Lara for his interim assistance;
- welcomed John Brandriff to the Commission
  - was disturbed when he heard that a "muzzle" had been put on Dr. Payne;
  - noted that when management issues relating to personnel affect the Commission, the Commission should be informed of those issues in a timely manner;
  - suggested that the Commission recognize Dr. Payne's service in some fashion;
- was surprised at the suggestion of bringing in additional investigators and delaying the start of the Commission's investigation;
  - reported that delayed investigations was one of the topics covered at the meeting requested by Chairman Davidson;
  - noted that they shared their views that delayed CPRC investigations are unsatisfactory to the Commission;
  - suggested that the CPRC investigator be on-scene "the moment the crime scene tape is down."
- agrees that there should probably be multiple bids regarding investigators;
  - doesn't agree that Baker Street Group may not be performing;

- feels it is beneficial to have multiple agencies available as that would help should there be more than one OID;
- said that the Commission should decide who meet its needs;
- noted that the City is moving forward on the mental health issue, but feels that should be expanded to include medical issues;
  - suggested that RPD be scheduled to brief the Commission on the type of education the officers are receiving in this area;
- suggested that CPRC meetings be televised
- if the community thinks the Commission should be doing more, they should go to City Council
- would like the Commission to have a staff member dedicated to Outreach.

Commissioner Castro

- thanked audience for attending;
- spoke to Padres Unidos @ Norte Vista High regarding the Commission's role and function.

Commissioner Brandriff

- thanked the audience for attending;
- introduced himself;
  - has lived in Riverside for 13 - 14 years;
  - served on HRC for the past two years;
  - hopes he can be objective;
  - looks forward to serving.

Chairman Davidson thanked Capt. Pete Esquivel, Jenna Combs, ACM DeSantis and his staff, and community members for attending the meeting. He reiterated that if community members think the Commission needs more power. they need to go to the Council.

**12. Items for Future Commission Consideration**

There was no discussion regarding items for future Commission consideration.

**13. Adjournment**

The Commission adjourned at 7:11 PM.

Respectfully submitted,



PHOEBE SHERRON  
Sr. Office Specialist