



**CASE REVIEW / SPECIAL MEETING
MINUTES**

**October 10, 2007 at 4:00 P.M.
5th Floor Large Conference Room, City Hall
3900 Main Street, Riverside, CA**

Chairman Percy called the meeting to order at 4:00 p.m.

Roll Call

Brewer	Soubirous	Hubbard	Brandriff	Ward	Percy	Corral	Santore	VACANT
✓	✓	✓	✓	✓	✓	✓	✓	X

✓ = Present A = Absent * = Left Early

Staff: Kevin Rogan, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

There were no public comments on closed session items.

Closed Session

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:17 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	07-001	PC-07-01001
2)	06-062	PC 06-10047
3)	06-046	PC 06-08028
4)	07-010	PC 07-02016

OPEN SESSION – 5:30 P.M.

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

Public Comment

Mary Shelton

Ms. Shelton commented on RPD's response to the list of questions submitted in August regarding the Brown OID. RPD's response states that all the questions can be answered through either the information provided in the criminal casebooks or in the administrative casebook. Ms. Shelton called the response "a dodge." She did say, though, that there could be several reasons that some of the questions in the list might be answered in the administrative casebook citing the confidentiality of testing for various diseases and toxicology reports.

2006 Annual Report

Kevin Rogan, CPRC Manager, reported on the following modifications to the annual report:

- Pg 4 – groups and organizations listed under Outreach modified to reflect those groups and organizations that were listed in 2006 monthly reports;
- Commissioner photos and biographies updated;
- Pg 9 – Stock police badge photo replaced with a photo of an RPD badge;
- More Commission photos replacing stock photos;
- Double-checked and verified the statistics for complaints by neighborhoods;
- Pgs 20 / 21 – tables with findings comparisons statistics inserted

Mary Shelton

Ms. Shelton said she was glad that the findings comparisons were included in the report. She commented on the complaint statistics for the Eastside, saying she had heard those stats would be challenged. She also said she felt it was important to include information regarding the Commission's budget.

Mr. Rogan recommended that the Commission go forward with the report as it stands and consider budget information for the 2007 Annual Report. He noted that, even though the budget information isn't in the '06 report, it is available through other sources.

With regard to "Trends and Patterns," Mr. Rogan noted that some trends are slow-developing, noting that was "consistent with the on-going nature of Commission business."

Mr. Rogan recommended that the Commission move ahead with adopting the report.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the annual report be approved as written	Brandriff	Corral			

Prior to voting to approve the report, Chairman Percy recommended the following modifications:

- Pg 24 – insert a new second paragraph noting the ratio of complaints to officer contacts;
- Pg 25 – revise second sentence in first paragraph to note that there have been occurrences of RPD's use of involved officers as investigators, although they have been trending toward the elimination of that practice.

Mr. Rogan said he could make the recommended modifications. Greg Priamos, City Attorney, suggested that the Commission recommend that the Chair and Vice-Chair review and approve the recommended additions.

Amended Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the annual report be approved as written and that the Chair and Vice-Chair approve the additions recommended by Chairman Pearcy	Brandriff	Corral	8	0	0

Brown Officer-Involved Death Case

Mr. Rogan provided a brief synopsis of the facts in the case. He said that it is not unusual for there to be unanswered questions in major incidents. He also noted that witness views differ. Mr. Rogan also reminded the Commission that its decision is based on the preponderance of evidence and differs from the D.A.’s, where the decision based on whether criminal actions can be prosecuted beyond reasonable doubt. He noted that the D.A.’s finding is not in the purview of the Commission and even tends disrupt the Commission’s discussions.

Mary Shelton

Ms. Shelton said that she didn’t believe that RPD’s response to the list of questions was “the best” it could do. She noted that the Commission won’t know if there is any new evidence until it see the administrative report. She said there were questions asked that RPD “is perfectly capable of answering.” Ms. Shelton also asked where the pictures were of Officer Stucker’s Taser injury. She said RPD had an opportunity to answer the questions, but instead chose to refer the Commission to the criminal casebook, which doesn’t provide the answer some of the questions, or to get the answers from the administrative casebook, which would render those answers confidential.

Chairman Pearcy suggested that the table and witness accounts contained in Mr. Rogan’s synopsis be included in the public report.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the table and witness accounts contained in Mr. Rogan’s synopsis be included in the public report	Brandriff	Santore	6	0	1

Chairman Pearcy expressed disappointment in RPD’s decision to not answer the list of follow-up questions. He said this creates the perception that there wasn’t a complete investigation. He commented that most of the questions were technical questions regarding protocol is disappointed that the time wasn’t taken to answer them.

Commissioner Ward said that the Commission received more response from RPD on a complaint case question than was received on questions concerning an officer-involved death. He said the Commission has nothing to work with if it can’t depend on an accurate report from RPD.

Commissioner Brandriff agreed with Commissioner Ward, but asked for suggestions as to what options the Commission has. Commissioner Ward said that, if the Commission believes it is “being hindered in such a way that we cannot carry out the function that we’re required to carry out, we need to go before the Mayor and City Council and let them know that and if they don’t pave the way for us to get the information that we need to make the decisions that we need to make, then, you know, each

of us can make our decision based on what we want to do after that.”

Commissioner Ward said the Commission should not be controlled by City employees and the Riverside Police Department. He said that if the Commission accepts this response, the Commission will never get the information it needs to do the job it’s supposed to do.

After continued discussion, the following motion and vote occurred:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That the officer-involved shooting death of Mr. Brown was Within Policy	Hubbard	Corral	6	0	1

Following further discussion, the following motion and vote took place:

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Staff review the report and return with additional policy recommendations	Brandriff	Hubbard	6	0	1

Chairman Percy asked if anyone had any additional comments or concerns they would like addressed. Commissioner Santore asked for information regarding escalation / de-escalation of the officers and the suspect during the incident. Mr. Rogan said he would take care of that.

Commissioner Brandriff welcomed the commissioner-in-waiting, Ms. Chani Beeman.

The Commission adjourned at 7:12 p.m.

Respectfully submitted,


PHOEBE SHERRON
Sr. Office Specialist