



OUTREACH COMMITTEE / SPECIAL MEETING MINUTES

Wednesday, October 8, 2008, 4:00 PM
Orange Square Public Utilities Boardroom
3901 Orange Street, Riverside, CA

OUTREACH COMMITTEE

Chairman Percy called the meeting to order at 4:10 PM.

Roll Call

Rotker	Soubirous	Hubbard	Brandriff	Ward	Percy	Corral	Santore	Beeman
✓	✓	✓	A	A	✓	✓	✓	✓

✓ = Present A = Absent L = Late LE = Left Early

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

Public Comment

Mary Shelton said she was glad to see Outreach Committee meeting again and hopes to see more outreach. She said that many citizens don't trust the Commission and that complainants are going to ACLU. She also said that people don't feel comfortable using this complaint process and that they are concerned about officer retaliation.

New Business

A) Review, discussion and approval of Community Outreach Letter

Committee Chair Beeman introduced the Community Outreach letter, saying it is a prompt to inform community groups of the Commission's availability to make a presentation.

Commissioner Rotker said verbiage in paragraphs one and three referring to the Commission being "involved in community relations," was what the Human Relations Commission is involved in. Committee Chair Beeman advised that the Commission has that role and that the language in the letter comes out of the Charter, which refers to police and community relations.

Commission Chairman Percy suggested replacing the last portion of the first sentence in the second paragraph to state: "...of the CPRC and *to discuss issues of the relationship between the community and the police.*"

Committee Chair Beeman said she would send community group lists to staff.

Motion	Motion	Second	Approve	Oppose	Abstain
Approve Community Outreach letter as amended	Rotker	Santore	Unanimous	0	0

Project Updates

A) Public Service Announcement Video

Mr. Rogan advised that Austin Carter has been asked to make arrangements to film the PSA.

B) Posters

Mr. Rogan said posters would be based on updated brochures

C) Brochures

Mr. Rogan advised that work would begin to create the updated brochures and that he would check for an in-house designer.

D) Shirts

Ms. Sherron advised that she had spoken with a vendor regarding polo shirts. She said the shirts would cost about \$30 each. She asked the commissioners to decide on whether they wanted the CPRC logo in the two-tone color version, a single-color version, or rather go with the City logo and have "Community Police Review Commission" stitched underneath. The Committee requested printed mock-ups of both versions.

Items for Future Committee Consideration

Committee Chair Beeman recommended consideration of a different meeting time for the Outreach Committee. Commission Chair Percy suggested changing Outreach to a time between closed session and the regular meeting. Committee Chair Beeman suggested 5 PM.

Adjourn to Special Meeting

The Outreach Committee adjourned at 4:40 PM.

The Commission reconvened in the Special Meeting at 4:48 PM.

SPECIAL MEETING

Public Comment

Salvador Santana said he was disappointed with the City of Riverside and said he sees a lot of discrepancy between the city government, RPD, and CPRC. He proposed that any divisions be put aside and that CPRC, RPD, and city government meet in a workshop to discuss interpretations of the law, specifically Section 201 of the City Charter and to see if the problems can be fixed.

Mary Shelton said that the California Court of Appeals backed the initial Copley Press decision. She expressed concern about current events regarding CPRC. She also spoke regarding the change in investigation protocol. She expressed concern about the decision regarding the ad-hoc committee.

Steve Simpson read from a statement of which a hard-copy was submitted to the Commission (included in digital version of minutes). He said that it is the Council's duty to apply the Charter as it was enacted by voters. He also suggested that the Executive Director position be made to serve at the pleasure of the

Commission and that the Commission have an independent attorney.

Cloud Officer-Involved Death (OID) Evaluation Process

Discussion of the Commission's public report regarding the officer-involved death of Douglas Steven Cloud on October 8, 2006:

A) Stage V, Deliberation Process

Chairman Percy opened for public comment.

Mary Shelton commented on the Fact Sheet saying that some things looked factual, while some looked subjective. She said it was valuable to look at all the statements, but said it was odd to see contradictory statements on a list of facts. She commented on #50, saying that Cloud's legs could have been stuck without causing injury. She noted that some people said Mr. Cloud was resisting the officers when they tried to pull him from the car. She also expressed concern about a statement by Officer Vazquez and asked about his role of lethal cover. She asked why he holstered his gun if he was supposed to give lethal cover. She also questioned RPD's hiring and training.

Teresa Cloud said her son was killed two years ago today by RPD. She said that no weapon was seen by anyone and asked why officers would try to pull him out of the car if they thought there was a weapon. She also questioned how anyone could assess the situation in 20 seconds. She said the shooting by RPD was unjustified.

Chairman Percy advised that Stage V had been completed.

Commissioner Beeman noted that italicized statements contain conflicting information. Chairman Percy said he wanted to make sure that the Commission isn't ignoring other concerns. He also noted that there were no disputed facts but #15 and #17; what did the officers see and did they act within policy? He said the Commission may need to figure out how the officer got into that position.

Vice-Chair Corral expressed concern over #43 and #44 and asked to for a policy check regarding shooting into vehicles. Commissioner Santore said there is a policy regarding shooting at moving vehicles, but Vice-Chair Corral said she wanted to know about shooting into vehicles.

Chairman Percy noted that, in training, there was discussion of what an officer can, should do, and the element of perception. Commissioner Rotker said he wanted to analyze details and Chairman Percy said it may help to start with a policy and fit the facts to in an attempt to come to a conclusion.

Mr. Rogan said that Commissioner Rotker had questions regarding the policy concerning weapons. Mr. Rogan noted that officer training begins at the academy, but basically doesn't stop. He said that there are general rules, but no fine matrix. He said that, whenever possible, the officer should verify if a person possess a weapon, but that officers make judgments on the totality of circumstances and advised that there is no requirement for an officer to see a weapon before taking action.

Commissioner Santore noted that Mr. Cloud's actions, like his actions with the steering wheel, escalated the situation. He also noted that what was thought to be the first shot was actually two simultaneously.

Commissioner Rotker said he has analyzed everything and is ready to make a final call. Chairman Percy advised that the rendering of an opinion leads to the deliberative process and that the Commission needs to put together a document that explains its decision. Commissioner Rotker said he wasn't ready for a vote, but just wanted to make sure the Commission was ready for the deliberative stage. Chairman Percy said he had asked at the last meeting if there were any other facts to be added or any policies concerns for discussion and there were none.

Commissioner Hubbard said he agreed with Commissioner Santore in that incident was unfortunate, but that Mr. Cloud had multiple opportunities to terminate the event without ending in his death. His first

opportunity was when he was confronted by customers, but he chose to flee. He said that #15 and #17 don't add to the final conclusion. He also believed that Mr. Cloud didn't mean to run over Mr. Taliaferro, but Cloud fled the scene, disregard the safety of others, and loses control of his car. He noted that the outcome of car chases are the same: the car is swarmed by cops. He also noted that #40 says the car engine is revving and that Mr. Cloud's legs aren't stuck. Commissioner Hubbard says that indicated to him a continuing attempt to flee, that the car is a weapon, and could move quickly from side to side.

Commissioner Hubbard said he had done much deliberation and come to his conclusion. He then made a motion that the shooting was within policy.

Chairman Percy asked for further discussion. Commissioner Santore seconded the motion.

Commissioner Rotker said he was looking from the standpoint of the officers involved because they responded to 211, code for robbery. He said that this affects the officers' response by giving them the impression that Mr. Cloud had a weapon in the car. At the scene, when they tried to extract him from car, an officer thought he moved his hand between the seats, making the officers concerned for their safety. He said that you have to try to determine what was in the mind of the officers at the time of the shooting. If you accept that what the officers' were thinking at that time, the shooting has to be within policy.

Commissioner Hubbard agreed, but believed that some might speculate. He noted that in #41, the officer thought the car would come loose and strike him and other officers. He said he agreed with Commissioner Rotker's comments and said that training and policies are guidelines, but noted that there are an infinite number of variables.

Commissioner Rotker substantiated his statement by noting #42 and #43 where both officers said they thought Mr. Cloud was reaching for a gun. Based on nature of call, they thought he had a gun. He said that Mr. Cloud didn't need to struggle and brought a lot of what happened onto himself.

Commissioner Santore said that if Mr. Cloud had stopped in the parking lot, it would have been petty theft. But his actions, from that point on, led up to the shooting. When he got on the street, he went through a red light and the car becomes a weapon.

Commissioner Soubirous agreed with the statements made. She said that when these incidents occur, they happen very fast and officers have to act fast.

Commissioner Beeman said that she agreed with many of the things that had been said, but wanted to address some of the statements made. She said that a story is being built and the Commission needs to be careful assumptions are being made while building that story. She noted that no one saw the entire incident; the officers who responded to the crash scene didn't know all that had happened at Home Depot. Officer Putnam put out information that set the incident on the track it was on. She asked how an improper radio call could be corrected. She said that Mr. Cloud didn't know he was a 211 suspect. He only knew customers followed him out of store. Police at the scene didn't witness a chase. They came upon a traffic accident the included a car that matched the 211 suspect's car description and even that description was reported differently by the officers. She expressed concern about the narrow process of only determining if the officers' actions were in or outside the Use of Force policy and asked for clarification of whether other policies would be considered.

Commissioner Beeman continued, posing a quiet time for 20 seconds. She said she was troubled by the brief amount of time officers were at the scene before shooting. Referring to #26, one of the witnesses who saw the crash said he thought Mr. Cloud was out of it. Mr. Cagle (a witness) became fearful of the officers. She noted that Mr. Cloud complied with the officers' command to put hands on the steering wheel. She also expressed concern that the officers ran up to the vehicle thinking the occupant might have a weapon. She also was concerned by #39 that stated that lethal cover was being given by Officer Vazquez and he said he was concerned that Mr. Cloud might have a weapon, yet he holstered his weapon.

Mr. Rogan said that the Commission's role, after reviewing the use of force policy, is to determine that officers' actions were reasonable with regard to their use of lethal force. Commissioner Beeman asked if their decision was based on other policies. Mr. Rogan said the Commission may review other policies, but the finding focuses on the lethal use of force.

Commissioner Rotker said that Mr. Cloud didn't know he was a 211 suspect, but noted that a reasonable person would know he had broken the law and shouldn't have been surprised to see officers. He said it would have been good if the officers had 2 - 3 minutes, but when they saw him reach between seats, it only took 20 seconds and that was long enough for officers to make their decision.

Commissioner Santore again noted that the car was the weapon and a chain of causation brought the incident to its conclusion.

Commissioner Beeman disagreed with Commissioner Rotker saying that she views the incident by looking at everyone's safety. She said she feels officers are well-trained to deal with incidents, but that they are trained to control situations. She said she was bothered by the lack of evidence that the officers tried to control the situation. She said that by the officers rushing in, they created a situation that created the conclusion. Witness Cagle didn't feel it was an unsafe situation. She said he was afraid of the police.

Commissioner Soubrouse said she didn't feel the officers created the situation. She said officers have to run to a situation and have to be there to assess the situation. She noted that if they wait 21 seconds, they've waited too long. She said it was a terrible set of circumstances and the incident was tragic for the family and the officers. She also noted there is not a specific policy for every situation.

Commissioner Beeman said she felt the officers hadn't assessed the situation. She said the officers arrived at a crash scene that matched 211 suspect, but doesn't feel the officers gave citizen safety the proper regard and that their tactics were not within policy.

Vice-Chair Corral asked what the officers did that was out of policy. Commissioner Beeman said that when they arrived at scene, they put themselves too close to vehicle, put themselves at risk, and she was not sure they were assessing the situation. She didn't think that going up to car with information they had was right.

Chairman Percy asked that, since this was not a felony pull over or a pursuit termination, was there anything discussed regarding the officers' swarm technique. Mr. Rogan said no and he had only clarified a felony car stop. Chairman Percy asked if the officers came up to the situation with no training for a situation like this. Mr. Rogan noted that an officer's approach depends on a variety of situations, but that coming up behind the door is a typical approach.

Vice-Chair Corral said that each incident is different and that even though it was not a felony stop, it was the officers' duty to go up to the window to see if the driver was okay. She noted that the car was incapacitated.

Chairman Percy stated that there needs to be additional discussion regarding whether the officers were reasonable in taking the steps they did. He noted that it is an element of the Commission's analysis in its discussion of whether or not the actions of the officers were reasonable. Commissioner Rotker said he wouldn't find their actions in policy if he thought their actions were unreasonable.

Chairman Percy again advised that the Commission needs to define the officers' actions to justify its conclusion. He said that part of the Commission's job is putting together a report that needs to articulate why the shooting is in policy. He said this is needed to help the public understand the reason for the finding.

Commissioner Rotker again noted the incident progression: the officers responded to a 211 call and they thought the suspect would be armed. Mr. Cloud made a move that officers interpreted as him moving for a weapon. In order to protect themselves, they shot.

Chairman Percy believed that was a big jump. He noted that the officers saw Mr. Cloud reach down with his right hand and thought he might be reaching for a gun. But, he asked is it reasonable to assume that by reaching down that Mr. Cloud was going to come up with a gun or something else? He noted that a reasonable explanation needed to address that issue.

Commissioner Rotker said that the officers attempted to extract Mr. Cloud, but asked why he was resisting arrest. Chairman Percy asked that, just because Mr. Cloud went back in the car, did it give the officers the right to shoot.

Commissioner Hubbard said he thought Mr. Cloud had been asked to raise hands, but then he began revving the engine and turning the steering wheel from side to side. He said it is reasonable to believe that Mr. Cloud was trying to free the car and then the officers' believe he is reaching for a gun. Commissioner Santore said that both officers arrived at the same conclusion at same time and that Mr. Cloud's actions led to that conclusion.

Chairman Percy said that the incident was unfortunate for everyone involved. He expressed concern about the "awful, but lawful" aspect of the incident and said the he finds that Mr. Cloud putting his hand down was an unreasonable reason for shooting. He stated that if there was a gun in Mr. Cloud's possession, there were other officers were covering him, there was an officer covering Mr. Cloud if a gun had been seen. He said it would have been reasonable for the officers to wait and see what was in his hand and there would have been an opportunity to take more time to determine what he was doing with his hand.

Commissioner Rotker noted that policy doesn't require officers to see a weapon to shoot. Chairman Percy said it is the Commission's job to look at policies. He said that the car was crashed and hung up, but it was not evident that it couldn't have gotten loose. He said it seemed that Mr. Cloud was trying to loosen the car and escape which, in turn, can allow for deadly force. If the car had come loose, being in such close proximity to the officers, it could have hit an officer. He stated that # 40 is the reasonable fact on which to take action as it was the car that presented the threat.

Commissioner Beeman agreed that the officers' thought the car could be used against them. She asked for a refinement of Commissioner Hubbard's assessment. Commissioner Santore said that the tactics in which the officers are trained would be to stand next to the car, not in front or back.

Commissioner Beeman said she didn't disagree, but said she was trying to note that the safety for officers would also provide safety for the citizens. She said that the officers were reasonably sure they had the right vehicle even though there were several descriptions of the car. She said that officers need to create safety for their safety and the safety of others. She was still disturbed by the compressed time frame the incident and what she felt was a failure of deployment and tactics. Mr. Rogan said he didn't agree that they went against training. He said that officers are trained to provide prompt action. Commissioner Beeman said that Mr. Cloud complied with the instructions and then a struggle ensued. She asked what happened to rest of training and said there may have been other options.

Chairman Percy said he saw no facts to support non-compliance and that there was no information to say that anything else was said to Mr. Cloud. He noted that there were no verbal commands given to Mr. Cloud to get out of car. He said that officers go through a series of verbal commands, but that this wasn't handled properly. The officers gave verbal commands and then put hands on. He said that if officers believe someone is armed, they don't necessarily wait for compliance with commands, but they saw his hands and decided to grab him. He cautioned everyone that the Commission only has the facts as related in the criminal casebook and depositions. He said that the officers saw his hands and took actions so that his hands didn't go anywhere else.

Commissioner Beeman said that once they had compliance they should have tried for further compliance.

Chairman Percy noted there are elements for discussion regarding training and tactics. Commissioner Beeman said she understood, but feels the Commission should look at the issues.

Chairman Percy called the question.

Motion	Motion	Second	Approve	Oppose	Abstain
That the shooting was within policy based on the fact that the officers reasonably perceived a threat of death or great bodily harm from Mr. Cloud's actions of revving the engine and turning the steering wheel from side to side as the officers believed it was an attempt to free the car from the tree and that the car could swing out and strike them due to their proximity to the vehicle.	Hubbard	Santore	Unanimous	0	0

Chairman Percy confirmed with staff that there was enough information to begin writing the report.

Hill Officer-Involved Death (OID) Evaluation Process

Discussion of the Commission's public report regarding the officer-involved death of Joseph Hill on October 19, 2006, Stage II, Fact Certification Process:

- A) Continue and Finalize Discussion of Underlying Facts
- B) Initiate discussion of Stage III, Policy & Procedure Certification Process

Mary Shelton said she hopes the Commission doesn't rush to a conclusion as it did in Cloud. She said that the last agenda item didn't note a vote would be taken. She also expressed concern about prior contacts between Officer Adcox and Mr. Hill and asked where the audio recordings are. She said she doesn't believe that Policy 4.60 was being followed. She also had questions about the patrol logs and noted that patrol logs aren't necessarily confidential information.

Leslie Braden finds it controversial that her brother was reaching for a Taser. She also said it's not fair for the casebook to not yet be returned to the Commission and asked how much information needs to be taken from casebook. She stated that just because a person is an officer it doesn't mean that person is more credible. The witness said he offered to call 911 because the officers didn't do anything after her brother was shot. She noted that the audio recorder also poses a concern because it was turned off and on. She said the officers should be made to give a deposition.

Commissioner Beeman asked if the Commission could obtain patrol logs for both officers. Mr. Rogan advised they cannot. He said the Commission can only go by what is in casebook that has been presented to the DA. If the patrol logs are not in the casebook, then apparently the DA didn't request that information. He noted that the Commission may have the ability to request that information for administrative review.

Commissioner Beeman asked if the Commission could obtain patrol logs for both officers. Mr. Rogan advised they cannot. He said the Commission can only go by what is in the casebook that has been presented to the DA. If the patrol logs are not in the casebook, then apparently the DA didn't request that information. He noted that the Commission may have the ability to request that information for administrative review.

Commissioner Beeman disputed Mr. Rogan's assessment that the Commission could use only what was presented in the casebook. Commissioner Beeman cited the Commission's Charter authority to investigate and that it would be improper to limit its authority to investigate only what is in the casebook.

She cited the Commission's independent investigation as evidence that we are not limited to only the casebook and that the commission may request additional information during public review. She then asked that a request for the patrol logs be made to the Chief. She also asked for the audio for the radio traffic.

When asked if the commission could have access to the patrol logs, City Attorney Priamos said that, under Gov't. Code Section 6254 K, the patrol logs were exempt from disclosure under the Public Records Act, but that the police chief could, at his discretion, release them. Mr. Priamos did not comment on Mr. Rogan's assessment that the Commission could only use what was presented in the casebook during its public review.

Commissioner Comments

Commissioner Rotker said he went on a ride-along Saturday night, graveyard shift in the North section. He said Lt. Manning invited him to speak to officers during roll call and opened to question and answer. He feels he's helped the night shift understand more. Lt. Manning said there should be more commissioner ride-alongs and feels ride-alongs are beneficial for the officers and commissioners. Commissioner Rotker said the evening was very educational.

Vice-Chair Corral expressed thanks regarding the letter from the Mayor concerning the new protocol.

Commissioner Beeman offered a public apology to City Attorney Priamos for a comment she made that was thought by some to be a put-down to him. She also apologized to the commissioners that the flippant comment became a focus.

Commissioner Beeman also said that she believes the Commission is failing its duty by not investigating OIDs. She said she will abide by the direction given, but will continue to state that the Commission is not abiding by the charter.

Commissioner Soubirous said she appreciated the Mayor's letter and that it should be taken as the answer to the Commission's question.

Commissioner Rotker said that if the Commission accepts that Council has spoken, then the Commission needs get back to business and the Ad-hoc committee needs to address adding OIDs to the Policies and Procedures.

Commissioner Hubbard said he was in agreement with the letter from the Mayor.

Items for Future Commission Consideration

Commissioner Beeman asked for an update on the availability of the OID casebooks, an update regarding the laptops, and the OID Ad-hoc committee.

Commissioner Soubirous requested working out a process to end meetings sooner.

Adjourn

The Commission adjourned at 8:07 PM.

Respectfully submitted,



PHOEBE SHERRON
Sr. Office Specialist