



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, December 14, 2011
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 PM

PLEDGE OF ALLEGIANCE

Case Review Roll Call

Rotker	Smith	Johnson	Brandriff		Jackson	Roberts	Santore	Adams
✓	✓	✓	✓		✓	✓	S	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

There was no public comment on closed session items.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	10-043	PC-10-10061
2)	11-029	PC-11-07037
3)	11-037	PC-11-10046

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Smith	Johnson	Brandriff		Jackson	Roberts	Santore	Adams
✓	✓	✓	✓		✓	✓	S	✓

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STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comments

Mary Shelton asked about training to track officers in the Early Warning System (EWS); problems with series of arrests; are systems in place to track future trends of officers' actions; what is the Commission's role; is there a follow-up to EWS.

Deborah Wong said she was here for the OID briefing. She was concerned that the OID was a month old, that the decedent's name hadn't been released publically, and that it seemed like there had been a "news blackout," which was unusual. She noted that the Press-Enterprise article and RPD's Press Release were both very brief and said it was very unusual for a month to pass with so little information released to the public.

Michael Dunn said that maybe the questions regarding the incident would be answered tonight. He asked how much was in the Commission's budget for OIDs and if there was enough. He also asked about the scope of the investigation, if the Commission would have access to the officers involved, and if an independent investigator been hired for this case.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) November Regular Meeting	Rotker	Johnson	Rotker Smith Johnson Jackson Roberts Santore Adams	0	Brandriff

RPD Briefing

Preliminary briefing on the officer-involved death that occurred on November 16, 2011.

Mary Shelton, when called for public comment, said she should be able to comment after Asst. Chief Vicino's briefing. Vice-Chair Roberts read the "Please Note" on the CPRC Agenda regarding public comment, which said "Public comment will take place after the introduction of each agenda item, but prior to a guest speaker's presentation and / or the Commission's discussion of the item." Ms. Shelton

commented on a change of Commission procedure for public comment when guest speakers or presentations were being made. Vice-Chair Roberts advised that Ms. Shelton could speak before the presentation. She opted not to.

Asst. Chief Chris Vicino briefed the Commission on the incident. (The audio, along with the slide show presentation, is available on the CPRC website.) He said that

- Mr. Hauptmann has been told by RPD not to wait 30 days, but to have the CPRC investigator go out to an OID incident location as soon as RPD clears the scene;
- deceased had no criminal history;
- he would do his best to answer questions asked, but might not be able to answer all questions because this is a current investigation;
- RPD had been investigating Mr. Romo for about 30 days for child molestation;
- due to the nature of the incident, RPD did a reverse 911 call to residents of the apartment complex;
- This was not a situation where a SWAT team would normally be used.

Commissioner Rotker:

- What gauge shotgun did the suspect have; what type of ammunition did he use; what was its pellet size?
 - 12 gauge shotgun. Don't know the ammunition type or its pellet size. Officers were fortunate that they had time to take cover after seeing the shotgun. A handgun was also found in the apartment. Based on notes found in the apartment, it is believed that Mr. Romo knew he was going to be arrested.
- Is there any way to know who fired first?
 - It is believed that Romo fired first. When the incident occurred, the officers and Mr. Romo were about 10 feet apart. If officers had been farther from him, they would have been hit by shotgun pellets because of the tendency for the pellets to spread over distance.
- What about the time interval? Did officers try to talk him out?
 - Yes. When SWAT is required, they are expected to respond within an hour. The SWAT commander sent a robot with a camera through the front door to obtain information about the suspect. It was then determined that the suspect was no longer in the location initially reported by detectives. Attempts were made to contact Mr. Romo, but eventually a small entry team was sent in and they found him.
- Very pleased with RPD's level of response.
 - Believe decisions made that day were the right ones.
- How many times was suspect hit?
 - Do not know.

Commissioner Johnson:

- Romo fired twice. How many rounds were fired by officers; how many officers fired?
 - Five officers were present. Three officers fired their weapons. The other two officers are witnesses.
- Do you know how many rounds were fired?
 - No, but with three officers shooting, there were more than a dozen rounds fired.

Vice-Chair Roberts:

- Why has it taken so long for the suspect's name to be released to the public?
 - Unsure. The initial press release didn't give his name because the family needed to be notified. After that, if no media inquiries are received, the department won't initiate that contact. In a situation where a death has occurred, if it didn't happen, it should have been done.

Commissioner Brandriff:

- Thank you for allowing the Commission to begin its investigation so quickly.

Commissioner Jackson:

- The suspect fired twice. Did both occur before detectives retreated and was anything more heard before the arrival of SWAT?
 - The detectives believed Mr. Romo fired at them first, but not sure we'll know if that was what actually happened. Under RPD's Use of Force policy, a leveled shotgun from 10 feet away would give officers sufficient cause to fire first.
- Were any shots fired after the detectives left the apartment?
 - No.

As there were no further questions, Vice-Chair Roberts thanked Asst. Chief Vicino for the briefing.

Training

A) "Internal Affairs Process" Presentation by Lt. Mike Cook, RPD Office of Internal Affairs

B) Commission Discussion / Question and Answer with Lt. Cook

Mary Shelton said when there is a presentation, the item should be introduced, the presentation made, then have public comment.

Lt. Mike Cook said the presentation would not be an in-depth over-view, but a topical over-view of the Internal Affairs process and procedures. (The audio and Lt. Cook's slide show presentation are available on the CPRC website.)

He noted that he would be moving to a new assignment in the near future, and introduced IA Sergeants Kittinger and Hutzler.

Commissioner Brandriff:

- How would an officer file a complaint if they have no confidence in the complaint process?
 - Any complaint by an employee is considered internal. There is no policy mechanism for them to be handled any other way.
- Are timelines for complaints self-imposed?
 - Yes.

Commissioner Rotker:

- The quality of investigation reports has greatly improved in the past few years; investigation reports that are done by field sergeants don't seem to be done as well as those by Internal Affairs sergeants.

Commissioner Johnson:

- Does the rank and file see the CPRC as necessary?
 - There are numerous opinions. Some understand and know the benefit, but there are some who don't. There is the same split regarding Internal Affairs.

Commissioner Jackson:

- What happens with findings of Not Sustained and the Early Warning System (EWS)?
 - The EWS is separate from discipline. The EWS is in place to help officers. There is recourse with discipline. With a finding of Not Sustained, it can't be proved that any misconduct occurred. There may be situations where informal counseling occurs, mentoring, and advice, but there will be no discipline.

Commissioner Brandriff suggested that Mr. Hauptmann have someone address the Commission regarding the EWS.

As there were no further questions, Vice-Chair Roberts thanked Lt. Cook for the presentation.

'CPRC Assessment & Recommendations' Report by Joseph Brann & Associates

- A) Presentation by Joseph Brann on the "Community Police Review Commission Assessment and Recommendations" Report
- B) Commission Discussion / Question and Answer with Mr. Brann

Mary Shelton said the report is still timely. She said that OID investigations were temporarily suspended because that what several councilmembers wanted and thanked RPD for waiving the 30-day requirement. She noted that the report's most important recommendations were outreach and training.

Mr. Hauptmann began by introducing Mr. Brann and the report that he had been tasked with preparing after his review of the Commission and its operations in 2007. Somehow, it just "went away." Mr. Hauptmann said he learned of the report after determining that encumbered funds were for payment of Mr. Brann's work. Mr. Brann was contacted and arrangements were made for him to speak to the Commission on his report.

Mr. Hauptmann noted that during his time as Chief of Police for Maywood – Cudahy, he met Mr. Brann, who was working with the State Attorney General's Office (AG) in his investigation of Maywood PD.

Mr. Joe Brann began by informing the Commission that he became involved with Riverside after the Tyisha Miller incident. When the Federal government and the State Attorney General began looking at RPD, he served as the Attorney General's consultant in the oversight of the Riverside Police Department. The CPRC, however, was created before the resultant stipulated judgment became effective.

Mr. Brann continued, speaking as to the 2007 report, noting that part of the report was research into the evolution of the Commission, which included reviewing national models. He noted that while there is no single agency that represents any single model, CPRC is modeled more from the Long Beach model. He said that the initial commissioners had a lot of training, but there was a significant failing in its lack of consistency and what the training should be. He also said that there was confusion among some of the commissioners as to what they had actually gotten into and advised that it is only fair that new commissioners know the time and level of work involved.

He said he wasn't sure exactly what happened that allowed or caused the report to fall through the cracks, but he would be happy to answer any questions or concerns commissioners might have.

Commissioner Rotker:

- How many people did you actually interview for the information noted in your report?
 - Was asked to do report because I had already been involved with the City for six or seven years. Some of the issues covered are things that I'd heard about from numerous people throughout the years and shared those discussions and observations with City staff. Some people I spoke with asked not to be identified.
- Actually just feel statistical data would have been helpful, the number of people interviewed.
 - Understood. Don't have a definite number, but it was well in excess of 50 people who I spoke with or interviewed, including commissioners, councilmembers, City management, other City staff, Commission staff, and community members.
- Information of that nature would be helpful to indicate depth and breadth of the study. Were all councilmembers interviewed?
 - Can't say all were interviewed as there were some changes on Council during the course of the study, but it was the majority and those who were serving while I was doing this work.

Commissioner Johnson:

- The report's contents are still relevant, but would have liked to see comparisons of how noted commissions were run in comparison to CPRC
 - Tried to describe the role of the various agencies noted and categorized them in the four different models. The scope of authority is key in the various forms of oversight. The inherent problem is that everyone has a different view as to what this body should consist of and that was never adequately addressed: is it a police commission or an advisory body. It is a fundamental question and issue for the Commission and Council to deal with; I can't answer that question.
- Felt there should have been a little more information given regarding the other agencies
 - That could be information provided during the training of new Commission members

As there were no further questions, Vice-Chair Roberts thanked Mr. Brann for attending and speaking with the Commission.

Outreach

A) November Outreach

Commissioner Johnson

- Attended the Hunter Park Grand Opening

Commissioner Smith:

- Attended the Canine Training Center Ribbon Cutting ceremony

Commissioner Jackson:

- Heritage House

B) Scheduled Outreach Events

Commissioner Johnson advised that there are no scheduled outreach events.

C) Future Outreach Opportunities

- 1) Input from Commission Members on potential outreach events
- 2) Input from Outreach Committee Chair on upcoming outreach events

Commissioner Johnson advised of that the December event calendar was online and noted several events taking place in January:

- State of the City Address – Jan. 19
- Community Settlement Association Centennial Dinner – \$1,500 for a table of 8
- Lunar Festival – Jan. 27 and 28

Commissioner Jackson also noted that the Dickens Festival would be taking place on Jan. 7 and 8.

OLD BUSINESS

Officer-Involved Death (OID) Evaluation Process

A) Discussion and action on the Acevedo OID Public Report.

Vice-Chair Roberts asked if everyone had had an opportunity to review the changes made to the draft report.

Commissioner Adams recommended a couple changes:

- Pg. 6, 1st paragraph, 4th line – change “Officer Koehler went to approach...” to “Officer Koehler approached...”
- Pg. 6, 3rd paragraph, 2nd line – change “options” to “option.”

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Approve, as amended, the Acevedo OID Public Report	Rotker	Adams	Unanimous	0	0

OID Evaluation Process

Discussion and action, if any, on the modified version of the OID Evaluation Process.

Mary Shelton said she had concerns about the evaluation process. She said independent investigations were still problematic, but 30 days was better than waiting until RPD’s completion of the criminal investigation. She also said that a councilman made serious allegations against the CPRC investigator, a problem which former CPRC Manager Mr. Rogan had to fix.

Commissioner Rotker said that, as requested, Mr. Hauptmann added staff duties to his original modified outline. He said that Mr. Hauptmann’s version was short, simple, and concise. Commissioner Rotker also noted that time provisions kept in place are guidelines, not limits or mandates. He recommended that the Commission approve Mr. Hauptmann’s version of the process.

Commissioner Adams said that while she agreed that it was very well written, she asked if the investigator should be mentioned earlier in the process. Mr. Hauptmann said that the purpose of the process was to help facilitate OID reviews.

Commissioner Adams then asked if the Commission needed to take action for the investigator to be sent out. Mr. Hauptmann said no, that staff handles that, but that it could be included in the evaluation process.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Approve the CPRC OID Evaluation Process	Rotker	Adams	Unanimous	0	0

NEW BUSINESS

CPRC Ad-hoc Committees

- A) Annual Report
 - 1) Progress report will be given by Committee Chair.
- B) Policies, Procedures, & By-Laws
 - 1) Committee Chair has no update at this time.

Vice-Chair Roberts advised that

- the Annual Report Committee met last on December 2
- the report would be basically the same as in the past
- pictures would be changed
- open to suggestions for cover page
- some charts will be replaced with tables making them easier to understand
- hope to have a special meeting on the 2nd Wednesday in January to start Commission review of the draft report

Revisions to CPRC Policies, Procedures, & By-Laws

Discussion and action, if any, on revisions to CPRC Policies, Procedures, & By-Laws.

A) First reading, without action, to make the following amendment (in bold) to the CPRC By-Laws:

Article VII, 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, and / or officer-involved death (OID) case evaluations, **and other Commission business of a timely nature as determined by the Commission.** 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 to going into closed session. The public will be allowed to attend training sessions, annual officer elections, and / or officer-involved death (OID) case evaluations.

Vice-Chair Roberts said that during discussion at an Annual Report committee meeting, members realized that the Commission shouldn't be locked into addressing only specific topics on 2nd Wednesdays.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
<p>To approve the amendment of the CPRC By-Laws, Article VII, Section 4, as follows:</p> <p>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, and / or officer-involved death (OID) case evaluations, and other Commission business of a timely nature as determined by the Commission. 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 to going into closed session. The public will be allowed to attend training sessions, annual officer elections, and / or officer-involved death (OID) case evaluations.</p>	Brandriff	Jackson	Unanimous	0	0

Vice-Chair Roberts asked that a special meeting be held on the 2nd Wednesday of January to begin Commission review of the 2011 Annual Report.

Discussion occurred as to why a special meeting would be held to address only one topic. Mr. Hauptmann said that training could be included; Ms. Sherron said case review could also take place.

Commissioner Rotker asked if they would be reviewing the report in its current condition or if it would be more fleshed out by January. Vice-Chair Roberts said that Ms. Sherron was currently working on compiling the data.

Staff Report

Mr. Hauptmann informed the Commission that

- the Ward 2 commissioner was recently appointed. Due to a conflict, he was unable to attend the meeting tonight, but hope to have him here at the January 11 meeting;
- he attended Force Science Institute's Use of Force Analyst Course. He said the course was extremely beneficial with instructors from UCLA and the University of Minnesota. Students attending were from the US, Great Britain, and Canada. This certification course qualifies him to do reviews of Use of Force cases.
- he would make quarterly CPRC budget reports. Believes there is approximately \$37,000 in the account used for independent investigations.
- he has been invited to go to an OID scene for a briefing, if he wants.
- the witness list for the Romo OID has been provided for the independent investigator.

Commissioner Brandriff:

- When will the Commission get a briefing or report from the Commission's investigator or will staff write a report?
 - The independent investigator has prepared a written report and it will be uploaded to the Commission website.

Commissioner Rotker:

- Were you notified about this case? If so, when?
 - Chief Diaz called me around 3 AM on this last OID.
- What about this case?
 - Sometime after 9. PD calls me after there is enough information to provide. Only approximating the time. I was given a summary of incident, then Greg Priamos called me later.

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Johnson said he would be attending a toy drive at Bordwell Park, noting that the Commission needs to support local groups.

Commissioner Adams noted that Commissioner Johnson had also asked that commissioners donate money or toys for the toy drive.

Items for Future Commission Consideration

There were no items for future Commission consideration.

Adjournment

The Commission adjourned at 8:06 PM.

Respectfully submitted,


PHOEBE SHERRON
Sr. Office Specialist