

The PPBL Committee recommends the following changes to the CPRC By-Laws and Policies and Procedures manuals:

By-Laws – Only one change

Page 4, Article VI, Section I, Paragraph D, which will now read:

D. “*Review and investigate all citizen complaints received as defined in Article VI, Section I, paragraph C above.*”

Add the following language to the last sentence in Article VI, Section I, Paragraph C - “*criminal conduct or any misconduct in violation of Department Policy.*”

Policies and Procedures – Three proposed changes

Page 5, Article V, Section A, Paragraph 1, which will now read:

1. Where and How to File:

“Complaints of sworn police officer misconduct may be filed with the Community Police Review Commission or the Riverside Police Department, wither in-person, on-line or by telephone. Complaints of sworn officer misconduct will be reviewed by the Commission.” (The CPRC only reviews cases filed within six-months of the incident).

Page 7, Article V, Section I, which will now read:

1. Investigation Timetable and Report:

All effort will be made by RPD to complete the Investigative Report within 120 days, pursuant to RPD Policy 1009. The CPRC Manager will coordinate with RPD to apprise the Commission of any delay.

The RPD Investigative Report should include the initial complaint and police report, if applicable, all evidence in the case including audio, video, photographs and statements provided by all parties involved in the incident. The CPRC Manager will provide a synopsis of the investigation and shall have available all materials relevant to the case for review by the Commission.

Pages 8-9, Article V, Section L, which will now read:

L. Findings:

The Commission shall make its findings, which may include but are not limited to, the following:

SUSTAINED – When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

NOT SUSTAINED – When the investigation discloses that there is insufficient evidence to sustain the complaint of fully exonerate the employee.

UNFOUNDED – When the investigation discloses that the alleged act(s) either did occur or did not involve RPD personnel

EXONERATED – When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and proper.

INCOMPLETE – A matter in which the complaining party wither refuses to cooperate or becomes unavailable after diligent follow-up investigation. Depending on the seriousness of the complaint and the availability of sufficient information, incomplete matters may be further investigated.

PREVIOUS ADMINSTRATIVE REVIEW – A matter in which the actions of the employee(s) have been determined to be in policy in a previous administrative investigation and no further information, or other justification for renewed examination, is provided or discovered beyond what was already known at the time of the Previous Administrative Review.

OTHER JUDICIAL REVIEW – The finding is intended to address complaints in which the matter has been handled or would most appropriately by handled, by a judicial authority having jurisdiction over the matter.

Example 1: A member of the public complains that an officer failed to interpret a child custody order in the same manner as the community member interpreted it.

Example 2: A motorist complains about a traffic citation and the only issue is the motorist's guilt or innocence for the violation. No other issue of employee behavior is raised.

Example 3: A person complains that they were convicted of a crime that they did not commit. Assuming that no new evidence is provided beyond what the defendant raised or had the opportunity raised in court, the appropriate finding would be Other Judicial Review.

FRIVOLOUS – Complaints that are totally and completely without merit, or which are made for the sole purpose of harassing a police employee may be classified with a finding of frivolous as defined in Section 128.5 of the California Code of Civil Procedure.

NOTE: If, in the course of its deliberations, the Commission finds that consideration should be addressed to policy, training, supervision, or other issues, the Commissioners may refer such suggestions or recommendations to the Chief of Police and City Manager.