



Community Police Review Commission Memorandum

City of Arts & Innovation

TO: COMMUNITY POLICE REVIEW COMMISSION DATE: SEPTEMBER 25, 2024

FROM: CITY MANAGER'S OFFICE WARDS: ALL

SUBJECT: CRIMINAL CASE BOOK FOR AN OFFICER INVOLVED DEATH FOR CASE #210012809 – F. MARQUEZ

ISSUE:

Conclude Review Stage Three – Policies and Procedures of the Officer Involved Death case #210012809 – F. Marquez and begin Stage Four – Deliberation and Commission Finding or any other stages in the review process

RECOMMENDATIONS:

That the Community Police Review Commission:

1. Conclude Review Stage Three – Policies and Procedures of the Officer Involved Death case #210012809 – F. Marquez; and
2. Begin Stage Four – Deliberation and Commission Finding of the Officer Involved Death case #210012809 – F. Marquez or any other stages in the review process.

BACKGROUND:

Chair Berrellez opened the review of the Criminal Case Book for Officer Involved Death case # 210012809 – F. Marquez at the June 26, 2024, Community Police Review Commission (CPRC) meeting. Stage One of the Review Process – Commissioner Review includes the review of Officer Involved Death (OID) investigation materials. As part of the Stage One Commission Review process, the Independent Investigator assigned to the CPRC presented an overview of the OID case, a Rationale Worksheet, Fact Sheet, and projected case benchmark dates. The Stage One Commission Review process should be completed within 30-days after the Criminal Case Book has been posted.

During the July 24, 2024, meeting the Commission received a report and presentation by independent investigator William (Bill) Marsh. The commissioners were able to ask questions and state comments regarding the report and presentation. They concluded Stage One – Commissioner Review and moved to Stage Two – Fact Finding, Request for Training & investigation.

At the August 28, 2024 meeting, the Commission discussed and concluded Stage Two – Fact Finding, Request for Training & Investigation and began Stage Three – Policies & Procedures Process.

DISCUSSION:

Stage Four of the review process includes deliberation and findings process. Immediately upon completion of Stage Three, the Chair gives notice to the Commission that each Commissioner is responsible to develop a rationale for a finding on whether or not the OID is consistent with Riverside Police Department (RPD) policy.

Commissioners are encouraged to be specific in reference to facts and policy as a basis for a potential finding. Every rationale should rely solely on the facts of the case, investigation, and training, and Commissioners should be prepared to discuss their rationales for their findings. Commissioners will submit completed rationales to the Consultant.

The Chair will call for all Commissioners to publicly offer their rationales and findings as a starting point for discussion. Commissioner rationales will be used to construct the Commission's summarized findings in the Commission's OID Public Report.

Commissioners will commence discussion of rationales and findings upon conclusion of all of the above steps. Commissioners discuss whether one unified rationale is sufficient to cover Commission positions, views, and concerns. Commissioners with dissenting points of view, if any, should articulate and discuss their specific areas of concern by identifying and applying facts from Stage Three and Four using RPD policies in existence at the time of the OID.

If any dissenting rationales are identified and developed, the Commission must determine by consensus, or majority vote, if necessary, whether to include a dissenting rationale in the Commission's OID Public Report. Dissenting rationales should be considered at the conclusion of all discussions on a finding.

After all rationales have been discussed, a Commissioner should make a motion as to whether or not the OID is consistent with RPD Policy and Procedures. The finding may be based on the "totality of circumstance." The Commission should strive to complete Stage Four – Deliberation and Finding Process within 30-days of completing Stage Three – Policies and Procedures Process.

The OID Public Report will be prepared based upon the input provided by Commissioners during discussions, deliberations, and the Commissioner's rationales and findings.

Commissioners have the option to discuss any findings or recommendations for the Riverside Police Chief. The Commission may transition through more than one Review Stage during the public meeting. The list of OID Review Stages are:

Stage One – Commissioner Review

Stage Two – Fact Finding, Request for Training & Investigation

Stage Three – Policies and Procedures Process

Stage Four – Deliberation and Finding Process

Stage Five – Policy Recommendation Process (if desired)

Stage Six – Officer Involved Death Case Public Report

Stage Seven – Public Report is sent to the Chief of Police and posted on the CPRC website as public information

Approved by: Ruby Leann Castillo, Principal Management Analyst

Attached: Projected Case Benchmarks – F. Marquez