



Community Police Review Commission Memorandum

City of Arts & Innovation

TO: COMMUNITY POLICE REVIEW COMMISSION **DATE: JUNE 22, 2022**

FROM: CITY MANAGER'S OFFICE **WARDS: ALL**

**SUBJECT: RECEIVE A PRESENTATION FROM THE CITY MANAGER'S OFFICER ON
BACKGROUND PROCESSES AND RECORDS ACCESS OF CIVILIAN REVIEW
BOARDS**

ISSUE:

Receive a presentation from the City Manager's Office on background process for potential Community Police Review Commission members and access to confidential records by civilian members.

RECOMMENDATIONS:

That the Community Police Review Commission:

1. Receive a report on the background process for potential Community Police Review Commission members and access to confidential records by civilian members.; and
2. Request the Commission bring forth any policy recommendations to the Safety, Wellness, and Youth Committee for discussion.

BACKGROUND:

The Community Police Review Commission was established on April 11, 2000, through the adoption of Riverside Municipal Code 2.76 and adoption of City Charter Section 810. The Commission was created to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department. This is done through independent review of citizen complaint investigations, recommending changes in departmental policy, on-going public outreach and, when deemed appropriate by the Commission or Manager, conduct an independent investigation of citizen complaints.

On May 25, 2022, the Community Police Review Commission (Commission) received a presentation from the Riverside Police Department regarding the background process used for Police Department positions including sworn staff, non-sworn staff, and members of the Commission. Through discussion, the Commission requested additional information regarding the legal requirements associated with Commissioner backgrounds and what the process would be to make recommendations to change the background policy.

DISCUSSION:

In an effort to present the Commission with additional information regarding requirements associated with civilian review boards, a review of other boards and commissions was completed. The process used is the same framework that has been implemented by the Inclusiveness, Community Engagement, and Governmental Affairs Committee and City Council to review and update Resolution 23618 – City Council Rules of Procedure and Order of Business

The review process consists of four stages:

1. A review of current processes and practices used.
2. Identification of advantages and disadvantages to existing process.
3. Review of other cities similar processes/practices.
4. Proposed recommendations to processes/practices.

Review items included:

- Identification of the City's Civilian Review Entity
- Background requirements for board/commission members
- Extent of the background investigation completed
- Identification of agency that completes the background investigation
- Level of access to Personnel records or confidential information

Review of Current Processes and Practices Used:

- The Community Police Review Commission (CPRC) was established in April 2000 and consist of nine members of the community. A member from each Ward, and two Citywide members. The purpose of the CPRC is to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department through independent review of citizen complaint investigations, recommending changes in departmental policy, public outreach and, when appropriate, conduct an independent investigation of citizen complaints.
- All Commission members are required to complete a background prior to being sworn in.
- The limited background completed for CPRC members includes a Live Scan, a check for local warrants, a verification of driver license and vehicle registration, a check of publicly available information, and a conflict check with the Internal Affairs Bureau. Once complete, background investigation reports are presented to the Chief of Police for review. Authority to approve or disapprove the seating of a prospective commissioner or CPRC staff lies with the City Manager and/or City Council.
- Background investigations are completed by the Riverside Police Department Background Investigators. The cadre of background investigators is comprised of retired peace officers from various agencies, who are specially training to conduct background investigations and contracted to do so on a part-time basis. Members of the CPRC have access to confidential Police Department information including RPD Laserfiche, Internal Affairs investigative reports, body worn camera videos, and police reports.

Identification of Advantages and Disadvantages to Existing Process:

Advantages to Current Process:

- The Commission provides an independent review of personnel complaints made against officers of the Riverside Police Department. Through the independent review, transparency in department complaint investigations and department operations is made available to the public.

- The existing background clearance requirements for CPRC members assists in meeting access requirements of the California Law Enforcement Telecommunications System (CLETS).
- The current background process provides a comprehensive, confidential background investigation report to the Police Chief.
- Background investigations completed through the Riverside Police Department may be expedited and allow application of a consistent standard, comparable to that used for hiring civilian police employees.
- Through the completion of the background process, Commissioners gain access to review confidential Police Department files they would not otherwise be granted, allowing for a thorough review of case information.

Disadvantages of Current Practice:

- Background investigations completed by the Police Department may not be perceived as impartial.
- The existing background clearance requirements may disqualify potential commissioners.
- Review of the background investigation report is conducted by the Police Chief.
- Meeting the existing background investigation requirements may result in a delay of appointment and lack of quorum.

Review of Other Cities Similar Processes/Practices:

Review of Cities:

Ten California cities similar in size and demographics were selected for review. Cities selected include Anaheim, Bakersfield, Chula Vista, Fresno, Irvine, Long Beach, Oakland, Sacramento, Santa Ana, and Stockton. The survey produced the following results (see attached and below):

Table One - Cities with Civilian Boards/Commissions

City	Established Board	<u>Board/Commission</u>
Anaheim	X	Police Review Board (PRB)
Bakersfield		N/A
Chula Vista		N/A
Fresno	N/A	N/A
Irvine		N/A
Long Beach	X	Citizen Police Complaint Commission (CPCC)
Oakland	X	Oakland Police Commission (OPC)
Sacramento	X	Office of Public Safety Accountability (PSA) Sacramento Community Police Review Commission (SCPRC)
Santa Ana		N/A
Stockton		N/A

- Four cities have established Civilian Review Board or Commission entities.
- Six cities do not currently have established Civilian Review Board or Commission entities.
- The City of Fresno conducts some level of department review, not through a civilian review committee but through a consultant firm of private attorneys known as “the Office of Independent Review” (OIR). Review provided by the OIR includes review of Criminal Case Books, critical incidents, and quarterly audits of Police Department bureaus and divisions, and makes recommendations to policy and procedure changes. The quarterly reports are provided directly to the City Manager’s Office.

Table 2 – Background Requirements

City	Background Investigation Led by	Limited	Extensive
Anaheim	Private Vendor and managed by the City Manager's Office	Live Scan	
Long Beach	Conducted by the Police Department	Live Scan Fingerprints	
Oakland - OPC (volunteer)	Conducted by the Police Department	Public Information	
Sacramento		Live Scan	
Stockton - CMRB	N/A	Confidentiality Disclosure	

Riverside - CPRC	Conducted by the Police Department	Outlined in Report	
------------------	------------------------------------	--------------------	--

- The City of Anaheim uses an outside vendor to complete the limited background on Commission members. In addition to Live Scan, criminal background is taken into consideration as well as any issues of integrity or moral turpitude, drug/alcohol addictions, etc.
- Backgrounds completed for the Oakland Police Commission includes a review of public information. Completed Commissioner backgrounds are posted as public information on the Police Commission website.
- Of the surveyed cities, no city provides the same access level to police records as CPRC and no cities complete as extensive background investigations on commission members.

Table 3 – Records Access

Cities	Access to Police Department Files						
	IA Files	Subpoena Power	Conduct Investigations	Citizen Complaint Case Review	Criminal Case Book	OID/OIS Cases	Policy & Procedure Review
Anaheim	No	No	No	No	No	No	Yes
Long Beach	No	Yes	Contracted Staff	Limited	No	No	No
Oakland - OPC (volunteer)	No	No	No	No	No	No	Yes
Sacramento	No	No	No	No	No	No	Yes
Stockton - CMRB	No	No	No	No	No	Overview only	Yes

Riverside - CPRC	Yes	Yes	Contracted Staff	Yes	Yes	Yes	Yes
------------------	-----	-----	------------------	-----	-----	-----	-----

- Three of the review agencies only conduct Policy and Procedure review; the agencies do not have access to confidential police records, including police reports and personnel files.
- Of the cities surveyed, Long Beach was the only city with subpoena authority.
- The City of Long Beach is the only city that conduct investigations and uses contractors or city staff to complete the investigations.
- The Stockton Review agency is housed under the City Manager's Office and while the board does

not review citizen complaints, OIR's and OIS's, are provided with OIS presentations for informational purposes.

- The City of Anaheim receives quarterly reports from the OIR and has no formal authority. The Chair, however, may respond to the scene of a critical incident for informational purposes only. The board later receives a briefing from the OIR on the critical incident.

Proposed Recommendations to Processes/Practices:

- Proposed recommendations to the CPRC background process **could** include the outsourcing of commissioner background services to an outside agency or consultant.
- Another potential modification could be reduced access to confidential information within CLETS or other confidential records and not requiring background checks for potential CPRC members. The current process of background checks of potential CPRC was put in place to legally allow greater access to protected information by CPRC members.
- Proposed modifications to the existing CPRC background process or criteria may impair access to confidential police records, including police reports and personnel files, as outlined in:
 - Compliance to California Law Enforcement Telecommunications System (CLETS) codified in California Code of Regulations, Title 11, Division 1, Chapter 7. CLETS PPP1.5.3 (A) All persons having access to information from the CLETS are required by the state to undergo a background security clearance to determine their suitability for logical or physical access to the CLETS. This includes, at minimum, the required state and federal fingerprint-based criminal offender record information search per PPP § 1.9.2; and must sign the required Employee/Volunteer Statement form.
 - California Penal Code 832.5 and 832.7
 - California Evidence Code 1043-1046 (Pitchess Motions)
 - California Government Code 6254 – California Public Records Act
 - California Peace Officers' Procedural Bill of Rights Act (POBR) as codified in California Government Code 3300 et. Seq.

STRATEGIC PLAN ALIGNMENT:

This item contributes to Strategic Priority No. 5 *High Performing Government* and Goal 5.2 – Utilize technology, data, and process improvement strategies to increase efficiencies, guide decision making, and ensure services are accessible and distributed equitably throughout all geographic areas of the City.

The item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – This item builds community trust by identifying the background process and procedure used to provide transparency in municipal operations.
2. **Equity** – Regular review and revision to processes and procedure ensure the Community Police Review Commission, Police Department, and City are operating in a manner that is equitable to other boards and commissions of similar scope.
3. **Fiscal Responsibility** – This item ensures fiscal responsibility of City resources by outlining and reviewing processes used to conduct City business.
4. **Innovation** – Riverside is committed to meeting community needs in a changing environment including the addition of virtual resources, alignment to legislation and compliance to regulations.
5. **Sustainability & Resiliency** – This item ensures sustainability through ongoing evaluation of processes and procedure by ensuring the City's capacity to persevere, adapt and grow.

FISCAL IMPACT:

The total impact to the General Fund will vary based on the recommendations of the Commission.

Prepared by: Megan Stoye, CPRC Manager

Attachments:

1. Survey Results
2. Presentation