



BACKGROUND PROCESSES AND RECORDS ACCESS OF CIVILIAN REVIEW BOARDS

City Manager's Office

Community Police Review Commission

June 22, 2022

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 Commission received a presentation from the Riverside Police Department regarding the background process used for sworn, non-sworn, and members of the Commission. Through discussion the Commission requested additional information regarding the legal requirements associated with the background process.



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

DISCUSSION

Review Process	
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.

DISCUSSION

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 PROCESS AND PRACTICES

- 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.
- 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.
- 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.



ADVANTAGES OF EXISTING 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 EXISTING PROCESS

- 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 PROCESSES

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.

REVIEW OF OTHER CITIES PROCESSES

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

REVIEW OF OTHER CITIES PROCESSES

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	

REVIEW OF OTHER CITIES PROCESSES

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

PROPOSED RECOMMENDATIONS

- 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:
 - California Law Enforcement Telecommunications System (CLETS)
 - 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

Strategic Priority No. 5 – High Performing Government

Goal No. 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.

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability &
Resiliency



Equity



Innovation

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.