



Internal Affairs, Riverside Police Department

Community Police Review Commission

December 14, 2022

RPDonline.org

Internal Affairs Staff

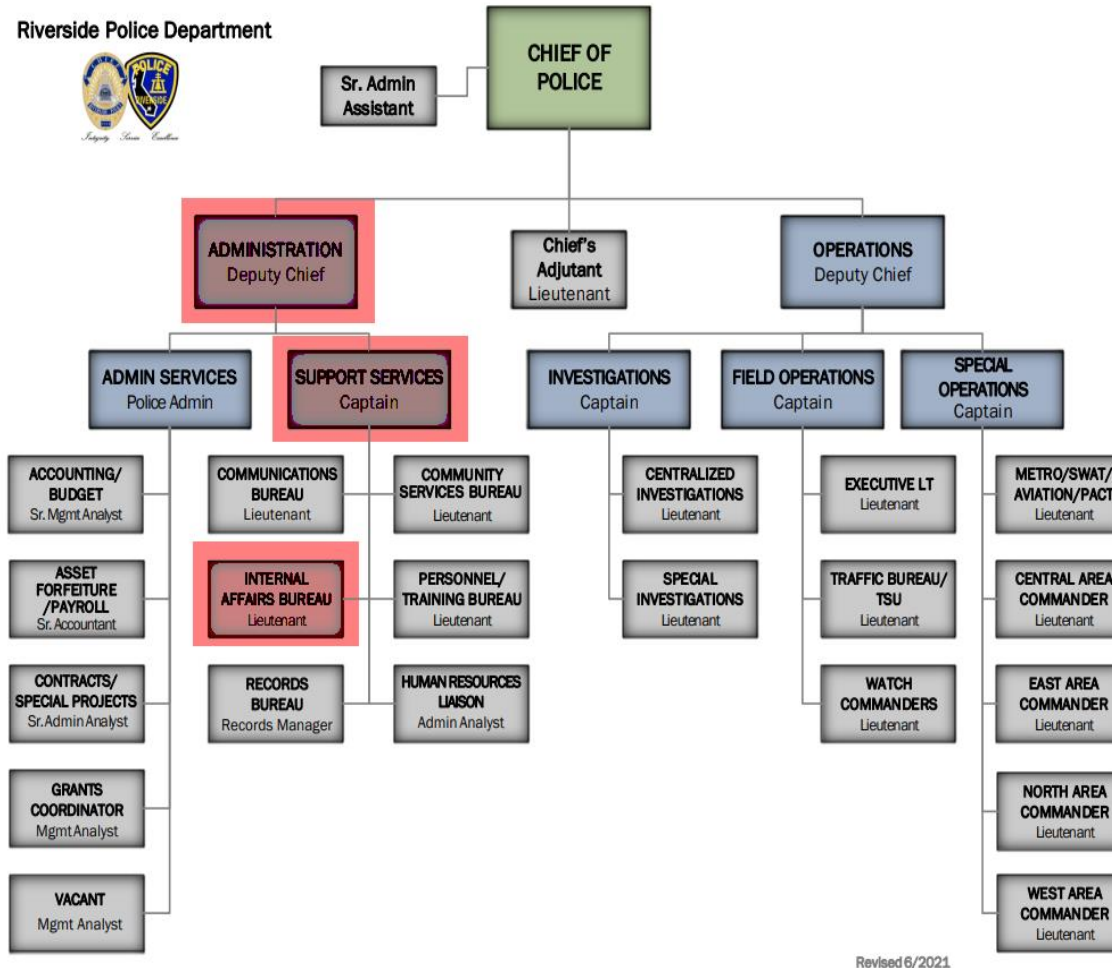
(1) Lieutenant

(3) Sergeants

(2) Civilian Administrative Specialists



Command Structure



Responsibilities of Internal Affairs

- Review, track, and maintain copies of all external complaints and internal administrative investigations (approximately 70 investigations per year)
- Typically focus on more involved/sensitive investigations, especially those concerning criminal allegations, racism/discrimination, excessive force, or when significant discipline may be imposed.
 - Others are handled at the division level (usually simple investigations)
 - Bifurcation of criminal and administrative investigations
- Conduct administrative reviews of all Officer Involved Shootings (OIS)/Officer Involved Deaths (OID)
- Process claims and lawsuits
- Conduct audits
 - Complaint process, collection, storage and destruction of narcotics and firearms, and use of confidential funds



Responsibilities of Internal Affairs

- Review, track, and maintain files of all incidents requiring a Supervisor's Administrative Review (SAR)
 - Use of force
 - Vehicle pursuits
 - Property damage
 - Officer involved traffic collisions
 - K9 deployments
- Pitchess motions
 - Motions for discovery of a peace officer's personnel records
- Testify at arbitration hearings



File Retention Periods

- Supervisor Administrative Reviews are maintained for a minimum of two years
- All complaint investigations (regardless of the outcome or findings) are retained for a minimum of five years per 832.5 (b) PC
 - » SB16 will raise the minimum to 15 years in 2023 (for cases with sustained findings)
- These are minimums; they are often extended when civil litigation is initiated or anticipated



How Are Citizen Complaints Received?

- ✓ Via a citizen contact with a supervisor
- ✓ From our Department Website
- ✓ Complaint Forms are available in all stations
 - ✓ Lincoln, Magnolia & Orange
- ✓ Through Internal Affairs
- ✓ The Community Police Review Commission (CPRC)
- ✓ We accept complaints in-person, online, via email, and over the phone.
 - ✓ We even accept 3rd party and anonymous complaints.



Complaint Control Form

RIVERSIDE POLICE DEPARTMENT COMPLAINT CONTROL FORM

Complaint File Number: _____
Police Report/Cite Number: _____

Location of Incident: _____ Date: _____ Time: _____
Received By: _____ Date/Time: _____ Routed to: _____
Subject Employee: _____ ID# _____

Complainant: _____ Date of Birth: _____ Sex: _____ Race: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Business Phone: _____
Business Address: _____

Witness: _____ Date of Birth: _____ Sex: _____ Race: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Business Phone: _____
Business Address: _____

Witness: _____ Date of Birth: _____ Sex: _____ Race: _____
Address: _____ City: _____ State: _____ Zip Code: _____
Home Phone: _____ Business Phone: _____
Business Address: _____

Complaint: _____

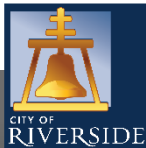
Signature of Complainant (Optional): _____

POLICE DEPARTMENT USE ONLY

Nature of Complaint:	<input type="checkbox"/> External	<input type="checkbox"/> Internal	<input type="checkbox"/> Inquiry: _____
Complaint Received:	<input type="checkbox"/> In Person	<input type="checkbox"/> Telephone	<input type="checkbox"/> Letter <input type="checkbox"/> Other
Complaint Result of:	<input type="checkbox"/> Radio Call	<input type="checkbox"/> Traffic Stop	<input type="checkbox"/> Arrest <input type="checkbox"/> Investigation <input type="checkbox"/> Other
Copy of Complaint Received by Complainant?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If "No," explain: _____
Category I:	Category II:		
Specify the allegation	Specify the allegation		

Copy of Complaint Received by Employee: _____
Complainant Notified of Results by: _____ Date: _____ Method: _____
Employee Notified of Results by: _____ Date: _____ Method: _____
PD-Form No. 022 (1-07)

Distribution: White/Internal Affairs - Pink/Employee - Green/Division - Blue/Complainant



Personnel Complaints Defined

Per Department policy:

Personnel complaints consist of any **allegation** of misconduct or improper job performance against any Department employee that, if true, would constitute a violation of Department policy or federal, state, or local law.

- Complaints that originate from a member of the public are known as External Complaints. (PC's)
- Complaints that originate from another Department employee or from another government agency are Internal Complaints. (PA's)



External Complaints

External Complaints – from the public (PC's)

- There is no time limit.
 - Complaints are accepted years after the alleged misconduct
- Complaints that are against sworn personnel and filed within six months of the incident in question are forwarded to the CPRC



Internal Complaints

Internal Complaints come from within the Department (PA's).

- Potential misconduct discovered by a supervisor or higher
- Employee claims of a hostile work environment
- Automatic on all OIS/OID cases, arrests of officers, etc.
 - Cases involving an OID are forwarded to the CPRC.



Documentation and Routing

THE INVESTIGATION:

- Internal Affairs (IA) receives a complaint as previously described
- The IA Lieutenant assigns the complaint to the subject employee's division or IA considering the complexity/sensitive nature of the investigation
- The completed investigation goes through the Chain of Command for approval and then to employee's Division Commander for Memo of Finding



Documentation and Routing

- All Investigations are paperless in our Motorola, Premier One, Records Management System (RMS)
- All memos, forms, recordings, and videos are in one location
- All Body-Worn Camera/In-Car Video Camera Recordings are retained in WatchGuard under the case number
- Instant review by all upper-level Command Staff



Records Management System (RMS)







PremierOne Records

File View Help Working In: PD - RIVERSIDE POLICE DEPARTMENT Advanced Search

Lobby Back Forward Messaging (223) Change Password Query Logout

Internal Affairs Folder - KwabenaTest Internal Affairs

KwabenaTest - KwabenaTest Div Inv Check in Records 3 item(s) found.

Internal Affairs	Create Date: 10/15/2020	Case Name: KwabenaTest	Actions:    
Subfolder	Date: 10/15/2020 8:33:20 AM	Subfolder Title: To-Do Items / Notes	Actions: 
Subfolder	Date: 10/15/2020 8:33:20 AM	Subfolder Title: Activity Log	Actions: 

Add Record
Attachments
Add Subfolder
Add Existing Record
Check Out Records
Modify Folder Properties
Secure Folder
Print
Refresh

Current User: Detmer, Eric J CTS



Records Management System (RMS)

PremierOne Records

File View Help Working In: PD - RIVERSIDE POLICE DEPARTMENT Advanced Search

Lobby Back Forward Messaging (224) Change Password Query Logout

Internal Affairs Folder - KwabenaTest Internal Affairs Workflow X +

Workflow for Internal Affairs document Rollback Submit to workflow Manual Terminate Reset Close

✓ Instructions for "Initiate IA Case" stage:
Start the IA Case routing process process

Type in Comments for this stage:

There is no history for this document. This document has not entered workflow

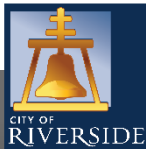
Initiate IA Case

Document is in the initial stage of workflow.

IA or Division Investigation; IA Filing: Claims?

This document will be routed to Internal Affairs Reports - Internal Affairs Reports.

Current User: Detmer, Eric J CTS



Documentation and Routing

THE MEMORANDUM OF FINDING (MOF):

- The approved investigation is assigned to the subject employee's Division Commander
- The assigned Division Commander determines the appropriate corrective action based on the facts of the investigation and prepares an MOF
- The MOF is then sent through the Chain of Command for approval
- Employee is served
- If corrective action is punitive, all appeal privileges are given



Goals of the Investigation

- Find the truth
- Clear the innocent of alleged misconduct
- Establish the fault of wrongdoers
- Facilitate prompt and just disciplinary action
 - As investigators, we do not recommend or impose discipline. Our role is to be independent fact finders and we are expected to be thorough and impartial. Generally, the subject employee's Division Commander determines the level of discipline.
- Uncover defective procedures and/or training issues.



Investigative Steps

- All sources of information are reviewed
 - Reports (to include past reports unrelated to incident)
 - CAD records
 - Dispatch audio
 - Photos
 - Text messages
 - BWC video
 - In-car camera recordings
 - Other surveillance video footage
 - GPS records on patrol units
 - Other investigative materials available



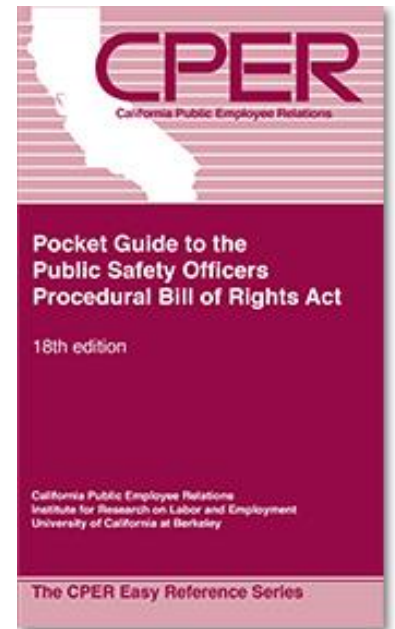
Investigative Steps

- Statements are obtained
 - Complainant
 - Civilian witnesses
 - Witness officers
 - “Subject” officers
 - Interviewed within the parameters of the Public Safety Officers Procedural Bill of Rights Act (POBR, POBOR, POBRA)
- Comprehensive summary of facts



Public Safety Officers Procedural Bill of Rights Act

- Public Safety Officers Procedural Bill of Rights Act (POBR, POBOR, POBRA)
 - Government Code 3300-3313
 - Admonition of Rights Packet
 - Right to representation during interrogation
- Compelled statements
 - Miranda and Lybarger warnings
 - Required if it appears the officer may be charged with a criminal offense
 - Or, if the officer refuses to answer questions on the grounds that they may be self-incriminating



Disposition of Complaints

Division Commander classifies each allegation with a finding, determines the appropriate corrective action, and prepares a Memorandum of Finding.



Traditional Findings

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 or fully exonerate the employee.

Unfounded

When the investigation discloses that the alleged act(s) did not occur or did not involve Department personnel.



Traditional Findings

Exonerated

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

Misconduct Noted

The department member violated a policy or procedure not originally alleged in the complaint.



Non-Traditional Findings

Incomplete

A matter in which the complaining party either 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 Administrative Review

A matter in which the actions of the employee(s) have been determined to be within policy in a previous Supervisor Administrative Review or other Administrative Investigation.

Other Judicial Review

This finding is intended to address complaints in which the matter has been handled, or would most appropriately be handled, by a judicial authority having jurisdiction over the matter.



Non-Traditional Findings

Inquiry

A matter in which the complaining party is merely requesting clarification of a policy or procedure, or the alleged misconduct or improper job performance, even if true, would not constitute a violation of law or Department policy or procedure.

Frivolous

Complaints that are totally and completely without merit, or which are made for the sole purpose of harassing a police employee.



After the Memo of Finding

- Community Police Review Commission (CPRC)
 - CPRC meets monthly to review external complaints (PC's) and determine independent findings
- If discipline is recommended, the employee is served with a “Notice of Intent” to discipline
 - Pre-disciplinary due process rights attach in cases where “property rights” are impacted (suspension, demotion, termination)
 - The employee can submit a rebuttal and/or request a *Skelly* hearing or accept the proposed discipline
- *Skelly* or *Lubey* hearings
 - Opportunity for the employee to be heard and challenge the facts or conclusions of the investigation
 - Discipline can then be upheld, overturned, or modified
- Notice of discipline (will reference outcome of *Skelly* hearing and any remaining grievance rights)
- Appeal and arbitration (arbitrator's decision is final)



Questions

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