

Orientation Training Manual

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BACKGROUND ON THE CREATION OF THE COMMUNITY POLICE REVIEW COMMISSION

History

Ballot measure added the Community Police Review Commission to the City Charter

Established on April 11, 2000

City Council approved Amendment of Chapter 2.76 of the Riverside Municipal Code to add the Community Police Review Commission.

Mission

The Community Police Review Commission was created in order to promote public confidence in the professionalism and accountability of the sworn staff of the Riverside Police Department.

Meetings Held

For all months excepting November and December, regular meetings of the Commission shall be held on the fourth Wednesday of each month at 5:00 p.m. in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission. In November and December the regular meetings shall be held on the second Wednesday at 5:00 p.m. in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission.

CITY RIVERSIDE MUNICIPAL CODE CHAPTER 2.76

Chapter 2.76 - COMMUNITY POLICE REVIEW COMMISSION

2.76.010 - Title.

This chapter shall be known as the City of Riverside "Community Police Review Commission Ordinance."

(Ord. 6516 § 1, 2000)

2.76.020 - Purpose.

The general purpose of this ordinance is to promote effective, efficient, trustworthy and just law enforcement in the City of Riverside, and to bring to the attention of the City its findings and recommendations in regard to law enforcement policies and practices. Further, it is the purpose of this ordinance to ensure good relations between those who enforce the laws and the diverse populace whom they serve so that the public will take pride in local law enforcement and those who enforce the laws will take pride in their service to the public.

(Ord. 6516 § 1, 2000)

2.76.030 - Creation of Community Police Review Commission.

Pursuant to the provisions of Article VIII, Appointive Boards and Commissions, of the Charter of the City of Riverside, as the same now exists or is hereafter amended, there is hereby created a Community Police Review Commission. The Commission Manager of the Commission or his/her representative shall be responsible to attend all meetings of the Commission and be responsible for maintaining all records and minutes.

(Ord. 7341 § 2, 2016; Ord. 6516 § 1, 2000)

2.76.040 - Membership and terms of Community Police Review Commission.

The Community Police Review Commission shall consist of nine members appointed by the Mayor and City Council. Members shall be removed from the Commission by five affirmative votes of the Mayor and City Council for incompetence, malfeasance, misfeasance, nonfeasance or neglect of duty.

The term of each member of the Commission shall be for four years. No person shall serve more than two full terms. Serving more than one year of an expired term shall be counted as service of one full term.

(Ord. 6848 § 3, 2006; Ord. 6786 § 8, 2004; Ord. 6516 § 1, 2000)

2.76.050 - Powers, duties and functions.

The powers, duties and functions of the Community Police Review Commission are as follows:

- A. To advise the Mayor and City Council on all police/community relations issues.
- B. To conduct public outreach to educate the community on the purpose of the Commission.
- C. To receive, and in its discretion, review and investigate, through the Executive Director, complaints filed within six months of the date of the alleged police employee misconduct, in writing with the Commission or any other City office, which allege persons employed by the Riverside Police Department in a sworn capacity with, but not limited to (a) use of excessive force, (b) discrimination or sexual harassment in respect to members of the public, (c) the improper discharge of firearms, (d) illegal search or seizure, (e) false arrest, (f) false reporting, (g) criminal conduct, (h) misconduct. "Misconduct" is defined to mean and include any alleged improper or illegal acts, omissions or decisions directly affecting the person or property of a specific community member by reason of:
 - 1. Alleged violation of any general, standing, or special orders or guidelines of the Riverside Police Department, or
 - 2. An alleged violation of any state or federal law that occur in the course and scope of employment, or
 - 3. Any act otherwise evidencing improper or unbecoming conduct by a sworn police officer employed by the Riverside Police Department.
- D. To review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.
- E. To conduct a hearing on filed complaints or Commission initiated investigations when such hearing, in the discretion of the Commission, will facilitate the fact finding process.
- F. To the extent permissible by law, exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony. Subpoenas shall only be issued by the Commission upon the affirmative of six Commission members.

- G. To make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.
- H. To review and advise the Police Department in matters pertaining to police policies and practices.
- I. To prepare and submit an annual report to the Mayor and City Council on Commission activities.

(Ord. 6516 § 1, 2000)

2.76.060 - Confidentiality.

All personnel records, investigative reports, documents generated within the City of Riverside Police Department, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential to the extent permitted by law.

The hearing process shall be open to the public to the extent legally permissible and insofar as it does not conflict with State or federal law.

(Ord. 6516 § 1, 2000)

2.76.070 - Severability.

If any provision of this ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end any phrase, sections, sentence, or word is declared severable.

(Ord. 6516 § 1, 2000)

CITY CHARTER, SECTION VIII

Sec. 800. - In general.

There shall be the following enumerated boards and commissions which shall have the powers and duties herein stated, and such additional powers and duties, consistent with the provisions of this Charter, as may be granted to them by ordinance of the City Council.

In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may grant to them such powers and duties as are consistent with the provisions of this Charter.

The City Council shall establish by ordinance, the number of members, not less than seven, for each board or commission.

(Effective 12/27/1995)

Sec. 801. - Appropriations.

The City Council shall include in its annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards and commissions.

(Effective 12/27/1995)

Sec. 802. - Appointments; terms.

The members of each such board or commission shall serve at the pleasure of the Mayor and City Council and shall be nominated and appointed by the Mayor and City Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. Each such board or commission shall have at least one member from each Council ward. They shall be subject to removal by the Mayor and City Council by a motion adopted by five affirmative votes with the Mayor entitled to vote. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified, and may serve for not more than two consecutive full terms.

(Effective 1/18/2005)

Sec. 803. - Terms of members of existing enumerated boards and commissions.

Upon the effective date of this Charter, incumbent members of boards and commissions shall be deemed reappointed and shall maintain the same terms of appointment held under the previous Charter, and all existing boards and commissions shall remain in existence until further action by the City Council consistent with this Article.

All vacancies shall be filled as described in this Article except that when a position on a board or commission has remained vacant for sixty days the Mayor shall appoint a person to fill the vacancy.

The City Council shall provide by ordinance, as provided by Section 800, to establish the number of members of a board or commission as soon as practicable following the effective date of this Charter. If the number of members is reduced by such ordinance, the persons whose seats are to be eliminated shall be determined by the board or commission by lot. If the number of members is increased, the ordinance may provide for initial terms for new members of less than four years so that as near as possible an equal number of terms will expire each year.

(Effective 12/27/1995)

Sec. 804. - Organization; meetings; subpoena power.

At the first meeting of each board or commission after the last day in February of each year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission shall hold regular meetings at least once each month and such special meetings as such board or commission may require. All proceedings shall be open to the public, except as provided by State law.

Except as may be otherwise provided in this Charter, the City Manager shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with the Charter and copies of which shall be kept on file in the Office of the City Clerk where they shall be available for public inspection. Each board or commission may request from the City Council the power to compel the attendance of witnesses, to compel the production of evidence before it and to administer oaths and affirmations. The City Council, by resolution, shall have sole power to provide such power to boards and commissions.

(Effective 12/27/1995)

Sec. 805. - Compensation; vacancies.

The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by the Mayor and City Council with the Mayor entitled to vote on any such appointment. Upon vacancy occurring leaving an unexpired portion of a term, any appointment to fill such a vacancy shall be for the unexpired portion of such term. If a member of a board or commission absents himself/herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council. If a position on an enumerated board or commission has remained vacant for sixty days, the Mayor shall appoint a person to fill the vacancy in accordance with Section 803.

(Effective 12/27/1995)

Sec. 810. - Community Police Review Commission.

There shall be a Community Police Review Commission which shall have the power and duty to:

- (a) Advise the Mayor and City Council on all police/community relations issues.
- (b) Conduct public outreach to educate the community on the purpose of the commission.
- (c) Receive, and in its discretion, review and investigate citizen complaints against officers of the Riverside Police Department filed within six months of the date of the alleged misconduct in writing with the commission or any other City office as established by ordinance of the City Council.
- (d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.
- (e) Conduct a hearing on filed complaints or commission-initiated investigations when such hearing, in the discretion of the commission, will facilitate the fact finding process.
- (f) Exercise the power of subpoena to require the attendance of witnesses, including persons employed by the City of Riverside, and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses and to take testimony to the extent permissible

by law. Subpoenas shall only be issued by the commission upon the affirmative vote of six commission members.

- (g) Make findings concerning allegations contained in the filed complaint to the City Manager and Police Chief.
- (h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.
- (i) Prepare and submit an annual report to the Mayor and City Council on commission activities.

(Effective 1/18/2005)

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ACKNOWLEDGEMENT OF UNDERSTANDING CONFIDENTIALITY OF CLOSED SESSION MATTERS

I understand that all issues discussed in Closed Session are confidential. Any violation will subject the Commissioner to removal from the Commission and potential legal action. *Refer to TAB 1, Brown Act, pages 44-46 and TAB 7, Confidentiality of Peace Officer Records pursuant to CPC 832.7.*

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CITY OF RIVERSIDE
COMMUNITY POLICE REVIEW COMMISSION

POLICIES AND PROCEDURES
Amended October 1, 2018

I. PURPOSE AND SCOPE

To establish guidelines for the receipt and processing of allegations of sworn police employee misconduct, to supplement Article VII of the Commission's Bylaws governing the conduct of Commission meetings, and to provide guidelines for the evaluation of officer-involved death cases.

II. AMENDMENT

These Policies and Procedures may be amended by a majority vote of the Commission at a regularly scheduled Commission meeting where the item appears on the published agenda for discussion and / or action. Modified language will be drafted and agendized for adoption vote at the next Regular Meeting.

The Community, sworn police employees, and staff are urged to give their support, to the extent permitted by law, to ensure the effective implementation these Policies and Procedures.

III. DEFINITIONS

The following definitions shall apply to this policy:

A. Commission:

Community Police Review Commission (CPRC)

B. Police Department / Department

Riverside Police Department
(RPD)

C. Complaint:

Allegation(s) of misconduct against a sworn employee of the Riverside Police Department.

D. Complainant:

The person filing the complaint.

E. Discrimination:

An act or omission made on the basis of race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex or sexual

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orientation.

F. Sexual Harassment:

Engaging in any act of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

G. Sworn Employee of the Riverside Police Department:

Any employee of the Riverside Police Department who is a sworn police officer.

H. CPRC Manager:

The person hired by the City Manager to direct the Commission's Staff and offer guidance and training to Commissioners.

I. Excessive Force:

Unreasonable force used by a sworn police officer of the Riverside Police Department against a person or persons.

J. False Arrest:

Arrest made without probable cause that a crime has been committed and that the person in question has committed that crime.

K. Independent Investigator:

The person(s) hired and retained by the Manager to receive, administer, and/or investigate, at the direction of the Commission, allegations of police misconduct.

L. Misconduct:

An allegation against a sworn police officer of the Riverside Police Department, which if true, may constitute a violation of a law, rule or regulation.

M. Probable Cause:

A condition where facts and circumstances known to the officer warrant a reasonable person to believe that the arrested person has committed a crime.

N. Subject Officer:

A sworn police officer of the Riverside Police Department against whom a complaint is filed.

O. Witness:

Any person who has information relevant to the complaint.

P. Policy Recommendation:

Recommendation(s) made by the Commission to RPD regarding its Policies

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and Procedures.

Q. eComments

Public comments that are submitted via the online agenda until two (2) hours before a meeting's start time.

R. Officer-Involved Death (OID)

The death of any individual arising out of or in connection with actions of a sworn police officer.

S. Outreach

The Commission's efforts to attend community meetings and events, as well as those of the Riverside Police Department, for the purpose of promoting public confidence in the professionalism and accountability of sworn members of the Riverside Police Department, and for educating the public about its duties and functions.

IV. MEETINGS

These procedures supplement Article VII of the Commission's Bylaws governing the conduct of Commission meetings.

A. Regular Meetings

1. Regular Meetings shall be called in accordance with Article VII, Section 1, of the Commission's Bylaws. These meetings are held on the fourth Wednesday of the month, unless agreed upon in advance by the Commission. Regular Meetings are held to address all Commission business.
2. Commissioners' conduct should be professional with community members, Riverside Police Department representatives, and public officials during all Commission meetings.
3. Any item with a topic that is within the Commission's jurisdiction may be added to an agenda by any Commissioner or the Manager and does not require Commission approval. If, during a meeting, an item is requested for future Commission consideration, Commission discussion of that item must take place during the meeting for which it will be agendized, not during the meeting in which the request was made (Brown Act).
4. A draft agenda, with detailed descriptions of the agenda items, will be made available to Commissioners for review at least five (5) business days prior to the agenda's formal posting.

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5. Agendas will include a separate "Public Comment" item.
6. Community members can address questions to any Commissioner during public sessions. The Commissioner can choose to answer any question he or she feels comfortable answering.
7. Staff will give Commissioners a copy of any eComments received. The eComments will also be placed in the "Documents for CPRC Meeting" binder for public review. If an agenda item has an eComment submitted, the Commission Chair will mention that when opening for public comment on that item. The eComment itself will not be read, but will be attached to the minutes.
8. Anyone wishing to speak on an agenda item must complete and submit a "Request to Speak" form located at the rear of the Council Chambers. The form should be submitted prior to the beginning of the meeting or no later than the time that the item is called for discussion.
9. General public comment is limited to three (3) minutes per speaker per each agenda item.
10. When a complaint case is agendized for Commission review, the Complainant's public comment regarding that case is limited to five (5) minutes and occurs prior to the Closed Session portion of the Case Review Meeting.
11. Public comment from family members of a decedent, or their spokesperson, is limited to five (5) minutes per speaker during discussion of an officer-involved death.
12. Members of the public may ask to speak either before or after discussion of an agenda item, but may only speak one (1) time on any agenda item. Public comment will not be permitted after an agenda item has been closed or a vote has been taken (Brown Act).
13. After a presentation by an invited guest speaker, any questions posed by members of the public during public comment may be asked of the presenter by the Commission Chair only.
14. On occasion, representatives of the media may request a comment on a particular case Commissioners are reviewing. When possible, comments to the press should be directed to the Manager. This will mitigate any conflicts of interest between the Commission, members of the community

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and the Riverside Police Department.

15. Unapproved minutes will be made available to Commissioners for their review at least 10 business days prior to the next Regular Meeting.

B. Special Meetings

1. Special Meetings may be called in accordance with Article VII, Section 2, of the Commission's Bylaws. These meetings are held on the second Wednesday of the month and are usually called to provide additional training requested by Commissioners, conduct officer-involved death (OID) case evaluations, or address other time-sensitive Commission business. When held, Special Meetings will be conducted as prescribed under Section A above.

V. COMPLAINT PROCESS

The Community Police Review Commission shall receive, review and investigate allegations of misconduct by sworn police officers of the Riverside Police Department regarding use of excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or misconduct. When necessary, the Commission may conduct hearings and subpoena witnesses and records to facilitate the fact-finding process. The Commission shall make recommendations to the City Manager and Police Chief and develop appropriate procedures to implement this policy.

A. Complaints

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, whether 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).

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2. Time Element:

Only complaints filed within six months of the date of the alleged sworn police officer misconduct will be reviewed by the Commission.

3. Receiving and Forwarding:

Complaints of misconduct, received by the CPRC, the RPD, or any other agency so designated by the CPRC, and which have been investigated, shall be forwarded by the Manager to the Commission for review and disposition as soon as practical.

4. Complaint File:

The Commission shall maintain a confidential database of all complaints filed with the CPRC.

B. Review:

After the initial investigation and review by the Riverside Police Department, the Investigative File and its contents will be forwarded to the Manager for review. If the Manager determines that the investigation is incomplete, the case will be sent back to Internal Affairs with a written explanation. If the investigation is determined to be complete, the Manager will write a synopsis of the case and place the case on the next available agenda.

C. Investigations:

Investigation by the Commission may be conducted by the Manager or the Manager's designee. Assistance may be sought from Internal Affairs as appropriate in the judgment of the Manager or the Manager's designee.

D. Commissioner Notification:

Commissioners will be advised when the synopsis, prepared by the Manager, and the Investigative File are available electronically. The synopsis is **Confidential** and will be available to the Commissioners no later than five business days before the next scheduled Case Review Meeting. It is the Commissioner's responsibility to review the case file prior to the meeting when deliberations take place.

E. Complainant Notification:

When a complaint case is agendized for Commission review, Staff will advise the Complainant, in writing, of the date, time, and location of the Case Review Meeting. This gives the Complainant the opportunity to address the Commission regarding the case prior to the Closed Session portion of the Case Review Meeting.

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F. Deliberation:

Each case ready for review will be placed on the agenda of the next scheduled meeting. The case deliberations will occur in Closed Session. Upon review, the Commission may decide to send the case back to the RPD for further investigation, have an Independent Investigator conduct a further investigation, delay a decision to a future meeting, or submit a recommended finding to the City Manager.

G. CPRC Investigations:

1. All investigations conducted by the CPRC will be done through the Manager.
2. The Manager, or the Manager's designee, may interview the Complainant, Subject Officer(s), and Witness(es), and should collect all relevant information, including all documentation available relative to the investigation.
3. The investigation shall be conducted in a fair, ethical and objective manner. The Manager is an agent of the Commission and personal opinions shall not be contained in the report.
4. The Manager, or the Manager's designee, may take a statement from the Complainant, the Subject Officer(s), Witness(es), or any other person.

H. Preservation of Records / Evidence:

All files, documents, and related materials relating to a citizen complaint shall be kept and preserved for a period of five years after the complaint was filed with the CPRC, the RPD, or any other agency so designated by the CPRC, after which the case file will be destroyed pursuant to PC 832.5.

I. 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.

J. Commission Review and Findings:

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The complaint, with the stated allegations of police misconduct and the investigative data, shall be submitted to the Commission for its review. The Commission, in Closed Session, deliberates and determines an appropriate finding for each allegation. Its findings are forwarded to the City Manager for final disposition. The Commission may direct the Staff to reopen the investigation for additional information or evidence. The Manager, or the Manager's designee, shall be present to respond to questions from members of the Commission.

K. Hearings

1. Conducting the Hearing:

With five affirmative votes, the Commission may elect to hold a hearing. The full Commission will conduct this hearing. The Commission may request or subpoena the Complainant(s), Witness(es), and Subject Officer(s) to appear before it to answer questions or provide information.

The hearing shall be open to the extent permissible by law. The Commission shall follow an informal hearing procedure in conducting its investigation of individual complaints. Any witnesses shall be questioned by the Commission or Staff only. There shall be no cross-examination by sworn Police Department employees, citizen witnesses, the Complainant, or their respective counsel.

The Commission findings shall be referred to the City Manager for final disposition. The Complainant and Subject Officer shall be notified of the final disposition by the City Manager.

All records relating to the investigation pertinent to the complaint shall be made available to the Commission to the extent permissible by applicable federal, state, and local law, and applicable contractual agreements.

2. Subpoenas:

Subpoenas shall be issued by the Commission upon the affirmative vote of six Commissioners and shall be served by the Manager or Manager's designee.

L. Findings:

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

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

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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

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Commission may refer such suggestions or recommendations to the Police Chief and City Manager.

M. Distribution of Findings

The Commission shall send its findings to the City Manager and the Police Chief.

N. Confidentiality

1. Commissioner Limitation:

All matters shall be kept confidential as required by law. Commissioners shall refrain from issuing individual media statements and shall refer all statement requests to the Commission Manager.

2. Penalty for Violation:

Failure to comply with the legal requirement shall be grounds for removing a Commissioner from the Commission.

VI. OFFICER-INVOLVED DEATH (OID) CASE EVALUATIONS

The Community Police Review Commission shall review and investigate the death of any individual arising out of or in connection with the actions of a sworn police officer regardless of whether a complaint regarding such death has been filed. Upon receipt of the Criminal Casebook, all stages of the Commission's public review should be completed within nine months, or sooner, if practical.

Once an Officer-Involved Death (OID) incident occurs, RPD Command Staff notifies the CPRC Manager as soon as possible after the event. The Manager will then notify the Commissioners and the Commission's Independent Investigator, alerting them of the incident.

The Manager, with the Commission's Independent Investigator, will attend the Chiefs Briefing of the incident once it is scheduled by RPD Command Staff.

RPD Command Staff will then provide an oral briefing to the Commission at its next Regular Meeting after the incident, unless there is insufficient time to do so between the incident and the Regular Meeting. Pursuant to the City Charter, the Commission's Independent Investigator will begin the investigation of the incident once the incident scene is released by RPD. The Independent Investigator will visit the OID scene, contact witnesses or involved parties, and photograph or in some way document the scene. The investigator will complete an initial written report and provide those findings to the Commission.

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Upon completion of the Riverside District Attorney's review of RPD's investigation, RPO will notify the CPRC Manager when the redacted Criminal Casebook has been posted in Laserfiche. RPD will provide the CPRC Staff with a CD containing the redacted Criminal Casebook which will then be uploaded to the CPRC website. Once uploaded, the OID case will be placed on the agenda and the Commission will begin its public review of the case. The Independent Investigator's responsibility is to assess that RPD conducted a thorough investigation. Upon completion of the review, the Investigator will complete a final written report. The Investigator will also be available to the Commission for further questions once Commissioners begin their public review of the OID.

The Commission's goal is to complete the public evaluation of the OID within nine months after receiving the Criminal Casebook from RPD and consists of the following seven stages.

A. Stage I - Commissioner Review

1. Commissioners will review the OID investigation materials(s) after being notified by Staff that RPD has released the OID Criminal Casebook. Commissioners may review the casebook in Laserfiche or on the CPRC website.
2. The Manager will provide Commissioners with a Fact Sheet containing pertinent details.

Staff will also inform the Independent Investigator of the Criminal Casebook's availability to allow the Investigator to complete the investigation of the case. The Investigator will prepare a written report containing the investigative review, case evaluation, and expert opinion on the investigation conducted by RPD Homicide Detectives. The Commission's Independent Investigator may offer recommendations on any additional investigative work deemed important to aid the Commission in their assessment of the case. The Investigator will also provide the Commission with an oral presentation at a Commission meeting.

3. Commissioners and Staff will review the Criminal Casebook within 30 - 60 days after it has been provided to them.

B. Stage II - Fact Finding, Request for Training & Investigation

1. Commissioners identify and discuss important facts of the case at the first Regular Meeting 30 - 60 days after the Stage I review period expires. They have the opportunity to clarify relevant policies, practices and procedures and may request further investigation or training by an RPD Investigator,

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the RPD Training Lieutenant, the Commission's Independent Investigator or a subject matter expert.

2. The Manager will obtain requests for additional training and / or follow-up requests by Commissioners. The requested training and / or clarification of RPD Policies, Procedures, or Practice will be presented at the next Regular Meeting or, dependent on OID caseload, a Special Meeting. The Manager will provide a report to the Commission on the Investigator's work product, if this was requested.
3. Once the Commission has informed Staff that all factual questions have been answered and it is satisfied with supplied training or additional investigation, the Commission will close the fact finding, training, and additional investigation process by Commission consensus, or majority vote if necessary, and proceed to the next stage. The Commission should strive to complete this process within 60 days of receiving the Criminal Casebook from RPD.

The various aspects of Stage II will continue to occur until all factual questions have been answered, all means to gather that information have been exhausted, and requested training has been completed.

C. Stage III - Policies and Procedures Process

1. Commissioners and Staff identify and present all relevant RPD Policies and Procedures associated with the OID. Staff will also identify any other generally accepted law enforcement policies or procedures that may be applicable. The purpose is to identify areas that may give rise to Policy Recommendations.
2. Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical, or tactical issues, Commissioners will review all provided materials and prepare for further discussion. Commissioners will identify any new factual questions or issues raised through the review of policy, procedure, technical or tactical functions and, if necessary, request a follow-up response by the Independent Investigator.
3. The Manager will provide a follow-up report to the Commission on the Investigator's response to new factual questions that needed to be clarified or investigated.
4. The Commission will close the Stage III, Policies and Procedures Process by consensus or majority vote, if necessary. The Commission should strive to complete the Stage III, Policies and Procedures Process within 60 days

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of completing Stage I

D. Stage IV- Deliberation and Finding Process

1. Immediately upon completion of Stage III, Policies and Procedures Process, the Chair gives notice to the Commission that each Commissioner is responsible to develop a rationale for a finding on whether the Involved Officer's actions were consistent with 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 Manager.

2. 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.
3. 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, will articulate and discuss their specific areas of concern by identifying and applying facts from Stage 111 and IV using RPD policies in existence at the time of the OID. They then analyze, through Commission discussion, whether actions taken by any Involved Officer leading up to or causing the OID was within RPD policy.
4. Any Commissioner may decide to submit a dissenting opinion regarding an OID. The name(s) of the author(s) of the dissenting opinion(s) will be clearly identified and included following the principal text in the final approved OID Public Report. The dissenting opinion(s) shall be included in its / their entirety without edits, unless such edits are approved by the author(s). An italicized statement will be added following the dissenting opinion, indicating, *"The dissenting opinion and analysis may not be cited as precedent related to the Commission."*
5. After all rationales have been discussed, a Commissioner makes a motion as to whether the actions taken by the Involved Officers leading up to or causing the OID, were within RPD policy. The Commission should strive to

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complete Stage IV, Deliberation and Finding Process, within 60 days of completing Stage III, Policies and Procedures Process.

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

E. Stage V - Policy Recommendation Process

1. The Policy Recommendation Process commences immediately upon completion of Stage IV, Deliberation and Finding Process. The Chair gives notice to the Commission that any Commissioner who has identified possible recommendations to RPD policies, practices, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion. The Staff prepares any recommendation documents based on the above guidelines and presents them to Commissioners for review and further discussion.
2. After presentation of any recommendations and subsequent discussion, if any, Commissioners will decide by general consensus or by majority vote, if necessary, whether to approve and submit the recommendations to RPD. The Commission should strive to complete the Stage V, Policy Recommendation Process within 30 days of completing the Stage IV, Deliberation and Finding Process.

F. Stage VI - Officer-Involved Death Case Public Report

1. Upon completion of the preceding stages, the Commission shall direct the Manager to write a draft of the OID Public Report containing information, rationales, and findings from all of the above stages. The Manager will draft the report and distribute the completed draft to the Commissioners prior to the next Regular Meeting. Once Commissioners have addressed any changes and potential inclusion of dissenting opinions, the Manager will modify the draft and distribute to Commissioners for their final review.
2. At the next Regular Meeting, the Chair calls for final discussion and a majority vote of approval of the Commission's OID Public Report.

G. Stage VII - Administrative Review

1. Once the Public Review of an OID is complete, and the final OID Public Report is posted on the CPRC website, the Commission is ready to begin the Administrative Case Review conducted in Closed Session.

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2. The Manager will inform RPD Internal Affairs that the Public Review of an OID is complete and will request that the Administrative Casebook and unredacted Criminal Casebook be placed on Laserfiche. Once there, Commissioners will have access to both casebooks and will begin the Administrative Review. When the Commission is prepared to conduct the Closed Session Administrative Review, the case will be placed on the Case Review agenda.
3. To begin the Administrative Review, the Chair will open discussions in Closed Session. Although a finding or findings "Within Policy" or "Not Within Policy" have been previously rendered in the Public Review, Commissioners will be tasked with rendering a separate Administrative Finding. This new finding is based upon a full review of previously unseen administrative and unredacted information. This new Administrative Finding need not match the Public Finding.

Upon a majority vote, Commissioners may consider and recommend an addition or revision to the RPD Policy Manual. If a recommendation for a policy revision and / or training is made, Commissioners will draft the language and vote to finalize it.

4. The CPRC Manager will meet with the City Manager to review the case. Once the case has been reviewed, the findings of the Police Department and the Commission will be discussed. The final decision will be determined by the City Manager and provided to the Chief of Police and the Involved Officers.

If a Policy Recommendation has been approved by the Commission, the Manager will prepare a memorandum to the Chief of Police. The Chief of Police will review the recommendation and decide to adopt, modify, or decline the Policy Recommendation. The CPRC Manager will ensure a written or oral response is obtained from the Chief of Police.

5. No portion of the Administrative Review may be discussed outside of Closed Session. Administrative Findings and Recommendations may not be discussed in later Public Sessions.

VII. POLICY RECOMMENDATIONS

- A. In accordance with Section 810 of the Riverside City Charter, the Commission can make recommendations to the RPD regarding its Policies

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and Procedures.

- B. A Policy Recommendation can be proposed by any Commissioner and can result from complaint case review, officer-involved death case evaluations, or knowledge obtained in any other manner.
- C. A proposed Policy Recommendation will be agendaized for Commission discussion and vote.
- D. Upon Commission approval of a proposed Policy Recommendation, it will be signed by the Commission Chair, after which the CPRC Manager will forward the document, with cover memo, to the Chief of Police.
- E. The CPRC Manager will ensure a written or oral response is obtained from the Chief of Police within 90 days.

VIII. ELECTIONS OF CPRC CHAIR AND VICE-CHAIR

- A. City Charter and Brown Act Requirements
 - 1. In accordance with Section 804 of the Riverside City Charter, elections for the Commission's presiding officers shall take place during the first meeting after the last day of February each year.
 - 2. The Brown Act prohibits members of a board or commission from using e-mail to discuss, deliberate or otherwise address any issue within the subject matter jurisdiction of the body. It is legally irrelevant whether or not a collective concurrence is reached outside of a properly noticed meeting. The mere act of e-mailing a quorum in an attempt to influence is a violation of the law.

Consequently, all discussions relative to officer elections, including nominations and the vote for Chair and Vice-Chair, must occur as part of the formal meeting agenda.

- B. Eligibility to Serve
 - 1. Commissioners wishing to serve as Chair or Vice-Chair may do so unless they have already served two consecutive terms in the office they currently hold.
 - 2. In accordance with Article V, Section 5, of the Commission's Bylaws, Commissioners elected as Chair and Vice-Chair serve in these positions for

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a one-year term and may serve no more than two consecutive terms in the same office.

C. Nomination Process

1. Commissioners interested in serving as Chair or Vice-Chair can inform the Commission of their interest or can nominate a fellow Commissioner during either of the meetings noted below. Those who are nominated by a fellow Commissioner must accept or decline the nomination.
2. Nominations for Chair and Vice-Chair may be made during the February Regular Meeting.
3. Nominations for Chair and Vice-Chair may also be made during the first meeting in March when the elections take place.

D. Notification and Election Process

1. Each year, in preparation for the annual elections, the January Regular Meeting agenda will contain an item to notify Commissioners of the elections that will take place during the first meeting in March. There will be no nominations during the January meeting.
2. Each year, the February Regular Meeting agenda will contain an item regarding nominations for Chair and Vice-Chair.
3. Each year, Item 2 on the agenda for the first meeting in March will be for the elections of the Chair and Vice-Chair. During this meeting, the candidates may speak about their qualifications for the office they are seeking.
4. When all discussion has been completed, the Commission's Administrative Assistant will call for the vote for the offices of Chair and Vice-Chair.
5. The nominees receiving a majority affirmative vote of those Commissioners present will be elected.

IX. OUTREACH

A. Riverside Municipal Code Requirements

1. In accordance with Ordinance 6516, Chapter 2.76 of the Riverside Municipal Code, the Commission is tasked with ensuring good relations

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between those who enforce the laws and the Riverside populace they serve so that the public will take pride in local law enforcement and those that enforce the laws will take pride in their service to the public.

B. Community Police Review Commission Efforts

1. In an effort to enhance community cohesiveness and communication between Riverside citizens and sworn members of the Riverside Police Department, it is strongly encouraged that all Commissioners participate in Outreach events throughout their years of service.
2. Outreach efforts can be originated by a Commissioner or the entire Commission or may be conducted in response to a request by citizens, community leaders, and members of City government or Riverside Police Department. At Outreach events, Commissioners should accept comments regarding the quality of RPD and CPRC.
3. Examples of Outreach events can include Mayor's Night Out, National Night Out, cultural events, neighborhood meetings and events, youth and senior events, veterans' events, police department ride-alongs and roll call presentations and citizen one-on-one conversations.
4. Each Commissioner shall as part of his or her duty as a CPRC Commissioner participate in at least two CPRC presentations each year, and return any completed self-assessment project surveys to the CPRC Admin within one month of the presentation.

C. Media Requests

1. All media inquiries shall be directed to the Commission Manager, who will notify the Commission Chair. Requests for a Commission statement shall be answered only by the Commission Chair or the Commission Manager upon agreement between these two individuals.
2. Prior to issuing a statement to the media, the Commission Manager shall seek input from the individual Commissioners and, when necessary, the RPD. Commissioners should refrain from issuing individual media statements on items related to Commission business, and, instead, should route comments to the Commission Chair or the Commission Manager to be considered as part of the official Commission statement.
3. Commissioners and the Manager are prohibited from making any comments to the media in regard to closed session confidential cases or personnel matters.

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4. Inquiries seeking only publicly available or procedural information may be answered by CPRC staff directly.

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CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001

Amended: April 22, 2009

Amended: November 18, 2009

Amended: October 24, 2012

Amended: August 26, 2015

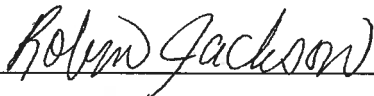
Amended: February 22, 2017

Amended: August 23, 2017

Amended: December 13, 2017

Amended: October 1, 2018

Respectfully Submitted,



Robin Jackson, Chair
Community Police Review Commission

October 24, 2018

Date

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BY-LAWS
Amended October 1, 2018

ARTICLE I
DEFINITIONS

- Section 1. As used in these By-Laws, unless a different meaning clearly appears from the context:
- A. "City" shall mean the City of Riverside.
 - B. "Commission" or "CPRC" shall mean the City of Riverside's Community Police Review Commission.
 - C. "Commission Manager" or "CPRC Manager" shall mean the staff liaison person who is appointed by the City Manager to direct the Commission's staff support team.
 - D. "Commissioners" shall mean the members of the Commission.
 - E. "Independent Investigator" shall mean the person(s) retained by the Commission Manager to receive, administer, or investigate, at the direction of the Commission, allegations of police misconduct or incidents where there has been an officer-involved death.
 - F. "Police Department" or "RPD" shall mean the Riverside Police Department.

ARTICLE II
COMMISSIONERS

- Section 1. The Commission shall be comprised of nine (9) Commissioners appointed by the Mayor and the City Council, in accordance with City Ordinance No. 6516, as codified in Chapter 2.76 of the Riverside Municipal Code.
- Section 2. Appointments to fill unexpired terms on the Commission shall be filled in the same manner as original appointments.
- Section 3. Each Commissioner must be a qualified elector of the City at the time of appointment and throughout his/her service on the Commission.
- Section 4. Commissioners who fail to maintain qualified elector status must resign from the Commission or be removed in accordance with City Charter Section 802.

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ARTICLE III

TERMS OF OFFICE

Section 1. The term of office shall be four (4) years. No member shall serve more than two (2) full consecutive terms. Serving less than one (1) year of an unexpired term shall not be counted as service of one term. Commissioners shall be subject to all applicable local, state, and federal laws and codes of ethics adopted by the City Council.

Section 2. In the event that a replacement Commissioner has not been appointed when the term of office of an incumbent Commissioner expires, the incumbent Commissioner may continue to serve until a replacement is appointed.

Section 3. A Commissioner's absence may be excused provided the Commissioner had good cause for the absence and provides reasonable notice.

"Good Cause" includes, but is not limited to, injury, illness, unavoidable conflict, or emergency.

Commissioners must advise Staff of an absence at the earliest reasonable opportunity, preferably prior to the meeting.

Section 4. Commissioners may be removed from the Commission by an affirmative vote of the City Council by five (5) of the total eight (8) potential votes. Each of the seven (7) City Council members, plus the Mayor, are entitled to vote. A vote may be taken for the following causes:

- A. Absence from three consecutive regular meetings, unless by permission of the Commission expressed in the official minutes.
- B. Incompetence, malfeasance, neglect of duty, or conviction of a crime involving moral turpitude.
- C. Refusal to resign from the Commission when no longer a qualified elector of the City.
- D. Failure to comply with the confidentiality requirements described in Section 2.76.060.

ARTICLE IV

COMPENSATION

Section 1. Commissioners shall serve without compensation for their services on the Commission but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the City Council.

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ARTICLE V

COMMISSION OFFICERS

- Section 1. The Commission shall have at least two officers, Chair and Vice-Chair, and such other officers, as it deems necessary.
- Section 2. The Chair shall preside over all meetings of the Commission and shall have the same rights as other Commissioners, except the Chair shall not make or second a motion. The Chair shall have the right to vote on all matters. The Chair shall sign all documents on behalf of the Commission after such documents have been approved by the Commission, and shall perform such other duties and delegated responsibilities as may be imposed upon the Chair by the Commission. The Chair or the Commission Manager shall speak to the media on behalf of the Commission on official actions of the Commission. The Chair shall also perform such other duties as may be prescribed by the City Council and Mayor, so far as the requested duties are within the purview of duties of the Commission as set forth in the Charter.
- Section 3. In the absence of the Chair, the Vice-Chair shall assume all the duties and power of the Chair. Upon the Chair's unavailability, but only with the Chair's concurrence and approval, the Vice-Chair shall be authorized to speak to the media on behalf of the Commission. In the absence of the Chair, all actions taken by the Vice-Chair shall have the same force and effect as if taken by the Chair.
- Section 4. The election of officers shall be conducted annually at the first meeting in March.
- Section 5. All officers shall be elected by the Commissioners for a term of one year. An officer may serve no more than two successive years in the same office. This article may be suspended by a majority vote of the Commission to allow any existing officer(s) to serve a term that is greater than two years based upon extenuating circumstances. The length of this term extension will be determined by the Commissioners on the day the vote is taken.
- Section 6. Election of officers shall be conducted in a manner prescribed by the Commission.
- Section 7. In the event of the resignation or removal of the Chair during the year, the Vice-Chair shall become the Chair and a new election shall be held for Vice-Chair. A mid-term Vice-Chair vacancy will be filled within sixty (60) days with the vacancy to be agendized until the position is filled. In the event of the resignation or removal of any other officer, a new election shall be held to fill the vacant office.

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- Section 8. If the Chair and Vice-Chair are both absent at any meeting of the Commission, the Commission shall elect a Chair *Pro Tem* who shall perform all duties of the Chair for that given meeting.

ARTICLE VI

AUTHORITY, POWERS, DUTIES

- Section 1. In accordance with Chapter 2.76 of the Riverside Municipal Code, the Commission shall have the power to:
- A. Advise the Mayor and City Council on all police/community- relations issues.
 - B. Conduct public outreach to educate the community on the purpose of the Commission.
 - C. Receive complaints of alleged police misconduct filed with either the Commission or Police Department within six months of the date of the alleged misconduct against a sworn member of the Riverside Police Department, regarding use of excessive force, discrimination or sexual harassment in respect to members of the public, the improper discharge of firearms, illegal search or seizure, false arrest, false reporting, criminal conduct or any misconduct in violation of Department Policy.
 - D. Review and investigate all citizen complaints received as defined in Article VI, Section 1, paragraph C above.
 - E. Conduct hearings into allegations of police misconduct upon the affirmative vote of five (5) Commissioners.
 - F. Subpoena and require the attendance of witnesses, the production of books, documents, papers, audio, video and any other electronic media pertinent to the investigation, upon the affirmative vote of six (6) Commissioners.
 - G. Review and advise the Police Department in matters pertaining to police policies and practices, including making formal recommendation for amendment to the Police Department's Policy and Procedures Manual and on Police Department proposed amendments to the Policy and Procedures Manual.
 - H. Administer oaths to witnesses and to take testimony, which will be recorded verbatim.
 - I. Submit written findings concerning allegations contained in the filed complaint to the City Manager and the Police Chief.

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- J. Review and investigate the death of any individual arising out of or in connection with actions of a sworn police officer, regardless of whether a complaint regarding such death has been filed.
- K. Recommend to the City Manager the provision of such staff as is necessary to carry out the Commission's duties.
- L. Advise the City Manager regarding the performance of said staff.
- M. Submit to the Mayor and City Council an annual written report of its activities during the past year.

Section 2. These By-Laws do not, and are not intended to, exceed the powers given to the Commission by the City Charter, City ordinances, or resolutions.

ARTICLE VII

MEETINGS

Section 1. For all months excepting November and December, regular meetings of the Commission shall be held on the fourth Wednesday of each month at 5:00 p.m. in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission. In November and December the regular meetings shall be held on the second Wednesday at 5:00 p.m. in the Art Pick Council Chambers, 3900 Main Street, unless otherwise agreed upon in advance by the Commission.

Section 2. Special meetings of the Commission may be convened at the call of the Chair, or of the Vice-Chair in the absence of the Chair. Upon petition of five (5) Commissioners, the Chair shall be required to call a meeting of the Commission within one week. Commissioners will be given at least 24 hours notice before any special meeting. The notice and agenda for any special meeting will be distributed in accordance with Brown Act, §54950 et seq. of the California Government Code and any other notice law, including City ordinances.

Section 3. All Commission meetings and standing committees meetings shall be open to the public and, whenever possible, shall be held in a City-owned facility. Notice shall be given to the public prior to convening of any meeting in accordance with the Brown Act, §54950 et seq. of the California Government Code and any other notice law, including City ordinances.

Section 4. Notwithstanding Section 3 above, the Commission may schedule closed session meetings on the second Wednesday of each month for the sole purpose of considering cases and making related findings. The only exceptions to this are when training is to be scheduled, annual officer

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elections, officer-involved death (OID) case evaluations, or other time-sensitive Commission business. The notice and agenda for such meetings shall be distributed in the same manner as the notice and agenda for all other Commission meetings. Case Review meetings will not be open to the public; however, public comments may be heard prior to going into closed session. The public will be allowed to attend training sessions, annual officer elections, or officer-involved death (OID) case evaluations.

Section 5. A majority of all Commissioners shall constitute a quorum for the transaction of business. A motion shall carry upon the affirmative vote of the majority of the Commissioners present at any meeting except as otherwise noted in the Commission's Policies and Procedures or By-Laws.

Section 6. Business at Commission meetings may include, but is not limited to, the following:

- A. Roll Call
- B. Case Review
- C. Public Comments
- D. Approval of Minutes
- E. Officer-Involved Death Case Evaluations
- F. Training
- G. Ongoing Commission Activities & Issues
- H. Committee Reports
- I. Outreach Reports
- J. Meetings and Training Sessions
- K. Staff Report
- L. New Commission Activities & Issues
- M. Commissioner Comments
- N. Items for Future Consideration
- O. Adjournment

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The Commission Manager or any Commissioner shall have the right to place an item on the agenda of a future meeting.

- Section 7. A Commission meeting may be cancelled by the Chair, due to a lack of a quorum or lack of sufficient agenda voting items.
- Section 8. Minutes of each Commission meeting shall be kept on file in the Commission's offices, and copies sent to the Mayor, City Councilmembers and City Manager.
- Section 9. The Commission may make such rules, regulations, policies, and procedures for its conduct, as it deems necessary, so long as said rules do not conflict with federal, state, or local law, City Charter, or the Commission's own By-Laws. Commission meetings shall be conducted informally.
- Section 10. All adopted rules, regulations, policies, and procedures shall be promptly filed with the City Clerk, and shall bear the signature of the Chair and the date they were adopted.
- Section 11. The annual meeting shall be the first regular Commission meeting in March.
- Section 12. Special Commissioner training meetings shall be conducted at sites to be determined. Appropriate notices shall be posted in accordance with the Brown Act and any other notice law, including City ordinances.
- Section 13. It is recommended that Commissioners attend at least eight (8) hours of training annually.
- Section 14. Newly appointed Commissioners shall be required to attend an orientation meeting upon their appointment.
- Section 15. Newly appointed Commissioners are strongly encouraged to engage in ongoing outreach with their respective neighborhoods and Wards and with the Police Department, so far as their time and circumstances allow. Commissioners are encouraged to attend community events on a regular basis and to schedule RPD ride-alongs on at least an annual basis. Newly appointed Commissioners are encouraged to schedule a RPD ride-along within the first ninety (90) days of their initial appointment and attend the Citizens' Police Academy.
- Section 16. Commissioners are strongly encouraged to undergo continuing education on issues relating to interactions between civilians and police officers. The Commission will endeavor to send at least one (1) Commissioner to the National Association of Civilian Oversight of Law Enforcement (NACOLE) conference each year.

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ARTICLE VIII

INVESTIGATIONS AND HEARINGS

- Section 1. Investigations and hearings shall be conducted in accordance with the Policies and Procedures for processing officer-involved deaths (OIDs) and complaints against police officers, as adopted by the Commission.
- Section 2. The hearing process shall be open to the public to the extent permitted by law and insofar as it does not conflict with state or federal law, as set forth in Section 2.76.060.
- Section 3. Investigations conducted by the Commission are two-fold: First, citizen complaints and administrative officer-involved death investigations are conducted by the Internal Affairs Division of the Police Department and are reviewed by the Commission during closed session deliberations where findings are determined. In addition, criminal officer-involved death investigations are conducted by RPD Homicide Divisions and are reviewed by the Commission in open session where findings are determined. Second, there is an "investigative hearing" by the Commission held under special circumstances where witnesses may be called to testify and where a determination for further action may be recommended.
- Section 4. Investigations of any case having an officer-involved death will occur as soon as practicable.
- Section 5. Hearings shall be scheduled as needed.

ARTICLE IX

CONFIDENTIALITY

- Section 1. All personnel records, investigative reports, documents generated within the Riverside Police Department, information relating to closed session deliberations of the Commission, and any other privileged matters, shall be kept confidential to the extent permitted by law. Electronic media, to the extent utilized by the Commission, shall also be kept by Commissioners in a secure location.

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ARTICLE X

COMMITTEES

- Section 1. The Chair may appoint standing committees, which shall consist of an appointed Chairperson and at least two other Commissioners.
- Section 2. The Chair may appoint ad hoc committees as needed. Each shall consist of an appointed Chairperson and at least two other Commissioners. Ad hoc committees serve a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed.
- Section 3. The elected Chair shall be an ex-officio member of all committees.

ARTICLE XI

REPORT TO THE CITY

- Section 1. The Commission shall present an annual written report of its activities for the past year to the Mayor and City Council. It may also make appropriate recommendations. The report shall include the following:
- A. The name of the Commission
 - B. The Commission's goals, objectives, and functions
 - C. Reference, by category, to all reports and recommendations presented to the City Manager
 - D. The number of meetings held
 - E. The number of hearings conducted
 - F. A list of City personnel who regularly assist the Commission
- Section 2. The report should be submitted by March 31st of each year.
- Section 3. The Commission Chair may also advise the Mayor and City Council in a written or oral report on all pressing Commission or relevant community relations items.

ARTICLE XII

AMENDMENT OF BY-LAWS

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Section 1. These By-Laws may be amended at any regular meeting of the Commission by majority vote of the Commission, provided that notice of such amendment shall have been given at the previous regular meeting.

CHRONOLOGY OF AMENDMENTS AND ADOPTIONS

Original Adoption: July 30, 2001
Amended: September 24, 2001
Amended: February 26, 2003
Amended January 26, 2005
Amended July 27, 2005
Amended July 26, 2006
Amended April 22, 2009
Amended May 13, 2009
Amended December 9, 2009

Amended August 24, 2011
Amended December 14, 2011
Amended March 13, 2013
Amended August 24, 2016
Amended February 22, 2017
Amended August 23, 2017
Amended December 13, 2017
Amended September 26, 2018
Amended October 1, 2018

Respectfully Submitted,



Robin Jackson, Chair
Community Police Review Commission

October 24, 2018

Date



CPRC DUTIES, BROWN ACT, AND ETHICS TRAINING

City Attorney's Office

September 26, 2018

BROWN ACT

"...the legislature finds and declares that the public commissions, boards and councils and other public agencies in this state exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided by law.

Who it applies to

- City council meetings.
- Commissions, Committees and Boards.
- Entities created by a City Council or over which a City Council retains authority.
- Subcommittees.

Requirements

- The Brown Act creates certain minimum procedural requirements for conducting meetings.
- One of these rules requires this Commission to adopt rules as to the conduct of business of the Commission, which includes the time and place for holding regular meetings.
 - By-laws not necessary.

Meetings

A "meeting" includes any congregation of a majority of the members of the Commission at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter of the Commission.

- Except as part of an open and noticed meeting, the Brown Act prohibits any use of direct communication, by personal intermediaries, or technological devices by a majority of the Commission to develop a collective concurrence as to action to be taken on an item.

- A majority of the Commission may not e-mail each other to develop a collective concurrence as to action to be taken by the commission.

Serial Meetings

- A Serial meeting is a series of communications, each of which involves less than a quorum of the Commission, but which taken as a whole involves a majority of the Commissions' members.
- Does not require a collective concurrence to occur in order for there to be a violation.
- City Staff is allowed to engage in separate communications outside of a public meeting with members of the Commission in order to answer questions or provide information regarding a matter that is within the subject matter of the commission provided that staff does not communicate to members of the Commission the comments or position of any other member or members.

Closed Session

- General rule is that all meetings must be conducted openly, unless expressly authorized.
- Purpose of closed session is:
 - To avoid revealing confidential information which may compromise the privacy interests of employees
 - To allow full and candid discussion by the legislative body
- General rule is that all meetings must be conducted openly, unless expressly authorized.
- Purpose of closed session is:
 - To avoid revealing confidential information which may compromise the privacy interests of employees
 - To allow full and candid discussion by the legislative body
- Limitations to closed session
 - Used to discuss only expressly allowed issues. The permissible exceptions that apply to the CPRC are:
 - Performance evaluation of a specific public employee
 - Govt C §54954.5(e), 54957(b)(1)
 - To hear complaints or charges brought against the employee by another person or employee
 - Govt C §54957(b)(1),(2)

Closed Session Cont.

- Preceded by public agenda
 - Agenda must include:
 - Legal authority to enter closed session, and
 - Brief description of item(s) to be discussed
- Public comment before closed session
 - Must allow the public to address issues that will be considered in closed session
- Before going to closed session, an oral announcement must be made as to which items will be considered
- Only the matter noticed for closed session may be discussed in closed session.
- General topics within the CPRC's subject matter jurisdiction must be agendized and discussed in open session.
 - Not for discussion of policies.
- For performance evaluation of a specific public employee:
 - Notice should state the position or the title of the employee being reviewed
- For complaints or charges brought against the employee by another person or employee:
 - Employee must be given at least 24 hours' written notice of any closed session convened to hear specific complaints or charges against him or her, and
 - Employee must be given the option to have the matter heard in open session.
 - If notice is not given, any disciplinary action is null and void.
- Who may attend closed session?
 - Limited to those with an official role in the meeting and actually necessary to advise or take direction from the body.
- Third parties who are not agents of the governing body may not attend closed session.
- Except:
 - Witnesses are permitted into closed session to give evidence during a closed session convened to hear charges or complaints against an employee
- Confidentiality
 - Officials have a fiduciary duty to protect the confidentiality of closed sessions discussions and any information disclosed therein
 - Possible sanctions for improper disclosure include:
 - Injunction to prevent disclosure
 - Injunction barring attendance at future closed sessions

- Injunction against future public disclosures
- Formal accusation filed against person for willful or corrupt misconduct in office
- Referral to the grand jury or district attorney for criminal prosecution

Public Speech

The public has a right to address the legislative body or commission at any meeting on any subject that is within the Commission's subject matter jurisdiction.

Procedures which Regulate Public Speech

The Commission:

- May impose reasonable restrictions upon public comment at meetings so long as such restrictions are not too broad and do not constitute "prior restraints."
- May prohibit a member of the public from speaking on a matter not within the commission's subject matter jurisdiction or from addressing their comments to one member rather than the Commission as a whole.
- May require members of the public wishing to address the Commission to fill out a speaker's card
 - The public cannot be required to give names or sign a register as a condition of attendance.
 - Many cities do ask for names and address during oral communications in order to facilitate staff responses or the preparation of minutes. This practice is certainly allowable if it is identified as being voluntary.
- May regulate the total amount of time on particular issues and for each individual speaker, subject to the requirements of due process.
 - Time Limits of 3 – 5 minutes are most common.
 - The Chair is responsible for enforcing the time limit and depending on the board or commission may also monitor the time.

Agenda Requirements and Other Procedural Issues

- The agenda must specify the time and location of the meeting and a “brief general description: of each item of business to be transacted or discussed.
- If a matter is not on the agenda, it may not be discussed or acted upon.
- Additional requirements apply for closed session, as discussed later

Exceptions

- Brief responses by members of the legislative body and staff to statements or questions posed by the public.
- Questions for clarification
- References to staff or other resources for factual information.
- Requests to staff to report back on an issue at a subsequent meeting.
- Requests to agendize a matter of business for some future meeting.
- Brief announcement by members of the body or staff and brief reports on their activities.

Brown Act Notice Requirements

- 72 hours notice for regular meetings
- 24 hours notice for special meetings

Sunshine Ordinance

- The Sunshine Ordinance was adopted October 6, 2015. It can be found in Title 4 of the Riverside Municipal Code.
 - It is applicable to the city Council, City Council Standing Committees, and all boards and commission.
 - It requires posting a copy or image of the agenda and all reports and presentation in a location freely accessible to the public no later than 12 days before the date of the meeting.

Exceptions to Sunshine Ordinance

- There is a need to take immediate action on an item to avoid a substantial impact that would occur if the matter is deferred.
- The matter is an emergency to avoid a work stoppage, crippling disaster or other activity exists which severely impairs public health, safety or both.
- See RMC 4.05.050(C) for additional exceptions.
- In order to act on a matter outside the Sunshine Ordinance, the local body, by a 2/3 vote of the members present, adopts a motion determining that, upon consideration of the facts and circumstances, it was not reasonably possible to meet the additional notice requirements.

Supplemental Materials

- You can supplement the agenda or agenda related materials no later than 72 hours before a regular meeting but only if it is to:
 - Add an item due to an emergency
 - Delete a matter from the agenda
 - Provide additional information or materials that was not known to staff or considered relevant at the time
 - Correct errors or omission or change a stated financial amount
 - Continue an item to a future agenda

Quorum and Motions

- A majority of the Commission constitutes a quorum for the transaction of business.
- Types of Main Motions
 - Regular
 - Substitute
 - Call the Question
 - Limit the Debate
- Abstention

DRAFT

Code of Ethics and Conduct

- In 2004, new adopted City Charter section created the requirement that the City adopt a Code of Ethics.
- In 2005, City Council adopted a resolution establishing the Code of Ethics and Conduct.
- On April 5, 2016, City Council created a new Code of Ethics in the Riverside Municipal Code, Chapter 2.78.010.

Who does it apply to?

- It applies to the Mayor, members of the City Council, and to all members of the boards, commissions, and committees appointed by the city Council, the Mayor, or the Mayor and City Council, including any *ad hoc* committees.
- Also applies to the Mayor and members of the City Council at all times during their term of office as elected officials of the City.
- It applies to all members of the boards, commissions, and committees only while they are acting in their official capacities or affecting the discharge of their duties.

Purpose

- To achieve fair, ethical, and accountable local government for the City.
- Public officials are expected to comply with the provisions of the Code of Ethics and Conduct established pursuant to the expressed will of the people.

Divided into two areas: Core Values and Prohibited Conduct

- The Core Values are intended to provide a set of principles from which public officials in the City can draw upon to assist them in conducting the public's business.
- The Core Values are directory in nature and are not subject to the complaint procedures.
- The prohibited Conduct are actions that public officials of the City shall not engage in, and as such,

Core Values

- To strive to create a government that is trusted by everyone.
- To strive to make decisions that are unbiased, fair, and honest.
- To strive to ensure that everyone is treated with respect and in a just and fair manner
- To strive to create a community that affirms the value of diversity.
- To strive to ensure that all public decisions are well informed, independent, and in the best interests of the City.
- To strive to maintain a nonpartisan and civic minded local government.
- To strive to ensure that all public officials are adequately prepared for the duties of their office.
- To strive to ensure that appointed members of boards, commissions and committees attend regular scheduled meetings.

Prohibited Conduct

- Use of official title or position for personal gain.
- Use or divulgence of confidential or privileged information.
- Use of City resources for non-city purposes.
- Advocacy of private interest of third parties in certain circumstances.
- Endorsements for compensation.
- Violation of Government Code sections 87100 *et. Seq.*
- Certain Political activity.
- Display of campaign materials in or on City vehicles.
- Knowingly assisting another public official in violating Code of Ethics and Conduct.
- Negotiation for employment with any party having a matter pending.
- Ex parte contact in quasi-judicial matters.
- Attempts to coerce official duties.
- Violations of federal, State, or local law.

Complaint Procedures

- Only Prohibited Conduct violations shall be grounds for a complaint against any public official.
- Complaints are submitted on forms available from the City Clerk alleging the specific conduct.
- Complaints and all required information and tangible evidence shall be filed with the City Clerk.
- Complaints acted on by the Board of Ethics.

Appeal Procedures

- A decision by the hearing panel finding a violation of the Prohibited Conduct section shall be automatically appealed to the City Council for Final resolution.
- A decision of no violation may be appealed by either party.

Sanctions

- The City Council may impose any of the following sanctions:
 - Elected Officials
 - Public Censure
 - Appointed officials of Boards, Commissions and Committees
 - Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
 - Public Censure by the Mayor and City Council; or
 - Removal from office by a majority of the Mayor and City Council.

Board and Commission Member Duties

Duties

Charter §810

- a) Advise the Mayor and City Council on all issues concerning police/community relations
 - b) Conduct public outreach to educate the community on the purpose of the commission
 - c) Receive and –in CPRC's discretion –review and investigate written citizen complaints against officers if filed within 6 months of alleged misconduct.
 - d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.
 - e) Conduct a hearing on filed complaints or commission-initiated investigations when –in the CPRC's discretion –the hearing will facilitate the fact finding process.
 - f) Power of subpoena given by City Council to
 - Compel attendance of witnesses, including employees of the City
 - Production of documents pertinent to the investigation
 - Administer oaths to such witnesses and to take testimony to the extent allowed by law
- NOTE: Subpoena can only be issued upon an affirmative vote of six (6) commission members.
- g) Make findings concerning allegations in filed complaints and forward to the City Manager and Chief of Police.
 - h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.
 - i) Prepare and submit an annual report to the Mayor and City Council on CPRC activities.

Duties continued

- Hold yourselves to the highest ethical standards.
- Respect for others:
 - Treat fellow Commission members, City staff, and the public with courtesy
 - Focus on the pertinent merits of the discussion
 - Listen carefully and ask questions that add value to the discussions
 - Never debate an issue with a complainant or a member of the public
- Responsibilities
 - Come to meetings prepared
 - Refrain from actions that may appear to compromise your independent judgment
 - Consider the Commission's purpose, responsibilities, and duties at all times
- Must keep safe all personnel records, investigative reports, confidential documents, all information related to closed session deliberations, and any other privileged information and secure them from disclosure or breach.

Meeting Procedures

Respect the Chair at all times

Chair identifies the item to be discussed

Staff makes their presentation

Public is invited to speak

Commissioners ask clarifying questions of staff when called upon by the Chair in order of requests to speak

Deliberations/discussions

Motion made and second received

Vote on Motion

Commissioner Expectations

Suggested Dress Code

It is suggested that Commissioners dress in professional work attire when attending Commission meetings. Commissioners are sitting on the dais and the public meeting is televised. We want to demonstrate a positive, professional appearance to the public present in the Board Chambers as well as those watching on television.

Attendance

Resolution No. 23035 Section XIV.

- D. Board/commission members shall make every effort to notify the Chairperson or his/her designee no later than 24 hours prior to any regular meeting of his/her intent not to attend said meeting. A member's inability to provide 24 hours advance notice shall not preclude the board/commission from exercising its discretion to excuse said absence as outlined in Section 805 of the City Charter. If a member of a board or commission absents himself/herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.
- E. The City Clerk shall provide quarterly attendance reports to the Mayor and City Council.
- F. The City Clerk shall notify the Mayor for Citywide seats and the appropriate Councilmember for Ward specific seats for direction to be taken in the event of either of the following conditions: (a) a board/commission member is absent unexcused from three consecutive regular meetings of the board/commission; or (b) a board/commission member is absent, whether excused or unexcused, from more than one-third of the regularly scheduled meetings in any calendar year.

Communication and Behavior on the Dais

These are just a few steps to consider during the public session of the CPRC meeting:

1. Remember that you are being watched by the public attending the meeting as well as the television audience.

2. Refrain from looking at your phone or laptop, other than for activities related directly with the meeting.
3. Do not bring food to the dais. Liquids in closed containers are acceptable.
4. Be attentive to the speakers at the podium. Remember that you are on the dais to accept input from the public so listen to them when they speak.
5. Remember that nothing that is said by the public is personal, even if the speaker makes it personal. You are there as a Commission representative to accept information. You may ask questions but do not engage in an argument with a speaker.
6. If a speaker is there to address the Commission regarding a specific complaint case or an officer involved death case, listen to their input. You may ask questions to clarify their input but do not debate with them as to the veracity of their story.
7. Commissioners should wait to speak until they are recognized by the Chair. When called upon, use the microphone to speak as the meeting is being recorded.
8. Be respectful of families of decedents.
9. Be respectful of fellow Commissioners.

Tools on the Dais

On the right hand side at each seat on the dais there is a set of three buttons:

- The top button is used to vote in favor of the subject up for vote
- The second button is used to vote against the subject up for vote
- The third button is used to request to speak
 - Wait to be acknowledged by the Chairperson before speaking
 - Turn on the microphone when called upon by the Chairperson before speaking

BOARD/COMMISSION ATTENDANCE POLICY
Resolution No. 23035
July 26, 2016

Section XIV.

- D. Board/commission members shall make every effort to notify the Chairperson or his/her designee no later than 24 hours prior to any regular meeting of his/her intent not to attend said meeting. A member's inability to provide 24 hours advance notice shall not preclude the board/commission from exercising its discretion to excuse said absence as outlined in Section 805 of the City Charter. If a member of a board or commission absents himself/herself from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, or is convicted of a crime of moral turpitude, or ceases to be a qualified elector of the City, the office shall become vacant and shall be so declared by the City Council.
- E. The City Clerk shall provide quarterly attendance reports to the Mayor and City Council.
- F. The City Clerk shall notify the Mayor for Citywide seats and the appropriate Councilmember for Ward specific seats for direction to be taken in the event of either of the following conditions: (a) a board/commission member is absent unexcused from three consecutive regular meetings of the board/commission; or (b) a board/commission member is absent, whether excused or unexcused, from more than one-third of the regularly scheduled meetings in any calendar year.

Board and Commission Member Duties

Charter §810

- a) Advise the Mayor and City Council on all issues concerning police/community relations
- b) Conduct public outreach to educate the community on the purpose of the commission
- c) Receive and –in CPRC's discretion –review and investigate written citizen complaints against officers if filed within 6 months of alleged misconduct.
- d) Review and investigate the death of any individual arising out of or in connection with actions of a police officer, regardless of whether a complaint regarding such death has been filed.
- e) Conduct a hearing on filed complaints or commission-initiated investigations when –in the CPRC's discretion –the hearing will facilitate the fact finding process.
- f) Power of subpoena given by City Council to
 - Compel attendance of witnesses, including employees of the City
 - Production of documents pertinent to the investigation
 - Administer oaths to such witnesses and to take testimony to the extent allowed by law

NOTE: Subpoena can only be issued upon an affirmative vote of six (6) commission members.

- g) Make findings concerning allegations in filed complaints and forward to the City Manager and Chief of Police.
- h) Review and advise the Riverside Police Department in matters pertaining to police policies and practices.
- i) Prepare and submit an annual report to the Mayor and City Council on CPRC activities.

CHAPTER 2.78 - CODE OF ETHICS AND CONDUCT

2.78.010 - Establishment of the Code of Ethics and Conduct.

Pursuant to Article 11, sections 5(a) and 7 of the California Constitution and Sections 200 and 202 of The Charter of the City of Riverside, there is hereby established by the City Council of the City of Riverside a Code of Ethics and Conduct for the Mayor, members of the City Council, and all members of appointed boards, commissions and committees which shall assure public confidence in the integrity of local government and its effective and fair operation.

(Ord. 7328 § 3, 2016)

2.78.020 - Purpose.

The purpose of this Code of Ethics and Conduct is to achieve fair, ethical, and accountable local government for the City of Riverside. The people of the City of Riverside expect their public officials to comply with both the letter and the spirit of the laws of the United States of America, the State of California, the Charter of the City of Riverside, the Riverside Municipal Code, and established policies of the City of Riverside affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this Code of Ethics and Conduct shall aspire to meet the highest ethical standards in the conduct of their responsibility as a public official of the City of Riverside.

This Code of Ethics and Conduct is divided into two areas: Core Values and Prohibited Conduct. The Core Values are intended to provide a set of principles from which public officials of the City of Riverside can draw upon to assist them in conducting the public's business. As such, the Core Values are directory in nature and not subject to the complaint procedures set forth herein. The Prohibited Conduct are actions that public officials of the City of Riverside shall not engage in, and, as such, are subject to the complaint procedures set forth herein.

(Ord. 7328 § 3, 2016)

2.78.030 - Scope.

The provisions of this chapter shall apply to the Mayor, members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council, the Mayor, or the Mayor and City Council,

including any *ad hoc* committees (collectively referred to herein as "public officials.") The provisions of this chapter shall also apply to all members of committees appointed by individual members of the City Council, Mayor, the City Manager or by department heads.

Further, the provisions of this chapter shall apply to the Mayor and Members of the City Council at all times during their term of office as elected officials of the City of Riverside. However, the provisions of this chapter shall apply to all members of the boards, commissions, and committees only while they are acting in their official capacities or affecting the discharge of their duties.

(Ord. 7328 § 3, 2016)

2.78.040 - Implementation.

To achieve the objectives of this chapter, the following mechanisms shall be followed.

- A. All public officials upon election or re-election, appointment or re-appointment, shall be given a copy of this chapter and required to affirm in writing that they have received a copy of this chapter and understand its provisions.
- B. Within 90 days of taking office, all new public officials shall be provided a training session which shall clarify the provisions and application of this chapter. These sessions shall be coordinated by the City Clerk with assistance from the City Manager and City Attorney.
- C. The City Attorney, or his or her designee, shall serve as a resource to those persons covered by this chapter to assist them in understanding and abiding by the provisions therein. Use of outside legal counsel in lieu of the City Attorney to advise the Board of Ethics and its hearing panels on specific matters shall be at the discretion of the Board of Ethics. If outside legal counsel is so desired, the City Attorney shall contract with the appropriate party(ies).
- D. All bodies whose members are covered by this chapter shall adopt rules of procedure which include the provisions of this chapter.
- E. The chair of each board, commission or committee covered by this chapter is responsible to provide appropriate guidance to members of their respective bodies and, if need be, communicate concerns to the Board of Ethics.

(Ord. 7328 § 3, 2016)

2.78.050 - Core Values.

The people of the City of Riverside share a set of core values that constitute the guiding principles for the establishment of this chapter. These core values are expressed in the following aspirations:

- A. To strive to create a government that is trusted by everyone. The public officials of the City of Riverside shall aspire to operate the City government and exercise their responsibilities in a manner which creates trust in their decisions and the manner of delivery of programs through the local government. The public officials shall aspire to create a transparent decision making process by providing easy access to all public information about actual or potential conflicts between their private interests and their public responsibilities. The public officials shall aspire to make themselves available to the people of the City to hear and understand their concerns. They shall aspire to make every effort to ensure that they have accurate information to guide their decisions and to share all public information with the community to ensure the community understands the basis of the officials' decisions.
- B. To strive to make decisions that are unbiased, fair, and honest. The public officials of the City of Riverside shall aspire to ensure that their decisions are unbiased, fair, and honest. They shall strive to avoid participation in all decisions which create a real or perceived conflict of interest and to disclose any personal interest that could be perceived to be in conflict with the fair and impartial exercise of their responsibilities.
- C. To strive to ensure that everyone is treated with respect and in a just and fair manner. The public officials of the City of Riverside have a responsibility to make extraordinary attempts to treat all people in a manner which would be considered just and fair. They shall strive to value and encourage input from members of the community and encourage open and free discussion of public issues. They shall strive to have all persons treated with respect as they come before the body on which they serve. They shall aspire to create an atmosphere of genuine interest in the point of view expressed by members of the community even if it differs from their own.
- D. To strive to create a community that affirms the value of diversity. The public officials of the City of Riverside shall aspire to recognize and affirm the value of all persons, families, and communities within the City of Riverside. They will encourage full participation of all persons and groups, be aware and observe important celebrations and events which reflect the values of the City's diverse population, and provide assistance for those who find it difficult to participate due to language barriers or disabilities.

- E. To strive to ensure that all public decisions are well informed, independent, and in the best interests of the City of Riverside. The public officials of the City of Riverside will encourage and support research and information gathering from verifiable sources. They will seek to ensure that information provided by the City Government to the public is accurate and clear. They will ensure that all information utilized in the decision making process, except that which by law is confidential, will be shared with the public.
- F. To strive to maintain a nonpartisan and civic minded local government. The public officials of the City of Riverside shall affirm the value of a nonpartisan council-manager form of government.
- G. To strive to ensure that all public officials are adequately prepared for the duties of their office. The public officials of the City of Riverside shall commit to participation in all orientation and training sessions which are presented to ensure full preparation for the exercise of their public duties.
- H. To strive to ensure that appointed members of boards, commissions and committees attend regularly scheduled meetings. Appointed members of boards, commissions and committees of the City of Riverside shall make a diligent effort to attend all regularly scheduled meetings of their respective board, commission or committee.

(Ord. 7328 § 3, 2016)

2.78.060 - Prohibited conduct.

The following conduct is prohibited and shall be subject to the complaint procedures established in this chapter. It may be unethical for any public official to engage in one or more of the following prohibited actions:

- A. *Use of official title or position for personal gain prohibited* . Public officials of the City of Riverside shall not use their official title or position for personal gain. Personal gain includes, but is not limited to, situations wherein a public official solicits or accepts items of value in consideration of their official title or position. This does not include obtaining benefits that are otherwise permitted or authorized by law. Therefore, acceptance of gifts shall otherwise be consistent with the requirements and limitations allowable by law. Public officials shall refrain from the following: (a) accepting gifts or favors that may compromise independent judgment or give the appearance of compromised judgment; (b) using official title for matters other than the official conduct of their office; and (c) engaging in decisions which would affect the level of compensation received for service except as otherwise required or allowed by law.

- B. *Use or divulgence of confidential or privileged information prohibited* . Public officials of the City of Riverside shall not use or divulge confidential or privileged information obtained in the course of their official duties for their own personal gain, financial or otherwise, or for the gain of others, in a manner contrary to the public interest or in violation of any law.
- C. *Use of City resources for non-City purposes prohibited*. Public officials of the City of Riverside shall not use or permit the use of City resources including, but not limited to, funds, seals or logos, time, personnel, supplies, equipment, identification cards/badges, or facilities for unapproved non-City activities, except when available to the general public, provided for by administrative rules, regulations, or policies, or approved by a majority of the City Council.
- D. *Advocacy of private interests of third parties in certain circumstances prohibited* . No elected official of the City of Riverside shall appear on behalf of the private interests of third parties before the City Council; nor shall any appointed member of a board, commission or committee of the City of Riverside appear before their own body on behalf of the private interests of third parties, except for limited exceptions as provided for in the California Fair Political Practices Commission Regulations or otherwise by law.
- E. *Endorsements for compensation prohibited* . No public official of the City of Riverside shall endorse or recommend, for compensation, any commercial product or service in the name of the City or in their official capacity within the jurisdictional boundaries of the City without prior approval of a City Council policy.
- F. *Violation of Government Code §§ 87100 et seq., prohibited* . No public official of the City of Riverside shall violate Government Code §§ 87100, et seq., or any of its related or successor statutes, from time to time amended, regulating financial interests and governmental decisions made by public officials. If an ethics complaint is filed alleging a violation of this subsection, the City recognizes that the Fair Political Practices Commission (FPPC) is the primary enforcement authority of the Political Reform Act and that its decisions should be given great weight. As such, if a complaint is pending before the FPPC raising the same or similar violations based upon the same or similar facts, then the Board of Ethics may defer action on such allegation until completion of the FPPC action. If a complaint has not been filed with the FPPC raising the same or similar violations based upon the same or similar facts, then the hearing panel of the Board of Ethics, upon a four-fifths vote, may file a complaint with the FPPC and defer action on a complaint filed pursuant to this chapter until a final action by the FPPC. A ruling on the merits by the FPPC may

be accepted by the Board of Ethics as a finding on the ethics complaint filed with the City.

- G. *Certain political activity prohibited* . No public official of the City of Riverside shall coerce, or attempt to coerce, any of their subordinates or any other City employee to participate in an election campaign, contribute to a candidate or political committee, engage in any other political activity relating to a particular party, candidate, or issue, or to refrain from engaging in any lawful political activity. A general statement encouraging another person to vote does not violate this provision.
- H. *Display of campaign materials in or on City vehicles prohibited* . No public official of the City of Riverside shall display campaign materials in or on any City-owned or provided vehicle under their control or operated by that official. In addition, no public official shall transport, store, or otherwise have any campaign materials located within any City-owned or provided vehicle under their control or operated by that official. Campaign materials include, but are not limited to, bumper stickers, signs, brochures, informational documents, buttons or other similar items.
- I. *Knowingly assisting another Public Official in violating this Code of Ethics and Conduct prohibited* . No public official of the City of Riverside shall knowingly assist another public official in violating the Prohibited Conduct section of this chapter, nor shall they engage any other person to assist them in any conduct that would constitute a violation of the Prohibited Conduct section of this chapter.
- J. *Negotiation for employment with any party having a matter pending prohibited* . No public official of the City of Riverside shall negotiate for employment with any third party at the same time that third party has a matter pending before the City Council, boards, commissions, committees, or City departments and upon which the public official must act or make a recommendation.
- K. *Ex parte Contact in quasi-judicial matters prohibited* . No appointed official of the City of Riverside shall contact any elected official on any matter of a quasi-judicial nature before the City Council in which the appointed official participated. A quasi-judicial matter is any proceeding which may affect the legal rights, duties or privileges of any party to the proceeding and requires the public official to objectively determine facts and draw conclusions from those facts as the basis of an official action.
- L. *Attempts to coerce official duties prohibited* . No elected official of the City of Riverside shall coerce, or attempt to coerce, any other public official in the performance of their official duties.

- M. *Violations of federal, State, or local law prohibited* . No public official of the City of Riverside shall intentionally or repeatedly violate the Charter of the City of Riverside, the Riverside Municipal Code, or any established policies of the City of Riverside affecting the operations of local government, or be convicted of violation of any State or federal law pertaining to the office which they hold.

(Ord. 7403 § 3, 2017; Ord. 7328 § 3, 2016)

2.78.070 - Complaint procedures.

- A. Only alleged violations of the Prohibited Conduct section of this chapter shall be grounds for a complaint against any public official pursuant to this chapter.
- B. Complaints shall be submitted on forms available from the City Clerk.
- C. Complaints and all required information and tangible evidence shall be filed with the City Clerk.
- D. Complaints shall include, but not be limited to, all of the following:
1. Name, address, telephone number and email address, if available, of the complainant;
 2. Name and position of the public official against whom the complaint is made;
 3. Date of the alleged violation;
 4. The date the complainant became aware of the alleged violation;
 5. The specific provision of the Prohibited Conduct section of this chapter alleged to be violated;
 6. Description of the specific facts of the alleged violation;
 7. The names, addresses, telephone numbers and email addresses, if known, of each person the complainant intends to call as a witness at the hearing;
 8. Copies of any and all documents, photographs, recordings or other tangible materials to be introduced and considered at the hearing; and
 9. Signed under penalty of perjury of the laws of the State of California.
- E. Complaints shall be filed with the City Clerk within 180 calendar days of discovery of an alleged violation of this chapter, but in no event shall the complaint be filed later than three years from the date of the alleged violation. Discovery is defined as when the complainant knew or reasonably should have known of the alleged violation through the exercise of reasonable diligence.

- F. Upon filing of the complaint the City Clerk shall review the complaint for completeness only. If the complaint is deemed incomplete the City Clerk shall notify the complainant in writing within ten City business days as to the deficiencies. A complaint shall not be deemed filed until the City Clerk accepts it as complete.
- G. Within 20 City business days of the City Clerk deeming the complaint complete, the City Clerk shall set the matter for a pre-hearing conference before a hearing panel of the Board of Ethics and notify in writing the complainant and the public official against whom the complaint is filed of the date, time, and location of the pre-hearing conference. The pre-hearing conference date shall be within 45 City business days of the complaint being deemed complete.
- H. The City Clerk shall provide a copy of the complaint and all required information and tangible evidence, without charge, to the public official against whom the complaint is made within ten City business days after the complaint is deemed complete.
- I. The public official against whom the complaint is made shall file the following with the City Clerk no later than 20 calendar days prior to the date set for the hearing:
 - 1. A written reply to the complaint;
 - 2. Copies of any and all documents, photographs, recordings or other tangible materials to be introduced and considered at the hearing; and
 - 3. The names, addresses, telephone numbers and email addresses, if known, of any person the public official intends to call as a witness at the hearing.
- J. The City Clerk shall provide a copy of the written reply and all required information and tangible evidence, without charge, to the complainant no later than ten City business days after receipt of the foregoing from the public official against whom the complaint is made.

(Ord. [7419](#) § 3, 2018; Ord. 7403 § 3, 2017; Ord. 7328 § 3, 2016)

2.78.080 - Hearing procedures.

- A. The Board of Ethics shall have the authority to adopt hearing procedures not in conflict with this chapter. In addition to any hearing procedures adopted by the Board of Ethics, the following hearing procedures shall also apply.
- B. The pre-hearing conference and hearing on the merits are not formal judicial proceedings. The technical rules of evidence do not apply.

- C. The Chair of the hearing panel of the Board of Ethics shall preside over the pre-hearing conference and hearing.
- D. No witnesses, documents, photographs, recordings or other tangible materials, other than those submitted with the complaint or reply, shall be introduced at the hearing or considered by the hearing panel. However, witnesses, documents, photographs, recordings and other tangible evidence may be introduced and considered upon a finding by a majority of the hearing panel that the discovery of such evidence came to the awareness of the proponent after the filing of the complaint or reply and that the proponent disclosed such information to the City Clerk as soon as practicable after becoming aware of its existence. Any witnesses, documents, photographs, recordings and other tangible evidence subpoenaed by the hearing panel shall also be introduced and considered.
- E. The hearing panel of the Board of Ethics shall conduct a pre-hearing conference prior to a hearing date being set by the City Clerk. All parties are to attend the pre-hearing conference; however, the absence of any party at the pre-hearing conference shall not be grounds for a continuance and the pre-hearing conference shall proceed as if the absent party were present. The pre-hearing conference shall be conducted as follows:
 - 1. The hearing panel shall review the complaint to determine if it complies with all of the following to establish jurisdiction of the Board of Ethics:
 - a. The complaint procedures section of this chapter have been followed;
 - b. The complaint is against a public official set forth in the scope section of this chapter;
 - c. The complaint alleges a violation of one or more of the provisions of the prohibited conduct section of this chapter; and
 - d. The complaint does not restate allegations of violations that were the subject of a previous complaint.
 - 2. If a majority of the hearing panel determines that the complaint does not comply with all of the provisions of subsection E.1 above, the Chair shall state the findings of deficiency on the record and shall call for a vote of the hearing panel to dismiss the complaint without a hearing. A roll call vote of the hearing panel shall be taken by the City Clerk who will record the vote of each member of the hearing panel. The Chair of the hearing panel shall instruct the City Clerk to prepare a Statement of Findings for the hearing panel to adopt at the next regular meeting of the Board of Ethics. This statement of findings shall be considered the final decision of the hearing panel and is immediately appealable to the City Council pursuant to the appeal procedures section of this chapter. If

a majority of the hearing panel determines that the complaint complies with all of the provisions of subsection E.1 above, then the pre-hearing conference shall proceed.

3. The hearing panel shall facilitate settlement discussions between the parties.
4. The hearing panel shall review the submitted tangible evidence to determine if it is relevant to the issues raised in the complaint. If it is determined, by a majority vote, that any such evidence is irrelevant to the issues raised in the complaint, then such evidence will be deemed inadmissible at the hearing and shall be excluded.
5. The complainant shall verbally present to the hearing panel any and all evidence, both tangible and testimonial, that will be presented at the hearing to prove the allegations in the complaint.
6. The hearing panel shall determine, by a majority vote, whether the complainant has shown that the evidence, if taken as true, more likely than not shows that there may be a potential violation of the prohibited conduct section of this chapter.
7. If it is determined by the hearing panel that it is more likely than not that there may be a potential violation of the prohibited conduct section of this chapter has occurred, then the City Clerk shall set a hearing date on the complaint within 20 City business days of the pre-hearing conference. The hearing date shall be within 45 City business days following the pre-hearing conference.
8. If it is determined by the hearing panel that the complainant has failed to show that it is more likely than not that there may be a potential violation of the prohibited conduct section of this chapter, the Chair of the hearing panel shall instruct the City Clerk to prepare a statement of findings for the hearing panel to adopt at the next regular meeting of the Board of Ethics. This statement of findings shall be considered the final decision of the hearing panel and is immediately appealable to the City Council pursuant to the appeal procedures section of this chapter.
9. The hearing panel may discuss and act upon whether or not any subpoenas are necessary to be issued by the hearing panel pursuant to Riverside Municipal Code section 2.80.040.A.5 and B.5.
10. The hearing panel may set time limits for the parties to present their evidence at the hearing on the complaint.
11. Other than as provided for above, no decision or ruling made by the hearing panel at the pre-hearing conference is appealable to the City Council pursuant to the appeal procedures section of this chapter until

after there is a final decision by the hearing panel following a hearing on the complaint.

- F. Prior to the commencement of the hearing, either party may ask the City Clerk for a continuance of the hearing on either of the following grounds:
 - 1. The unavailability of the party at the hearing due to illness or other reason acceptable to the City Clerk; or
 - 2. The unavailability of a witness identified in the complaint or reply.
- G. Only one continuance of the hearing shall be granted by the City Clerk to each party. If a continuance is granted, the City Clerk shall give written notice to all parties of the new hearing date, time, and location within 20 City business days of the granting of the continuance.
- H. The complainant shall have the burden of proof by a preponderance of the evidence to establish a violation of the prohibited conduct section of this chapter. Preponderance of evidence means evidence that is more convincing and, therefore, more probable in truth and accuracy. The complainant shall proceed first. The complainant may, but is not required to, make an opening and closing statement, examine and cross-examine witnesses, reference particular tangible evidence submitted with the complaint or reply, and introduce rebuttal evidence. The complainant shall have a maximum of 15 minutes to make both an opening and closing statement, if desired. The apportionment of the maximum total time of 15 minutes shall be at the sole discretion of the complainant.
- I. The public official shall proceed second. The public official may, but is not required to make an opening and closing statement, examine and cross-examine witnesses, reference particular tangible evidence submitted with the complaint or reply, and introduce rebuttal evidence. The public official shall have a maximum of 15 minutes to make both an opening and closing statement, if desired. The apportionment of the maximum total time of 15 minutes shall be at the sole discretion of the public official.
- J. Neither party shall be allowed to examine the other party as part of their presentation of evidence. However, a party may cross-examine the other party as to any matters directly testified to by that party during their presentation of evidence. Cross-examination is limited to only those matters testified to by the party or witness during their presentation of evidence.
- K. During the hearing, any member of the hearing panel of the Board of Ethics may ask questions of the parties or witnesses.
- L. The parties may present rebuttal evidence. The complainant may present rebuttal to the public official's evidence following the completion of the presentation of evidence by the public official. The public official may offer rebuttal evidence to the complainant's evidence during the public official's

presentation of evidence. The public official may also present evidence to rebut the complainant's rebuttal evidence. Rebuttal evidence must be evidence directly or indirectly refuting the evidence introduced by the other party.

- M. Upon the conclusion of evidence presented by the parties, the Chair shall facilitate verbal deliberations by the hearing panel.
- N. All findings shall be by a majority vote of the hearing panel and recorded by the City Clerk.
- O. Within five City business days following the hearing, the City Clerk shall notify all parties in writing of the decision of the hearing panel and the appeal procedures.
- P. No member of the Board of Ethics who is either the complainant, or the subject of a complaint filed pursuant to this chapter, shall sit as a member of the hearing panel considering such complaint and must recuse himself or herself as a member of that panel.
- Q. Neither the complainant, nor the public official against whom a complaint is filed pursuant to this chapter, shall be represented at the hearing by an attorney. Although an attorney may be present and consulted at the hearing, the attorney shall not address the hearing panel or participate in any aspect of the hearing.

(Ord. [7433](#) § 3, 2018; Ord. [7419](#) § 3, 2018; Ord. 7403 § 3, 2017; Ord. 7328 § 3, 2016)

2.78.090 - Appeal procedures.

- A. A decision by the hearing panel finding a violation of the Prohibited Conduct section of this chapter shall be automatically appealed to the City Council. The City Clerk shall place the appeal on the agenda of a regular meeting of the City Council within 30 City business days of the hearing by the hearing panel and shall notify the parties in writing of the hearing date.
- B. A decision by the hearing panel of the Board of Ethics not finding a violation of the Prohibited Conduct section of this chapter may be appealed to the City Council by either party. The appeal shall be taken by filing a written notice of appeal with the City Clerk within ten City business days following the date of the hearing by the hearing panel. The notice of appeal shall be in writing on a form provided by the City Clerk. The City Clerk shall place the appeal on the agenda for a regular meeting of the City Council within 30 City business days of the filing of the notice of appeal. The City Clerk shall notify the parties in writing of the hearing date.

- C. If there is no appeal of the decision by the hearing panel, then the decision of the hearing panel shall become final and there shall be no further right to appeal.
- D. The record on appeal shall consist of a transcript of the hearing before the hearing panel, as well as all tangible evidence and testimony considered at the hearing. No new evidence will be received or considered by the City Council at the hearing on the appeal.
- E. The City Council shall review the record of the hearing to determine whether the hearing panel committed a clear error or an abuse of discretion based upon the record. If no such finding is made by a majority of the City Council, then the City Council shall adopt the decision of the hearing panel as the findings of the City Council on appeal. If there is a finding by the City Council of a clear error or an abuse of discretion by the hearing panel, then that finding shall be clearly stated and the matter shall be referred back to the Board of Ethics for a *de novo* (new) re-hearing of the matter in light of the findings on appeal.
- F. If the City Council finds there is a violation of the Prohibited Conduct section of this chapter, then the City Council may determine sanctions in accordance with the enforcement and sanctions section of this chapter.
- G. The City Clerk shall notify both parties in writing of the findings and determination of the City Council on the appeal. The findings and determination of the City Council is final and there is no further right to appeal.
- H. Complaints, replies, supporting documentation, transcripts of hearings, notices of appeal, and all decisions thereon shall be public records and retained by the City Clerk for a period of at least two years.
- I. No elected official who is either the complainant, or the subject of a complaint, filed pursuant to this chapter shall participate in the appeal of a decision of the hearing panel considering such complaint and must recuse himself or herself from participation.

(Ord. 7403 § 3, 2017; Ord. 7328 § 3, 2016)

2.78.100 - Enforcement and sanctions.

Upon a finding by a majority of the City Council that any public official violated any provision of the Prohibited Conduct section of this chapter, the City Council may impose any of the following sanctions:

- A. *Elected Officials* .
 - 1. Public censure.

B. *Appointed Officials of Boards, Commissions and Committees .*

1. Referral to the Board, Commission or Committee of which the appointed official is a member for public censure;
2. Public censure by the Mayor and City Council; or
3. Removal from office by a majority of the Mayor and City Council.

C. No public official who is either the complainant, or the subject of a complaint, filed pursuant to this chapter shall participate in any deliberations or decision concerning any sanctions to be imposed pursuant to such complaint.

(Ord. 7328 § 3, 2016)

2.78.110 - Monitoring and oversight.

- A. Prior to the end of July of each year, the boards and commissions shall agendize and discuss at a regular meeting this Code of Ethics and Conduct and submit to the Board of Ethics any recommendations for the Board's consideration.
- B. Prior to the end of August of each year, the Board of Ethics shall agendize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct, recommendations of the other boards and commissions, and submit to the Governmental Affairs Committee its recommendations.
- C. Prior to the end of September of each year, the Governmental Affairs Committee shall agendize and discuss at a regular meeting the effectiveness of this Code of Ethics and Conduct and the recommendations of the Board of Ethics and other boards and commissions, and instruct the City Manager to present a report to the City Council for its discussion and consideration.
- D. Prior to the end of each year, the Chairperson of the Governmental Affairs Committee shall present a report to the City Council which shall include the recommendations of the Board of Ethics, the other boards and commissions, and the Governmental Affairs Committee. The City Council shall hold a public hearing on its evening agenda at a regularly scheduled meeting, and shall review the report and make an independent evaluation of the effectiveness of this chapter and discuss and direct the City Attorney to make any changes to this chapter it deems appropriate.

(Ord. 7403 § 3, 2017; Ord. 7328 § 3, 2016)

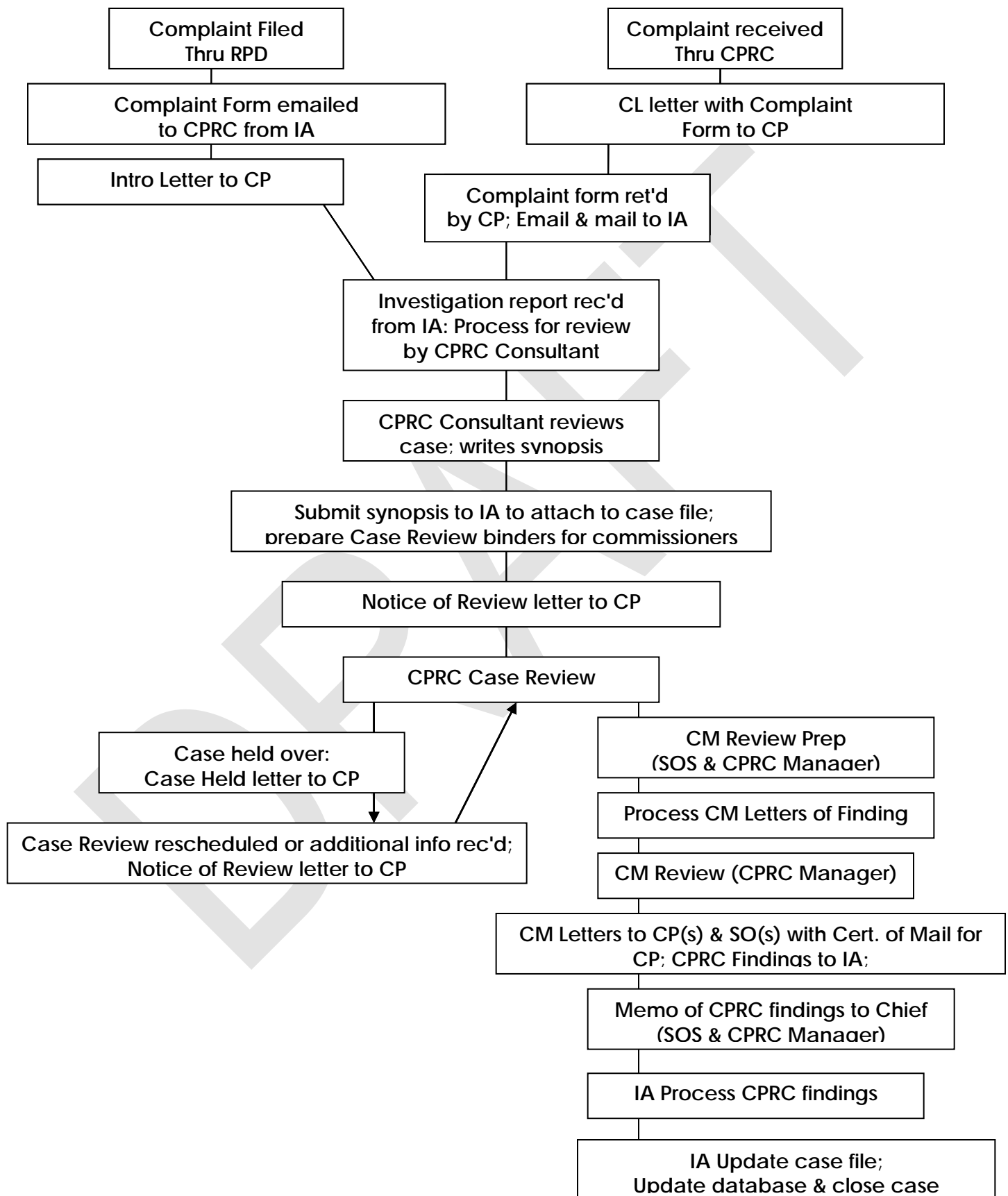
2.78.120 - Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

(Ord. 7328 § 3, 2016)

DRAFT

COMPLAINT CASE PROCEDURES FLOWCHART



REVIEWING A CITIZEN COMPLAINT CASE

DEFINITION OF A COMPLAINT

A citizen complaint is defined as any allegation of misconduct or improper job performance against any Police Department employee that, if true, would constitute a violation of Department police or federal, state, or local law. Complaints that originate from a member of the public are known as External Complaints. Complaints that originate from another Department employee or from another government agency are Internal Complaints. (RPD Policy 1009.2.1)

A Commissioner is only involved in reviewing External Complaints against Sworn Officers, provided they are reported within a six month time frame.

COMMISSIONER ROLE

The role of the Commissioner is to review all provided information and form an independent opinion of finding and prepare to present and defend that finding during a Closed/Administrative Review Session

FINDINGS

The Commissioner's determination of policy violations is based upon the *Preponderance of Evidence* which will result in one of the following findings:

Sustained – When the investigation discloses sufficient evidence to establish 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) either did not occur or did not involve Department personnel.

Exonerated – When the investigation discloses that the alleged act(s) occurred, but that the act was justified, lawful and /or proper.

In some cases, the Department may provide the following findings based on procedures identified in RPD Policy 1009. In these cases, the Commissioner's need only Agree or Disagree with the Department's finding.

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. If no further information is provided or discovered, beyond the facts already known at the time of the Previous Administrative Review, the Department supervisor, with approval of his or her commanding officer and the Internal Affairs Lieutenant, may classify the allegation with a finding of Previous Administrative Review.

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.

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 approved by the Internal Affairs Lieutenant or a chief officer.

MAJORITY DECISION

Once all Commissioners who wish to present aloud their opinions of findings have spoken, and group deliberation is complete, the Commission Chair will call for a vote. The CPRC/Commission by majority vote, will make independent recommendations of findings for each allegation.

Following the CPRC review, the investigation shall be forwarded to the City Manager's Office for the final determination of findings.

RECOMMENDATIONS

At any point during deliberations, and by majority vote, Commissioners may make a recommendation that a complaint be returned to the Police Department for further investigation or follow-up. The case will resume once such follow-up is completed.

NEW COMMISSIONER RECOMMENDED TRAINING GUIDELINES

1. Review the following examples of Complaint Case Review Findings.
2. Follow the Recommended Complaint Case Review Steps
3. Complete Complaint Case Review Worksheet
4. Discuss questions or concerns with the CPRC Manager, Consultant, Chair or assigned Training Commissioner

RECOMMENDED COMPLAINT CASE REVIEW STEPS

1. Review the entire complaint form.
2. Review the Case Synopsis prepared by the CPRC consultant
3. Review the Administrative Memorandum prepared by the supervisory investigator.
4. Read all police reports included in the investigation.
5. Review the Computer Aided Dispatch (CAD) reports if included in the investigation.
6. Review any other documentation provided by the complainant.
7. Review the audio recordings of all parties - complainant, officer(s) and witnesses.
8. Review COBAN audio and video.
9. Review Body Worn Camera video.
10. Review the applicable RPD policy that is listed as a possible officer violation.
11. Complete the Complaint Case Review Worksheet.
12. Determine if one or more policies were violated.
13. Identify the finding for each allegation.
14. Be prepared to discuss and justify your finding at the Closed Session of the Regular Meeting.

CPRC CITIZEN COMPLAINT REVIEW CHECKLIST #1

This checklist is designed to help walk you through the analysis process of reviewing a citizen complaint investigation. Your goal is to assess all of the information provided in the investigation and determine if the facts, information and evidence support the allegation(s) made by a complainant regarding the action(s) of a sworn peace officer based upon the preponderance of evidence established. Then, establish a "Finding" on whether or not the officer(s) actions violated the potential Department Policy that is listed in the CPRC Consultant Synopsis.

There are cases where you will find there is insufficient information and evidence to prove or disprove the allegation(s) which leads to a finding of Not Sustained; meaning the allegation cannot be proven either way. This is often referred to as a "he said – she said" situation. (See appendix # 00 for a list of all possible findings.

It is suggested that following the below chronological steps in the case assessment will provide you with a clear roadmap to reach a conclusion. It is helpful to take notes throughout your assessment to keep track of important information and evidence. Look for discrepancies and/or corroboration in statements provided by the complainant, witness(s) and the subject officer.

Checklist #1 is based upon a full and complete internal affairs complaint investigation where allegations and possible Department policy violations are listed. This type of investigation will result in one of four findings – Sustained, Not Sustained, Exonerated or Unfounded. The definition of each finding can be found in Appendix #00.

NOTE: CPRC Citizen Complaint Checklist #2 is based upon a different type of finding where a full and thorough investigation was not completed. RPD Internal Affairs and Command Staff do not investigate citizen complaints under certain conditions and establish a special finding that explains why. The CPRC must review these complaints and determine if they agree with the finding or if they choose to disagree and pursue a different avenue for further investigation. It is for this reason that the case review checklist will differ. The CPRC Consultant Synopsis will differ as well. See CPRC Review Checklist #2 for details.

STEPS:

1. Review the entire complaint form.

This will allow the Commissioner to identify the complainant's issue(s) in their own words. The allegation(s) of potential misconduct are derived from the information contained in the complaint form.

NOTES:

2. Review the Case Synopsis prepared by the CPRC consultant.

The synopsis is a summary and facts of the case. The Consultant prepares the synopsis based upon the investigation and "Memorandum of Finding" (MOF) that is written by a Command Staff member of the Police Department. (A Police Captain). The MOF is the final determination made by a Captain to establish the allegation(s) made by the complainant, and if the allegation is true, establishes what policy violation had been violated.

NOTE: *The CPRC members do not see the memorandum of finding so as not to provide undue influence by the Command Officer that wrote it. The memorandum of finding contains the finding established by the Command Officer.*

NOTES:

3. Review the "Administrative Memorandum."

The “Administrative Memorandum” is the Internal Affairs investigation of the complaint. The investigator is a supervisor that holds the rank of Sergeant or Lieutenant. The investigation includes interviews of the complainant, witnesses and the subject employee. In addition, it includes other forms of evidence other than interviews such as written reports, memorandums, in car video commonly referred to as “COBAN” video or audio. This is the in-car camera system that is maintained in every patrol vehicle. In addition, surveillance camera footage, body camera footage or video/audio recorded by a complainant, witness or another person.

The investigator may list the “allegation(s)” and potential policy violation in the Administrative Memorandum. It is important to remember that if the investigator lists the allegation and potential policy violation in the investigative report, it may not be the same as what you will find in the Consultant Synopsis. This is because the final allegation(s) and potential policy violation are written by a Captain and is included in the Memorandum of Finding. Commissioners do not see the MOF.

NOTES:

4. Read all police reports included in the investigation.

When a citizen complaint investigation is accessed in the laserfische system, the Commissioner will see if there are any police reports associated with the complaint and internal investigation. These are generally reports written by the employee or a witness officer that is associated with the complainant and/or the event that prompted the complaint. The police report may or may not address the concerns related by the complainant in their complaint.

Consider if anything in the police report corroborates statements made by the complainant, witness(es) or the subject employee. Determine if the police report corroborates any of the evidence outside of any interview, such as video, audio or any other tangible evidence.

NOTES:

5. Review the Computer Aided Dispatch (CAD) reports if included in the investigation.

The CAD report is a document prepared by police dispatch operators and records information in chronological order of an incident or event. For example, all dispatched police calls for service will have a CAD report. Any self-initiated activity called in to dispatch by the field officer will generate a CAD report.

Determine if anything in the CAD report is relevant to the complaint such as what officer(s) are on the call ticket, what information was provided to the officer by dispatch or from the officer to dispatch and time frames of when the information was entered into the CAD by the dispatch operator.

One very critical component of the CAD report is for the Commissioner to know what information officer(s) were given at the time the call was dispatched up until the officer(s) arrival at the scene. The information that officer(s) were given by dispatch until their arrival is critical in the sense that it establishes the mindset of the officer when he or she arrives on the scene. When officers arrive at the scene of a radio call, they enter the location armed only with the information provided to them by dispatch.

NOTES:

6. Review any other documentation provided by the complainant.

Complainants sometimes include other documents with their complaint such as cell phone video, text messages, emails, etc.

NOTES:

7. Review the audio of interviews of the complainant, officer(s) and witness(es).

It is not only important to read the transcripts of all interviews, but to listen to the recorded interviews in order to capture the attitude and demeanor of the complainant, witness(es) and employee.

NOTES:

8. Review the COBAN audio and video.

The COBAN video and audio provides the Commissioner with the perspective from the officer's vehicle and all verbal interactions of the officer while at the scene of the event. If the officer steps out of the view of the in-car camera, the voice recorder will continue and the Commissioner can hear the verbal interactions. Of course, this is also captured by an officer's body cam. The COBAN video will only show what is occurring in the front of the vehicle. If the officer strays too far away from the patrol vehicle, the audio may or may not be captured.

NOTES:

9. Review the body camera video.

The body camera will give the Commissioner a view of the incident for the perspective of the officer. The body cam also captures the audio. It is important to remember that the body cam is one dimensional and only captures video in one direction. Body camera footage is one dimensional. If there is video footage from a surveillance camera, or any other video or audio evidence from another source, the Commissioner should compare it to what is seen in the COBAN video and audio, as well as the body cam.

NOTES:

10. Review the applicable RPD policy that is listed as a possible violation by the officer(s).

To accomplish this, refer to the Synopsis and Administrative memorandum where the allegation(s) and potential policy violation(s) are listed. As a reminder, the allegations and potential policy violation(s) that you are making your decision on is what is written in the Consultant Synopsis.

NOTES:

11. Determine if a Policy violation occurred.

Your determinations about policy violations are based upon the preponderance of evidence. Which is also what you base your findings on.

Once you have concluded your review of the case, you will list a finding for each allegation from one of the following four findings:

NOTES:

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

NOTES:

NOT SUSTAINED – *When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the officer.*

NOTES:

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

NOTES:

UNFOUNDED – *When the investigation discloses that the alleged act occurred, but the act was justified, lawful or proper.*

NOTES:

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CPRC CITIZEN COMPLAINT REVIEW CHECKLIST #2

This checklist is designed to help walk you through the analysis process of reviewing a citizen complaint where RPD Internal affairs and Command Staff elected not to conduct a full and thorough investigation and instead, determined that it fit criteria that allowed for the resolution of the complaint under a pre-established finding in the Department Citizen Complaint Policy §1009. The findings define the reason for the Department not to conduct a full and thorough investigation and offer an alternate resolution to the complaint. In some instances, the complainant agrees with the action taken. If this occurs, it is documented in writing and almost always with a recorded statement by the complainant. It is very important to carefully listen to the audio tapes in cases of this nature.

Your goal is to assess all of the information provided in the investigation and determine if the facts, information and evidence support the alternate disposition and finding determined by RPD staff. Your decision in a case of this nature is once again based on the preponderance of the evidence.

It is suggested that following the below chronological steps in the case assessment will provide you with a clear roadmap to reach a conclusion. It is helpful to take notes throughout your assessment to keep track of important information and evidence. Look for discrepancies and/or corroboration in statements provided by the complainant, witness(s) and the subject officer.

Checklist #1 is based upon a full and complete internal affairs complaint investigation where allegations and possible Department policy violations are listed. This type of investigation will result in one of four findings – Sustained, Not Sustained, Exonerated or Unfounded. The definition of each finding can be found in Appendix #00.

STEPS:

1. **Review the entire complaint form.** This will allow the Commissioner to identify the complainant's issue(s) in their own words. The allegation(s) of potential misconduct are derived from the information contained in the complaint form.

NOTES:

2. Review the Case Synopsis prepared by the CPRC consultant.

The synopsis in a case of this type will contain a summary of the incident and the allegations(s) if any exist, and the finding that the Internal Affairs and Command Staff members decided on. The Commissioners will know the RPD finding and must then decide if they agree or disagree with the finding. If by a majority vote the Commission does not agree with the RPD finding, they may request that RPD Internal Affairs conduct additional follow-up or investigation; or, request follow-up contact with the complainant and/or witnesses by the CPRC Consultant.

NOTES:

3. Review the "Administrative Memorandum."

The "Administrative Memorandum" is the investigative document where the investigator provides information on all work that was done to warrant the finding. The information and details outlined in the memorandum will vary, depending upon what type of finding that was assigned to the incident. The administrative memorandum is usually brief since the complaint was not fully and thoroughly investigated. The reason for not conducting a full investigation is explained in the memorandum.

NOTES:

4. Read all police reports included in the investigation.

When a citizen complaint investigation is accessed in the laserfische system, the Commissioner will see if there are any police reports associated with the complaint and investigation. These are generally reports written by the employee or a witness officer that is associated with the complainant and/or the event that prompted the complaint. The police report may or may not address the concerns related by the complainant in their complaint.

Consider if anything in the police report corroborates statements made by the complainant, witness(es) or the subject employee. Determine if the police report corroborates any of the evidence outside of any interview, such as video, audio or any other tangible evidence.

NOTES:

5. Review the Computer Aided Dispatch (CAD) reports if included in the investigation.

The CAD report is a document prepared by police dispatch operators and records information in chronological order of an incident or event. For example, all dispatched police calls for service will have a CAD report. Any

self-initiated activity called in to dispatch by the field officer will also generate a CAD report.

Determine if anything in the CAD report is relevant to the complaint such as what officer(s) are on the call ticket, what information was provided to the officer by dispatch or from the officer to dispatch and time frames of when the information was entered into the CAD by the dispatch operator.

NOTES:

6. Review any other documentation provided by the complainant.

Complainants sometimes include other documents with their complaint such as cell phone video, text messages, emails, etc.

NOTES:

7. Review the audio of any and all interviews.

In cases such as this where an alternate disposition or finding has been determined by RPD, there is usually only an interview with the complainant. In some instances, there are no interviews.

NOTES:

8. Review the COBAN audio and video.

The COBAN video and audio provides the Commissioner with the perspective from the officer's vehicle and all verbal interactions of the officer while at the scene of the event. If the officer steps out of the view of the in-car camera, the voice recorder will continue and the Commissioner can hear the verbal interactions. Of course, this is also captured by an officer's body cam. The COBAN video will only show what is occurring in the front of the vehicle. If the officer strays too far away from the patrol vehicle, the audio may or may not be captured.

NOTES:

9. Review the body camera video.

The body camera will give the Commissioner a view of the incident for the perspective of the officer. The body cam also captures the audio. It is important to remember that the body cam is one dimensional and only captures video in one direction. Body camera footage is one dimensional.

If there is video footage from a surveillance camera, or any other video or audio evidence from another source, the Commissioner should compare it to what is seen in the COBAN video and audio, as well as the body cam.

Once you have concluded your review of the case, read the specific finding made by RPD staff and determine if you agree or disagree with the finding.

NOTES:

The findings in a case review of this nature are as follows:

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.

NOTES:

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. If no further information is provided or discovered, beyond the facts already known at the time of the Previous Administrative Review, the Department supervisor, with approval of his or her commanding officer and the Internal Affairs Lieutenant, may classify the allegation with a finding of Previous Administrative Review.

NOTES:

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.

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 to raise in court, the appropriate finding would be Other Judicial Review.

NOTES:

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 approved by the Internal Affairs Lieutenant or a chief officer. (Per CA Penal Code §832.5 and as defined in section 128.5 of the Code of Civil Procedure.

NOTES:

Inquiry – Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint should be handled informally by Department supervisors and shall not be considered complaints. Inquiries will be documented and tracked like complaints including referral of the completed inquiry investigation to the CPRC. No findings are necessary; there will be no Memorandum of Finding completed for these investigations. Inquiries do not require a Complaint Control Form.

NOTES:

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CPRC CASE REVIEW RATIONALE WORKSHEET

Warning – As a reminder, this report is deemed confidential information pursuant to California Penal Code §832.7, Confidentiality of Peace Officer Files. Any disclosure of this information outside of CPRC business is a violation of law and may result in criminal prosecution.

CASE No. _____

Complainant: (Do not list name(s) for confidentiality purposes (See CPC 832.7)) _____

Date & Time: _____

Commissioner: _____

Date and Time of Incident: _____

Location of Incident: _____

Involved Officer(s): _____

DO NOT LIST OFFICER NAME(S) ON THIS DOCUMENT. If the case involves one officer, simply list "OFFICER." If there is more than one officer, list the officers as "OFFICER 1" "OFFICER 2, etc,"

This is due to confidentiality purposes in regard to the name(s) of sworn officers (See CPC 832.7).

OFFICER _____

OFFICER _____

OFFICER _____

OFFICER _____

I. Applicable Laws

(Below is an example you will use if the case under review deals with the use of force).

835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

EXAMPLES OF COMPLAINT CASE REVIEW FINDINGS

The four primary findings are:

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.

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

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

Scenario #1:

The driver of a motor vehicle fails to stop for a red light when making a right turn into a private parking lot from a main public roadway. The driver, Mr. Lewis, proceeds to park in a parking stall. Officer Jones observed the traffic infraction and drove into the parking lot to stop Mr. Lewis. Officer Jones stops his police vehicle behind Mr. Lewis. Jones did not activate the emergency lights of the police vehicle when making the stop since Lewis was already stopped and parked. Jones contacts Lewis and immediately asked for his driver's license, registration and proof of insurance. Lewis complies but complained to Jones that the stop was not valid because Jones did not turn on the emergency lights and made the stop on private property. Jones does not reply but instead informs Lewis of the reason for the stop and issues Lewis a traffic citation.

The following day, Mr. Lewis files a citizen complaint against Officer Jones for making an invalid car stop and issuing him a citation since Jones failed to use the police vehicle emergency lights and for making the stop on private property rather than a public roadway. Lewis also alleges that Jones was rude because he did not greet him prior to asking him for his license, registration and proof of insurance. In addition, Jones did not inform him prior to issuing him a citation that he intended to cite him.

- 1) **Allegation #1** – That Jones violated Department policy for making an invalid car stop since he did not use the police vehicle emergency lights and made the stop on private property.

CPRC Expert Consultant Notation: If true, Jones' actions would not violate any Department policy, law, ordinance or rule. An officer can make a car stop on

private property if a vehicle code violation was committed on a public roadway. An officer is not required to use the police vehicle overhead emergency lights to make a car stop if the vehicle is already stopped and not in motion. The car stop made by Officer Jones is an everyday common occurrence throughout the U.S.

Considering all facts known, the finding that best fits the allegations is:

- a) Sustained
- b) Not Sustained
- c) Exonerated
- d) Unfounded

Answer: ____

Rationale:

Allegation #2: That Officer Jones was rude to Lewis by not greeting him upon contact and not informing him of his (Jones') intent to cite him prior to doing so.

CPRC Expert Consultant Notation: If true, Jones' actions would not violate any Department policy, law, ordinance or rule. Police officers are not required to greet people when making contact with them. Officers are not required to inform a violator that they intend to issue a citation. Both of these concerns by the complainant are perhaps expectations community members have when officers make contact with them during a traffic stop. A police officer's interaction with a traffic violator varies with personality and personal thoughts on friendliness.

Considering all facts known, the finding that best fits the allegations is:

- a) Sustained
- b) Not Sustained
- c) Exonerated
- d) Unfounded

Answer: ____

Rationale:

Scenario #2

Motorcycle Officer Jimmy Wheels is on routine patrol when he observes Amy Smith driving a motor vehicle and talking on her cell phone. Since this is a traffic infraction, Wheeler makes a car stop on Smith.

Officer Wheeler activates his body cam as he gets off of his motorcycle and approaches Smith. Wheeler asks her for her driver's license, registration and proof of insurance which she provides. He then informs her of the reason for the car stop. Smith denied that she was on her phone and that Wheeler must be mistaken. Wheeler does not make any other comments and issues Smith a citation.

Later that afternoon, Amy Smith goes to the police department and files a citizen complaint against Officer Wheeler alleging that when he approached her driver side window, he raised his voice and used profanities as he described the violation he observed.

Allegation: That Officer Wheeler was rude to Amy Smith by raising his voice at her and using profanities.

Investigation Notation: During the complaint investigation, the investigator reviewed Officer Wheeler's body cam which captured the entire stop from start to finish. At no time did Wheeler raise his voice or use profanities.

CPRC Expert Consultant Notation: If the allegation were true, this would be a violation of Department policy as follows:

330.2 DISCIPLINE POLICY The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action. An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position

330.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department.

This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

330.3.2 CONDUCT

(j) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

Considering all facts known, the finding that best fits the allegations is:

- a) Sustained
- b) Not Sustained
- c) Exonerated
- d) Unfounded

Answer: ____

Rationale:

Scenario #3

Officer Stan Laurel arrested John Jones for driving under the influence of an alcoholic beverage. Laurel transports Jones to the police station and removes all of his property as per policy and stores it in a prisoner property bag. Laurel documents the property removed as a wallet with identification and a \$5.00 bill, 52 cents in change, a comb, a pack of open cigarettes and a lighter. Jones is released four hours later and is given all of his property back prior to release. After Jones is released, he departs the police facility.

The following day, John Jones goes to the police station and files a complaint alleging that he was missing ten cigarettes from his open cigarette pack and is certain that Officer Laurel took them. The property removal was not captured on video and there were no witnesses present during the booking process.

Allegation: That Officer Stan Laurel took ten cigarettes from Jones' property during the time he was in custody. Considering all facts known, the finding that best fits the allegations is:

Investigation Notation: There were no witness(s) present during the alleged act. In addition, there was no audio or video evidence available.

CPRC Expert Consultant Notation: If the allegation was true, it would not only be a violation of Department policy, but also considered a criminal violation of petty theft, CPC Petty Theft.

330.2 DISCIPLINE POLICY The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action. An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position

330.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

330.3.5 PERFORMANCE

(m) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty

Considering all facts known, the finding that best fits the allegations is:

- a) Sustained
- b) Not Sustained
- c) Exonerated
- d) Unfounded

Answer: ____

Rationale:

Scenario #4

Officer Robert Smith conducted a pedestrian stop on Jim Johnson who matched the description of a male suspect wanted in a domestic violence assault case that assisted on earlier in the shift. When Smith gets out of his vehicle, Johnson looked at him and started to run. Smith ran after Johnson and tackled him after a short foot chase. A physical struggle ensues as Smith attempts to gain physical control of Johnson. Johnson punches Smith in the face 2-3 times. At this point, Officer John Baker arrives and assists Smith in gaining physical control of Johnson. While doing so, Baker uses his taser by making direct contact with Johnson's neck, causing Johnson to stop fighting. Johnson screamed that he was in pain and asked Baker not to taser him anymore. Johnson is then handcuffed.

As Smith and Baker pull Johnson up off the ground, Johnson kicks at Baker but misses. Baker then removes his taser from his holster and applies it to Wrangler's neck and shouts at Johnson to stop kicking which he does. As Smith and Baker walk Johnson to a police vehicle, Baker decides to apply his taser against Johnson's neck once again without any provocation. Johnson screams at Baker, begging him not to taser him again. Smith then takes out his taser and applies it to Johnson's chest and stomach, telling him it was payback for punching him in the face. The officers place Johnson into a police vehicle and "high five" each other.

At this point, Sergeant Boston arrives on the scene and asked the officers what happened. Both officers tell him that Johnson was wanted for a felony assault on his spouse and tried to run away when Smith attempted to contact him. The officers told Boston that Johnson became combative and they used their tasers to gain control of him. Johnson hears the officers talking to Boston and shouts that he was combative but he was tasered several times after he was handcuffed for no reason. The officers told Boston that Johnson was on drugs and doesn't know what he is talking about.

Sergeant Boston later reviews the body cams from both officers and finds that they did in fact taser him several times after he was handcuffed and complying with the officers. Boston looked at the areas of the body that Johnson referred to. Boston noted several taser marks on Johnson's neck as well as his chest and right side. Boston photographed the taser injuries and sent the photographs and body cam videos to internal affairs for investigation.

Johnson told Boston that he wanted to file a complaint against officers Smith and Baker for excessive force.

Allegation: That Officers Smith and Baker used excessive force against Johnson while he was in their custody.

Investigation Notation: The investigator reviewed the body cam videos and found that the alleged acts occurred. The investigator also reviewed the photographs taken by Boston and found that the taser marks matched the areas of Johnson's body where the tasers were applied.

CPRC Expert Consultant Notation: If the allegation was true, it would be a violation of Department policy as follows:

330.2 DISCIPLINE POLICY The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action. An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position

330.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

330.3.5 PERFORMANCE

(t) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct

Considering all facts known, the finding that best fits the allegations is:

- a) Sustained
- b) Not Sustained
- c) Exonerated
- d) Unfounded

Answer: ____

Rationale:

In regard to Scenario #4, look at RPD Policy 330 and look under “Conduct” and “Performance” to see if other section(s) may apply. For example, in this scenario, the actions of the officers might be considered criminal in nature pursuant to CPC §149. Section 149 reads as follows:

Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year, or pursuant to [subdivision \(h\) of Section 1170](#), or by both that fine and imprisonment.

If the officers committed a criminal offense, what Section under RPD Policy 330 – Conduct, would apply:

The section was cited in one of the other three scenarios.

Look through other sections under 330 and determine what other subsections might apply. This exercise will assist the Commissioner in the task of reviewing RPD Conduct sections. Discuss the other potential sections with the CPRC Expert Consultant. Although two or more sections may apply, you will find that RPD may list only one violation for the out of policy act.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Graham v. Connor, 490 U.S. 396 (1989), considered the reasonableness of a police officer's use of force, and instructed that the reasonableness must be judged from the perspective of a reasonable officer on scene.

NOTE: *Other applicable laws may apply. If this is the case, it may be found in the Internal Affairs case investigation and the CPRC Consultant case synopsis.*

(e.g. Terry v. Ohio – The stop and frisk laws; search and seizure – 4th Amendment; laws concerning detentions v. consensual encounters, etc):

NOTES:

II. Applicable RPD Policy

RPD Policy Manual – 330 – CONDUCT

NOTE: *The CPRC Consultant Synopsis will include the potential policy violation. The Commissioner may write this information into this section along with the description. You may also want to consider reviewing the RPD Conduct Policy section to determine if another section might also be applicable. Use this information for discussion during deliberations.*

III. Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof of "Preponderance of Evidence." Preponderance generally means "more likely than not," or may be considered as just the amount necessary to tip a scale. This means also that the Commission need not have certainty in their findings, or that the Commission need not reach a finding beyond a reasonable doubt.

The "Preponderance of Evidence" standard of proof is the same standard applied in most civil court proceedings.

IV. Finding:

(Check one of the following)

Sustained: _____

Not Sustained: _____

Exonerated: _____

Unfounded: _____

Inquiry: _____

Incomplete: _____

Previous Administrative Review: _____

Other Judicial Review: _____

V. Rationale for Finding:

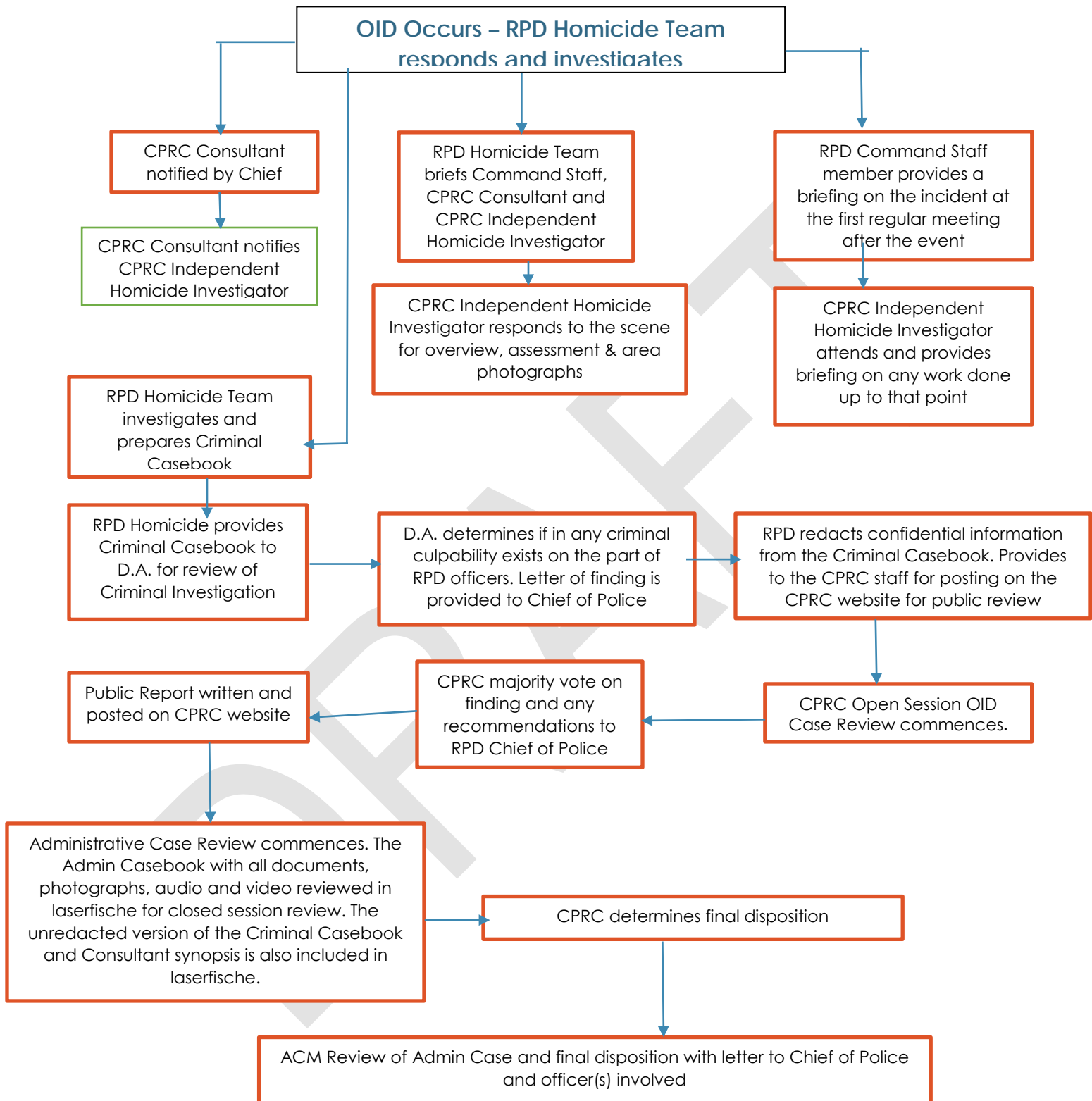
In this section, the Commissioner writes their reasoning for their finding. .

VI. Recommendation(s)

In this section, the Commissioner may write out recommendations for RPD policy changes, additions or new policy. The Commissioner may also use this section to write recommendations for additional training for RPD officers.

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OID CASE REVIEW FLOWCHART



REVIEWING AN OFFICER INVOLVED DEATH CASE (OID)

DEFINITION OF AN OID

An Officer Involved Death Case is defined as any death of a person(s) at the hands of a Riverside Police Officer. The death may be the result of a shooting, in-custody death, traffic collision involving an on-duty RPD officer that results in the death of another person and police pursuits.

DEFINITION OF AN OID CRIMINAL CASEBOOK

The first review of an OID is conducted in Open Session and is a review of the criminal investigation into the death of another human being at the hands of an RPD officer. This investigation is conducted by the RPD Homicide Detectives who present the completed case to the Office of the District Attorney who will determine if there was any criminal culpability on behalf of the police officer(s) involved. This investigation does not determine if RPD policy(s) were violated. It is strictly based on criminal law. Once the DA completes the review, he or she will submit a letter to the Chief of Police and the involved officer(s) on their findings. Once this process is completed, the Criminal Casebook will be posted on the CPRC website for review by the CPRC and members of the community.

DEFINITION OF AN OID ADMINISTRATIVE CASEBOOK

The Administrative (Admin) Casebook is separate and different than the Criminal Investigation. The Admin investigation is conducted by the RPD Internal Affairs office and is specific to address the actions(s) of a police officer to determine if any RPD policy(s) were violated. **NOTE:** Just because that DA does not find any criminal culpability on behalf of the officer(s) involved, it does not mean that RPD policy(s) were not violated. The death of a person at the hands of an officer can be justifiable by the opinion of the DA, it does not mean that a policy(s) was not violated.

The Admin Investigation becomes a part of the officer(s) involved personnel file and therefore is deemed confidential pursuant to CPC §832.7. This is the reason that the review of the officer(s) performance is reviewed in closed session. The DA's office is not entitled to review a Admin Investigation. It is solely used for internal RPD decisions.

DEFINITION/ROLE OF THE CPRC INDEPENDENT HOMICIDE INVESTIGATOR (IHI)

The CPRC (IHI) is a contracted position through the office of the City Manager. The investigator must have extensive experience in conducting criminal homicide investigations, including the handling of officer involved death cases. The CPRC IHI is an advisor/consultant to the Commission for the review of OID cases.

When an OID occurs, the Chief of Police or his/her designee will notify the CPRC Consultant with time, location and other brief details that are known. The CPRC Consultant in turn notifies the IHI, providing the same information.

Within 4-5 days, the RPD Homicide Unit will hold a Command Staff briefing for the Chief of Police and his staff. The CPRC Consultant and IHI are both invited to attend the full briefing. Depending upon the case, the IHI will respond to the area of the incident before the Command Staff briefing or shortly thereafter. In any event, it is not done until the scene has been cleared by RPD.

The IHI will look over the area of the incident and take overall photographs. Once again depending on the type of case being investigated, the IHI will try to identify any witness(s) that have not been contacted and interviewed by RPD and interview them. Any information developed by the IHI is provided to the RPD Homicide Team assigned to the case.

At the first regular meeting of the CPRC after an OID, RPD staff will provide a briefing to the Commission during public session. The IHI attends the open session briefing and may or may not provide the details of what they did at the scene. Any information is very brief since very little is known or has been completed at this point.

The OID case is sent to the Office of the District Attorney once it has been completed by the Homicide Team. The DA will review the case for any potential criminal culpability on behalf of the officer(s) involved. The DA review process lasts anywhere from 6-months to a year or more. Once the DA review is completed, and the DA letter of findings is sent to the Chief of Police, the Criminal Casebook is reviewed by RPD in order to redact confidential information that is not open for public view. Once the redaction process is complete, RPD IA notifies the CPRC staff and the Criminal Casebook is posted on the CPRC website where the open session review portion begins.

This is also the time that the IHI will have the first opportunity to review the Criminal Casebook from cover to cover. The IHI looks at all aspects of the investigation conducted by the RPD Homicide Team. Will assess the investigation strategies and techniques used by the investigators, scene protection and assessment, evidence collection and processing, interviews of witnesses and officers involved, crime scene analysis and case analysis, etc. Once the IHI has completed a thorough review of the Criminal Casebook, he/she will provide a report to the CPRC of his/her findings. There is a written report as well as a verbal report at a regular CPRC meeting.

The information provided by the IHI should be used during the CPRC review of the OID case. The IHI does not have any involvement in the OID Admin Review.

COMMISSIONER ROLE

The role of a Commissioner is to review all provided information and form an opinion of finding and prepare to present and defend that finding during the Open and Closed session reviews.

FINDINGS

WITHIN POLICY – the actions was in accordance with Department policy.

NOT WITHIN POLICY – the act or failure to act violated Department policy

MAJORITY DECISION

The final determination of the finding is based upon the majority vote of the CPRC in both open and closed session reviews.

MINORITY REPORT

A Commissioner(s) that disagrees with the majority vote may make a written statement on their point of view and disagreement in the public report.

RECOMMENDATIONS

The CPRC may make a policy recommendation or an amendment to the RPD Policy Manual to the Chief of Police. The recommendation is based upon the majority vote. The recommendation is sent to the Chief of Police by the CPRC staff. The Chief of Police may or may not agree with the recommendation but will provide reasoning for the decision.

RECOMMENDED OID CASE REVIEW STEPS

1. Review the “redacted” Criminal Casebook once it is placed on the CPRC Website. CPRC staff will notify Commissioners once the Criminal Casebook is posted. You will be provided with a TAB review sheet (see Page **) by the CPRC Consultant that will point out the specific TABs that will need to be read. TABs not listed in the TAB review sheet do not need to be read. The TAB Review Sheet list contains the reports that are pertinent to the review of the case.
2. Review the CPRC Independent Investigator report.
3. Read the Computer Aided Dispatch (CAD) reports and all documents that are listed in the TAB Review Sheet.
4. Begin to document your review with the use of the OID Case Review Rationale Worksheet. List questions or concerns that you wish to discuss during the open session deliberations. Consider additional training by RPD, the CPRC Consultant or other experts that will help you understand concepts, tactics or police practices. A Commissioner may request this additional training during deliberations.
5. Review the Policies and laws that are related to the incident. These may be found on the OID Case Review Rationale Worksheet.
6. Bring your OID Case Review Rationale Worksheet to all open session meetings to assist in the review and deliberation process. Consider discussions on all aspects of the Use of Deadly Force which includes actions by officer(s) prior to, during and after the actual Use of Force took place.
7. Consider potential policy recommendations to RPD in regard to the incident. These recommendations should be brought before the Commission during open session deliberations.
8. Determine your finding, Within Policy or Not Within Policy, and write out your rationale for coming to this conclusion. At the conclusion of the OID Open Session Review, provide a copy of your OID Case Review Rationale sheet to the CPRC Consultant. The Consultant will write a draft public report based upon the OID Case Review Rationale sheets. The

draft will be provided to Commissioners who will make suggestions for editing.

9. Once the Public Report has been approved for posting, the OID Administrative Case review begins. CPRC staff will notify Commissioners when the Admin Casebook is posted in laserfische.

The OID Administrative Review is conducted in closed session due to the rules and laws of peace officer confidentiality. The Administrative Review is the Internal Affairs investigation of the OID incident. It differs from the Criminal Casebook investigation. The Criminal Investigation Casebook is a criminal investigation to determine if there was any criminal culpability on behalf of the officer(s) involved. This investigation does not include the review of RPD policies or if a policy was violated. It is strictly a criminal investigation that is reviewed by the District Attorney who decides if there is any criminal culpability on behalf of the officer(s).

10. Commissioners will be provided with the "unredacted" criminal casebook in laserfische. The CPRC Consultant will review the unredacted version and provide Commissioners with information on the unredacted portions so that the entire criminal casebook does not need to be read a second time.
11. Review the Administrative Investigation.
12. Review COBAN and/or Body Worn Camera videos/audios.
13. Review all audio recorded interviews and statements, along with any transcripts.
14. Review the applicable RPD Policy(s) that are related to the incident.
15. Determine if any policy(s) were violated by any of the officers involved.
16. Consider recommendations for policy changes and training concerns. Discuss these concerns during closed session deliberations.
17. Be prepared to discuss and justify your findings at the closed session meeting.

OFFICER INVOLVED DEATH (OID) INVESTIGATION CASE REVIEW “PUBLIC SESSION”

There are two parts to a CPRC OID case review process. The first is conducted in open session with the review of a “redacted” version of the criminal casebook conducted by the RPD Homicide Unit. The second part is a review of the “unredacted” criminal casebook as well as the Internal Affairs Administrative investigation. The second part of the review is conducted after the first part has been completed and a public report completed. The second part review is conducted in closed session since it is a part of the employee(s) personnel record which is deemed confidential pursuant to CPC §832.7. The OID review checklist will have one for the Public Session and one for the Closed Session.

This checklist is designed to help walk you through the analysis process of reviewing an Officer Involved Death (OID) investigation for review in “PUBLIC SESSION,” which is open to the public.

Your goal is to assess all of the information provided in the Criminal Casebook investigation that was conducted by the RPD Homicide Bureau as well as information provided by the CPRC Independent Investigator and District Attorney disposition letter to determine if the facts, information and evidence support a finding of whether the officers acted within Departmental policy. During the public session portion of the OID review process, Commissioners will work with a “redacted” criminal casebook.

It is suggested that following the below chronological steps in the case assessment will provide you with a clear roadmap to reach a conclusion. It is helpful to take notes throughout your assessment to keep track of important information and evidence.

STEPS:

- 1. Review and familiarize yourself with the RPD Use of Force Policy §300. There may be other Policies that are related to the incident and these will be provided to the Commissioner by the CPRC Consultant in the OID “Rationale Sheet” when the review process begins. A copy of the “Rationale Sheet” may be found in Appendix Section ###.**

The Rationale Sheet is designed as your review notebook since it includes the related policies and case law that apply to the case under review. Use this sheet for notetaking throughout your review and bring it with you to the Open Session CPRC meeting to assist you in your talking points during deliberations. When the OID case review has been concluded, the Commissioners provide their

rationale sheets to the CPRC Consultant who will utilize them to prepare the public report for Commission review and approval.

NOTES:

2. Before you access the OID Criminal Casebook, the CPRC Consultant will provide you with a “Tab Summary Sheet.” The criminal casebook is divided into numerous sections by numbered tabs. Not all Tabs are relevant to the case so you may wish to utilize the Tab Summary Sheet before you begin the criminal casebook review. The Tab Summary Sheet contains the pertinent tabs and critical information necessary for a thorough and complete review in order for you to determine a finding.

Notes:

3. Once you have the Tab Summary Sheet, access the OID “redacted” Criminal Casebook via the CPRC website after you are notified that it has been posted by CPRC staff. NOTE: The “redacted” criminal casebook can be accessed via laserfische however it will be much easier to navigate your way to it via the website.

You may access the OID casebook as follows:

- Go to the CPRC website
- Open the OID Tab
- Go to the specific OID within the tab
- Open the criminal casebook

Read through the reports and all documents in the relevant tabs and take notes. It is important to consider ALL actions taken by the officer(s) involved in the incident from beginning to end. Conduct an analysis of each step taken by the involved officer(s) from the arrival at a scene, to the approach of the party(s) involved, and everything they did or said to anyone leading up to the Use of Force. For example, were there alternative non-lethal weapons available that may have been used, were they used, did the officer(s) have time to develop a plan for their approach etc. All circumstances are different in each individual case and the speed in which things happen may change. This alters the officer(s) decision making as well. Remember, All actions taken by the officer(s) involved should be considered when developing a rationale for your finding.

If you do not understand tactics that officers used during the incident, or if you are not familiar with certain terms or use of weapons, contact the CPRC Consultant via Email or telephone for clarification or information. The CPRC Consultant is available 7-days a week, including after hours for this type of information since some Commissioners have full time jobs and other commitments and conduct their reviews when they have the time.

If a Commissioner believes that they need training in regard to an issue concerning weapon use or tactics, or investigative processes, it can be arranged to take place at a CPRC meeting during the review and deliberation process. If this is the case, a Commissioner should first check with the CPRC Consultant who will assess the best way for this training to take place and/or who should provide it. A formal request for training during the deliberation process will need to be made during the review and deliberation process.

One important step in the initial review of an OID case is to read the police dispatch logs associated with the Computer Aided Dispatch system known as “CAD.” The Commissioner must note what information the officer(s) were provided at the time of the call as well as any on-going information provided to them by dispatch prior to their arrival at the scene. The reason this is an important piece of information is because it establishes the “mindset” of the officer as he or she arrives at the scene. Assess all known information the officer(s) have upon arrival since it guides their decision making as they move their way through the incident. The mindset of an officer when they encounter a situation plays a key role into their response and actions.

NOTES:

4. Review the CPRC Independent Investigator reports.

The CPRC Independent investigator is involved in the OID process within a day or two after the incident takes place. **NOTE: The CPRC Independent Investigator is a court certified expert in homicide investigation.**

The Independent Investigator is provided with sufficient details to conduct an assessment of the scene of occurrence and canvass the area for other potential witnesses that may not have been located by RPD. The Independent Investigator does not interview witnesses that have been interviewed by RPD Detectives to maintain witness integrity and credibility. The Independent Investigator may also take area photographs.

The Independent Investigator and CPRC Consultant attend a Command Staff Briefing of the incident within a few days after it occurs. This is the briefing where the Chief of Police and his Command Staff are provided with all known details. The Independent Investigator and Consultant are merely present for information concerning the event.

The Independent Investigator submits preliminary reports in regard to his canvass activities from the scene. He may present the reports at a CPRC meeting before the criminal casebook is posted. The preliminary reports do not provide any case assessments of the RPD investigation and contain public information that may be found in local news reports or the RPD Press Release and RPD Briefing to the CPRC in open session at the first meeting that takes place after the OID. This may however change depending upon the timing of the incident in relation to the CPRC regular monthly meeting.

Once the “redacted” criminal casebook is posted, the Independent Investigator conducts a cover to cover review to analyze the RPD investigation, tactics, evidence collection, ensure that all proper protocols for conducting a homicide investigation were followed, review of all interviews of witnesses and involved officers to ensure they were conducted properly and thoroughly.

Once the Independent Investigator completes his or her review of the “redacted” criminal casebook, he or she will attend a CPRC regular monthly meeting and provide oral and written reports of his or her findings.

NOTES:

5. The CPRC Open Session deliberations and discussions for an OID follow written protocols that are set in Stages. (See Appendix ## for the Stage Protocols.

The discussion and deliberation protocols are a roadmap to follow from the beginning stages of the review to the end. The CPRC Chair opens the deliberation process with Stage 1 and will give direction for movement from one stage to the next.

NOTES:

6. After all stages of the OID review process have been completed, the CPRC Chair will ask for a motion by a Commissioner to make a finding. A finding should be based upon the rationale that supports the finding. The rationale should be stated by the Commissioner making the motion.

At this stage, a Commissioner may also make a motion to recommend a policy change or addition to the RPD Chief of Police based upon information that a Commissioner(s) believe may have a positive effect or change in future situations.

A Commissioner may make a motion to the Chief of Police for a training recommendation for RPD personnel in regard to actions taken during the incident.

The finding is decided by a majority vote of the Commission. If there is a dissenting opinion by any Commissioner, the opinion may also be memorialized in the Public Report.

7. **The OID Public Report is agendized for review and approval by the CPRC at a regular monthly meeting. Once approved, the Public Report is posted on the CPRC website.**

The CPRC Chair will then announce the beginning of the Administrative Review process. The unredacted criminal casebook will be posted on laserfische as well as the Administrative OID investigation conducted by Internal Affairs.

NOTES:

8. **This begins the Closed Session portion of the OID review process**

OFFICER INVOLVED DEATH (OID) INVESTIGATION CASE REVIEW“CLOSED SESSION”

1. The review of the “unredacted” criminal casebook commences. The CPRC Consultant will provide a closed session TAB Summary Sheet that will cover only the information that is found in the unredacted criminal casebook that was not available in the redacted version. This will lessen the amount of time a Commissioner must spend in reviewing the unredacted version.

NOTES:

2. Review the Administrative Internal Affairs Casebook.

During this review, Commissioners will have access to COBAN Video tapes, Body Cam video, audio recordings, dispatch recordings, RPD radio transmissions by officer(s) and statements provided by the involved officer(s) that did not provide a voluntary statement in the criminal investigation casebook. It is not uncommon for involved officer(s) to refuse to make a voluntary statement to criminal investigators. During the criminal investigation process, involved officer(s) are subject to criminal prosecution for their actions and therefore the RPOA Defense Attorneys advise the officer(s) not to provide a voluntary statement. The officer(s) are subject to the Miranda Warning during their interviews by criminal investigators. The officer(s) are not required to provide a voluntary statement to criminal investigators.

During the Administrative Investigation, the involved officer(s) are compelled to provide a statement to the Internal Affairs investigators. Although involved officer(s) are not required to provide a voluntary statement to criminal investigators, they are required to provide voluntary statements under compulsion. If they refuse to do so, it may be deemed insubordination and result in punitive discipline up to and including termination of employment.

Prior to providing a compelled statement to internal affairs investigators, officer(s) are given their rights pursuant to the “Lybarger Admonishment.” This admonishment comes from a court case decision known as *Lynarger v. City of Los Angeles*. In brief, the officer(s) are informed that any information provided during a compelled statement cannot be used in any criminal prosecution in Superior Court. In addition, it cannot be used in a civil case in Superior Court. This may not always be the case in Federal Court since the Federal Courts are not bound by State Superior Court decisions.

NOTES:

3. **During the Administrative Case review, the CPRC members will be provided with a case synopsis by the CPRC Consultant. The synopsis will be a part of the Administrative case review.**

During the closed session case review, Commissioners may determine if any other RPD policy(s) may have been violated or make recommendations to the Chief of Police for policy changes or additions as well as recommendation for further training for RPD personnel.

NOTES:

4. **During the closed session process, the Chair will call for motions in regard to the officer(s) actions being within policy as well as motions for policy revision(s) and/or training.**

NOTES:

- 5. This concludes the complete OID review process pursuant to the City Charter and Municipal Code.**

"DECEDENT NAME" OID – TAB SHEET
CASE # P19-000000

Date Occurred: DATE

Time of Occurrence: 1431 Hours

Decedent: NAME

Location: OOOO XXXX Ave., Riverside

Officer(s) Involved: Officer Name & Badge, #0000

Officer Witnesses: Officer Name & Badge, #0000
Officer Name & Badge, #0000

Civilian Witnesses: None (Will be listed by name unless under 18 years of age)

Officer Injuries: None (Will be listed if any injuries were sustained).

Suspect's Injuries:
Decedent "NAME" sustained gunshot wounds to the right arm and torso.

TAB SHEET

Gunshots Fired by Officer "NAME":

Officer XXXX's duty weapon was examined by a forensic specialist at the California State Department of Justice. The examiner found that his weapon functioned properly during the examination. The following evidence is based upon the charting of Officer XXXX's duty weapon by RPD Detective "NAME".

8 total rounds were fired between the two officers.

"DECEDENT NAME":

Springfield .40 Cal semi-automatic Pistol. (11) live rounds were found in the magazine and the chamber was empty. A CLETS check revealed that the pistol was reported stolen in 2011 in Murrieta, Ca. The stolen gun report was taken by the Riverside County Sheriff's Department. (See TAB 60).

FACT SHEET

The fact sheet is numbered and designed to point you to important factual information located in the criminal case book that will help guide you in your review process. It is designed to keep you focused on the TABS that contain important information that you must review.

The TABS that include "Non-Essential" information do not need to be reviewed since they do not contain any information that apply to the facts of the case. You may certainly look at these TABS if you choose to do so. It is up to you to review the "fact sheet" data before your review of the case. Each point of reference is preceded by a TAB number followed by a page number and paragraph number.

TAB 1 – OID Summary, Pages 1 – 8: Detective XXXX, Lead Investigator. The summary provides a detailed overview of the incident.

TAB 3 – Original Report, Page 1 – 4, Narrative: Detective XXXX. Took the initial crime report listing the crime as PC 245(D)(1) – Assault with a Deadly Weapon on a Peace Officer. File #P14-175586. Officers XXXX and XXXX were listed as the Victims of an Assault with a Deadly Weapon on a Peace Officer with DECEDENT NAME listed as the Suspect. Detective XXXX wrote in the narrative that he responded to OOOO XXX Ave. in regard to an officer involved shooting.

Officers XXXX and XXXX attempted to initiate a car stop on DECEDENT NAME during a surveillance of DECEDENT residence after information had been received that he (DECEDENT) was in possession of methamphetamine and a handgun. During the surveillance, "DECEDENT" arrived in the area driving the vehicle that was described to the surveillance team. Officers XXXX and XXXX attempted to make a car stop on DECEDENT who failed to yield the police vehicle overhead emergency lights and siren. After a short vehicle pursuit, DECEDENT stopped in a driveway and fled on foot. Officers XXXX and XXXX engaged in a foot pursuit of DECEDENT who at one point produced a handgun and pointed it at Officers XXXX and XXXX. Officer XXXX fired his service weapon at DECEDENT who was hit and later succumbed to his injuries. All subsequent reports in this investigation are "supplemental reports."

TAB 4 – Supplemental Report: Detective XXXX. Obtained the information on DECEDENT from a confidential informant that led to the surveillance. Served a search warrant at DECEDENT's residence subsequent to the shooting and collected evidence.

TAB 5 – Supplemental Report: Detective XXXX, PACT (special unit of the RPD) member and part of the surveillance team of DECEDENT. Interviewed witnesses and assisted in the search of DECEDENT's residence.

TAB 6 – Supplemental Report: Detective XXXX, PACT member and part of the surveillance team of DECEDENT. Assisted in search of DECEDENT's residence.

TAB 7 – Supplemental Report: Detective XXXX, PACT member and part of the surveillance team of DECEDENT. Obtained initial information from Officer XXXX (e.g. officer involved in the shooting) at the scene. Directed personnel at the scene to specific assignments.

TAB 8 – Supplemental Report: Sgt. XXXX, PACT member, but not involved in the surveillance. Responded to the scene after the shooting. Spoke with Officer XXXX (e.g. officer involved in the shooting) at the scene and obtained public safety information from him.

(Supervisors that arrive on the scene will obtain general information about the incident from the involved officer/s. It is referred to as “public safety information. E.g. How many rounds were fired, direction of shots being fired, identify parties at the scene, report any known injuries, and point out possible witnesses). Described the scene from his perspective.

TAB 9 – Supplemental Report: Officer XXXX, PACT member and part of the surveillance team of DECEDENT. Arrived at the scene when the shooting occurred. Provided a statement.

TAB 10 – Supplemental Report: Corporal XXXX, PACT member and part of the surveillance team of DECEDENT. Arrived at the scene when the shooting occurred. Provided a statement.

TAB 11 – Supplemental Report: Inv. XXXX, Riverside County D.A. investigator and PACT member. Part of the surveillance team of DECEDENT. Arrived at the scene when the shooting occurred. Provided a statement.

TAB 12 – Supplemental Report: Detective XXXX. PACT member and part of the surveillance team of DECEDENT. Arrived at the scene when the shooting occurred. Provided a statement.

TAB 13 – Supplemental Report: Sgt. XXXX. Responded to the scene as the uniformed field supervisor. Directed officers to secure a perimeter. No additional pertinent activity reported.

TAB 14 – Supplemental Report: Non-essential activity.

TAB 15 – Supplemental Report: Non-essential activity.

TAB 16 – Supplemental Report: Non-essential activity.

TAB 17 – Supplemental Report: Non-essential activity.

TAB 18 – Supplemental Report: Non-essential activity.

TAB 19 – Supplemental Report: Non-essential activity.

TAB 20 – Supplemental Report: Detective XXXX. Responded to the scene and assigned to locate and obtain witness statements.

TAB 21 – Supplemental Report: Detective XXXX. Responded to the scene and assigned to locate and obtain witness statements.

TAB 22 – Supplemental Report: Detective XXXX. Responded to the scene and assigned to locate and obtain witness statements.

TAB 23 – Supplemental Report: Office XXXX – Responded to the scene and assigned to locate and obtain witness statements.

TAB 24 – Supplemental Report: Non-essential activity.

TAB – Supplemental Report: Officer XXXX. Responded to the scene to assist. Marked spent shell casings and left the scene. No additional activity reported.

TAB 26 – Supplemental Report: Non-essential activity.

TAB 27 – Supplemental Report: Non-essential activity.

TAB 28 – Supplemental Report: Non-essential activity.

TAB 29 – Supplemental Report: Non-essential activity.

TAB 30 – Supplemental Report: Non-essential activity.

TAB 31 – Supplemental Report: Non-essential activity.

TAB 32 – Supplemental Report: Non-essential activity.

TAB 33 – Supplemental Report: Non-essential activity.

TAB 34 – Supplemental Report: Non-essential activity.

TAB 35 – Supplemental Report: Detective XXXX. Interview of Officer XXXX (officer involved).

TAB 36 – Supplemental Report: Detective XXXX. Interview of Officer XXXX (officer involved).

TAB 37 – Supplemental Report: Detective XXXX, Co-Case Agent. Interview of Ms. XXXX, DECEDENT's spouse.

TAB 38 – Supplemental Report: Detective XXXX. Interview of Officer XXXX.

TAB 39 – Supplemental Report: Detective XXXX. Interview of Officer XXXX and charted his weapon.

TAB 40 – Supplemental Report: Detective XXXX. Crime scene report. Described the scene and collected evidence.

TAB 41 – Supplemental Report: Evidence Technician XXXX. Processed crime scene and collected evidence.

TAB 42 – Supplemental Report: CSI Tech XXXX. Evidence collection at the crime scene and recorded it with video camera.

TAB 43 – Supplemental Report: CSI Tech XXXX. Assisted in the processing of the crime scene and provided a crime scene sketch.

TAB 44 – Supplemental Report: Detective XXXX. Reported on the search of DECEDENT's vehicle.

TAB 46 – Supplemental Report: Non-essential activity.

TAB 47 – Supplemental Report: Detective XXXX. Charted Officers XXXX and XXXX weapons. (*Involved officers*).

TAB 48 – Supplemental Report: CSI Tech XXXX. Took photographs and assisted in charting the weapons belonging to Officers XXXX, XXXX, XXXX, and XXXX. Prepared the evidence log and booked evidence. (*Officers that were at the scene but did not fire their weapons will all have their weapons charted. This is to make assurances that none of them fired their weapons*).

TAB 49 – Supplemental Report: Detective XXXX and Evidence Tech XXXX. Attended the autopsy and reported on their observations and information obtained from the pathologist.

TAB 50 – Supplemental Report: Evidence Tech XXXX. Recovered evidence items at the Coroner's Office and booked them into evidence.

TAB 51 – Supplemental Report: Non-essential CSI activity.

TAB 52 – Supplemental Report: Non-essential CSI activity.

TAB 53 – Autopsy Protocol Report: Reported by Chief Forensic Pathologist XXXX, O.D. Cause of death – Multiple gunshot wounds.

TAB 54 – Physical Evidence Examination Report: Submitted by the State of California Department of Justice. Provided a report on the examination of weapons.

TAB 55 – Supplemental Report: Detective XXXX and Evidence Tech XXXX and CAL ID examiner XXXX. Fingerprinted DECEDENT's weapon and located one fingerprint. The fingerprint came from an unknown person. It was not from DECEDENT or any of the officers.

TAB 56 – Supplemental Report: Non-essential activity.

TAB 57 – Audio logs: Redacted – Non-essential in this Tab.

TAB 58 - Video logs: Redacted – Non-essential in this Tab.

TAB 59 – Non-essential information.

TAB 60 – Theft report of weapons taken in 2011 by Riverside County Sheriff: One of the weapons taken in the theft included the one that was in DECEDENT's possession at the time of the shooting.

TAB 61 – Non-essential – Redacted material

TAB 62 – Letter from Riverside County District Attorney XXXX dated Month, Day and Year. Found no criminal liability on the part of Officer XXXX.

By Frank Hauptmann
CPRC Consultant

OFFICER INVOLVED DEATH (OID) INVESTIGATION CASE REVIEW“CLOSED SESSION”

1. The review of the “unredacted” criminal casebook commences. The CPRC Consultant will provide a closed session TAB Summary Sheet that will cover only the information that is found in the unredacted criminal casebook that was not available in the redacted version. This will lessen the amount of time a Commissioner must spend in reviewing the unredacted version.

NOTES:

2. Review the Administrative Internal Affairs Casebook.

During this review, Commissioners will have access to COBAN Video tapes, Body Cam video, audio recordings, dispatch recordings, RPD radio transmissions by officer(s) and statements provided by the involved officer(s) that did not provide a voluntary statement in the criminal investigation casebook. It is not uncommon for involved officer(s) to refuse to make a voluntary statement to criminal investigators. During the criminal investigation process, involved officer(s) are subject to criminal prosecution for their actions and therefore the RPOA Defense Attorneys advise the officer(s) not to provide a voluntary statement. The officer(s) are subject to the Miranda Warning during their interviews by criminal investigators. The officer(s) are not required to provide a voluntary statement to criminal investigators.

During the Administrative Investigation, the involved officer(s) are compelled to provide a statement to the Internal Affairs investigators. Although involved officer(s) are not required to provide a voluntary statement to criminal investigators, they are required to provide voluntary statements under compulsion. If they refuse to do so, it may be deemed insubordination and result in punitive discipline up to and including termination of employment.

Prior to providing a compelled statement to internal affairs investigators, officer(s) are given their rights pursuant to the “Lybarger Admonishment.” This admonishment comes from a court case decision known as *Lynarger v. City of Los Angeles*. In brief, the officer(s) are informed that any information provided during a compelled statement cannot be used in any criminal prosecution in Superior Court. In addition, it cannot be used in a civil case in Superior Court. This may not always be the case in Federal Court since the Federal Courts are not bound by State Superior Court decisions.

NOTES:

3. **During the Administrative Case review, the CPRC members will be provided with a case synopsis by the CPRC Consultant. The synopsis will be a part of the Administrative case review.**

During the closed session case review, Commissioners may determine if any other RPD policy(s) may have been violated or make recommendations to the Chief of Police for policy changes or additions as well as recommendation for further training for RPD personnel.

NOTES:

4. **During the closed session process, the Chair will call for motions in regard to the officer(s) actions being within policy as well as motions for policy revision(s) and/or training.**

NOTES:

Lined area for notes or additional text.

5. This concludes the complete OID review process pursuant to the City Charter and Municipal Code.

CPRC OID REVIEW WORKSHEET

OID – Name of Deceased

"John Smith"

Date:

Date and Time of Incident:

Case No: RPD: _____

Commissioner: _____

Location of Incident: _____

Involved Officer(s): _____

TYPE:

- ☐ In-Custody Death
- ☐ Traffic Collision
- ☐ Other: (describe)

☐ Weapons involved:

By Officer(s): (Type)

How many shots fired by each officer:

Other weapons deployed by officer(s) during the incident: (Type and affect)
(e.g. Taser, 40 mm, Bean Bag Shotgun, pepper spray)

OID CASE REVIEW STAGES

A. Stage I – Commissioner Review

1. Commissioners will review the OID investigation materials(s) after being notified by Staff that RPD has released the OID Criminal Casebook. Commissioners may review the casebook in Laserfiche or on the CPRC website.

2. The Consultant will provide Commissioners with a Tab Review Sheet containing pertinent details.

Staff will also inform the Independent Investigator of the Criminal Casebook's availability to allow the Investigator to complete the investigation of the case. The Investigator will prepare a written report containing the investigative review, case evaluation, and expert opinion on the investigation conducted by RPD Homicide Detectives. The Commission's Independent Investigator may offer recommendations on any additional investigative work deemed important to aid the Commission in their assessment of the case. The Investigator will also provide the Commission with an oral presentation at a Commission meeting.

3. Commissioners and Staff will review the Criminal Casebook within 30 – 60 days after it has been provided to them.

B. Stage II – Fact Finding, Request for Training & Investigation

1. Commissioners identify and discuss important facts of the case at the first Regular Meeting 30 – 60 days after the Stage I review period expires. They have the opportunity to clarify relevant policies, practices and procedures and may request further investigation or training by an RPD Investigator, the RPD Training Lieutenant, the Commission's Independent Investigator or a subject matter expert.

2. The Consultant will obtain requests for additional training and / or follow-up requests by Commissioners. The requested training and / or clarification of RPD Policies, Procedures, or Practice will be presented at the next Regular Meeting or, dependent on OID caseload, a Special Meeting. The Consultant will provide a report to the Commission on the Investigator's work product, if this was requested.

3. Once the Commission has informed Staff that all factual questions have been answered and it is satisfied with supplied training or additional investigation, the Commission will close the fact finding, training, and additional investigation

process by Commission consensus, or majority vote if necessary, and proceed to the next stage. The Commission should strive to complete this process within 60 days of receiving the Criminal Casebook from RPD.

The various aspects of Stage II will continue to occur until all factual questions have been answered, all means to gather that information have been exhausted, and requested training has been completed.

C. Stage III – Policies and Procedures Process

1. Commissioners and Staff identify and present all relevant RPD Policies and Procedures associated with the OI. Staff will also identify any other generally accepted law enforcement policies or procedures that may be applicable. The purpose is to identify areas that may give rise to Policy Recommendations.
2. Immediately upon receiving any Commission-approved education and / or training on policy, procedure, technical, or tactical issues, Commissioners will review all provided materials and prepare for further discussion. Commissioners will identify any new factual questions or issues raised through the review of policy, procedure, technical or tactical functions and, if necessary, request a follow-up response by the Independent Investigator.
3. The Consultant will provide a follow-up report to the Commission on the Investigator's response to new factual questions that needed to be clarified or investigated.
4. The Commission will close the Stage III, Policies and Procedures Process by consensus or majority vote, if necessary. The Commission should strive to complete the Stage III, Policies and Procedures Process within 60 days of completing Stage II.

D. Stage IV – Deliberation and Finding Process

1. Immediately upon completion of Stage III, Policies and Procedures Process, the Chair gives notice to the Commission that each Commissioner is responsible to develop a rationale for a finding on whether the Involved Officer's actions were consistent with 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.

2. 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.

3. 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, will articulate and discuss their specific areas of concern by identifying and applying facts from Stage III and IV using RPD policies in existence at the time of the OID. They then analyze, through Commission discussion, whether actions taken by any Involved Officer leading up to or causing the OID was within RPD policy.

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

5. After all rationales have been discussed, a Commissioner makes a motion as to whether the actions taken by the Involved Officers leading up to or causing the OID, were within RPD policy. The Commission should strive to complete Stage IV, Deliberation and Finding Process, within 60 days of completing Stage III, Policies and Procedures Process.

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

E. Stage V – Policy Recommendation Process

1. The Policy Recommendation Process commences immediately upon completion of Stage IV, Deliberation and Finding Process. The Chair gives notice to the Commission that any Commissioner who has identified possible recommendations to RPD policies, practices, tactics, training, or other areas is asked to provide such recommendations, or ideas for recommendations, to the Commission for consideration and discussion. The Staff prepares any recommendation documents based on the above guidelines and presents them to Commissioners for review and further discussion.

2. After presentation of any recommendations and subsequent discussion, if any, Commissioners will decide by general consensus or by majority vote, if necessary, whether to approve and submit the recommendations to RPD. The Commission should strive to complete the Stage V, Policy Recommendation Process within 30 days of completing the Stage IV, Deliberation and Finding Process.

F. Stage VI – Officer-Involved Death Case Public Report

1. Upon completion of the preceding stages, the Commission shall direct the Consultant to write a draft of the OID Public Report containing information, rationales, and findings from all of the above stages. The Consultant will draft the report and distribute the completed draft to the Commissioners prior to the next Regular Meeting. Once Commissioners have addressed any changes and potential inclusion of dissenting opinions, the Consultant will modify the draft and distribute to Commissioners for their final review.

2. At the next Regular Meeting, the Chair calls for final discussion and a majority vote of approval of the Commission's OID Public Report.

G. Stage VII – Administrative Review

1. Once the Public Review of an OID is complete, and the final OID Public Report is posted on the CPRC website, the Commission is ready to begin the Administrative Case Review conducted in Closed Session.

2. The Manager will inform RPD Internal Affairs that the Public Review of an OID is complete and will request that the Administrative Casebook and unredacted Criminal Casebook be placed on Laserfiche. Once there, Commissioners will have access to both casebooks and will begin the Administrative Review. When the Commission is prepared to conduct the Closed Session Administrative Review, the case will be placed on the Case Review agenda.

3. To begin the Administrative Review, the Chair will open discussions in Closed Session. Although a finding or findings "Within Policy" or "Not Within Policy" have been previously rendered in the Public Review, Commissioners will be tasked with rendering a separate Administrative Finding. This new finding is based upon a full review of previously unseen administrative and unredacted information. This new Administrative Finding need not match the Public Finding.

Upon a majority vote, Commissioners may consider and recommend an addition or revision to the RPD Policy Manual. If a recommendation for a policy revision and / or training is made, Commissioners will draft the language and vote to finalize it.

4. The CPRC Consultant will meet with the City Manager to review the case. Once the case has been reviewed, the findings of the Police Department and the Commission will be discussed. The final decision will be determined by the City Manager and provided to the Chief of Police and the Involved Officers.

If a Policy Recommendation has been approved by the Commission, the Manager will prepare a memorandum to the Chief of Police. The Chief of Police will review the recommendation and decide to adopt, modify, or decline the Policy Recommendation. The CPRC Manager will ensure a written or oral response is obtained from the Chief of Police.

5. No portion of the Administrative Review may be discussed outside of Closed Session. Administrative Findings and Recommendations may not be discussed in later Public Sessions.

By Suspect(s): (Type)

How many shots fired by Suspect(s):

General Notes:

Cause of Death: (If known)

Applicable Law(s):

835a. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Graham v. Connor, 490 U.S. 396 (1989), considered the reasonableness of a police officer's use of force, and instructed that the reasonableness must be judged from the perspective of a reasonable officer on scene.

Other Code(s): (If applicable)

Applicable RPD Policy:

4.30 USE OF FORCE POLICY

Other Applicable RPD Policy(s): (Refer to RPD Policy Manual)

List any issues or concerns of officer(s) actions prior to the actual use of force:
(e.g. Other Policy concerns. Prepare to discuss)

Standard of Proof for Finding:

In coming to a finding, the Commission applies a standard of proof of "Preponderance of Evidence." Preponderance generally means "more likely than not," or may be considered as just the amount necessary to tip a scale.

The "Preponderance of Evidence" standard of proof is the same standard applied in most civil court proceedings.

Finding:

(Check one of the following)

Within Policy _____

Not Within Policy _____

Rationale for Finding:

(In this section, the Commissioner writes their reasoning for their finding. It is intended as a section for notes that may be used during deliberations. It is also information used for the public report).

Recommendation(s): (If any)

(In this section, the Commissioner may write out recommendations for RPD policy changes, additions or new policy. The Commissioner may also use this section to write recommendations for additional training for RPD officers).

DRAFT

CPRC OUTREACH

1. Outreach Orientation

a. Purpose

Outreach is an extremely important function of the CPRC. There are two main reasons for CPRC outreach:

- 1) Educate the citizens of Riverside about the CPRC.
- 2) Listen to the community, and ensure those viewpoints are considered (as appropriate) during CPRC cases and functions.

Educating and **listening** are equally important. Educating ensures that the public knows that the CPRC is a critical check-and-balance, and an input to policy evolution for RPD. Listening ensures that the CPRC doesn't operate in a vacuum ... that the CPRC stays current about what is important in the hearts and minds of Riverside residents.

b. Outreach events

An "outreach event" can be any event where a CPRC commissioner is either giving a presentation about the CPRC, or simply talking about the CPRC (formally or informally), or where the CPRC commissioner simply attends an event on behalf of the CPRC.

c. Role of the commissioner at an outreach event

The role of a CPRC commissioner at an outreach event depends on the type of event, and the intentions or actions of the commissioner. In all cases, the commissioner must keep in mind that he or she is representing the CPRC (and not himself or herself). This means keeping one's own politics or biases in check, and approaching everything with an open mind. A CPRC commissioner's goal when listening to the public is to do so from an information-gathering perspective. You never want to lecture the public about anything. And you also should never show any bias toward or against anything or anyone.

When giving a presentation, the CPRC commissioner should always remember to pause periodically, and check the audience for understanding. Never assume people know what you are talking about. You also should not assume that people know anything about the CPRC, its history, or events that resulted in its creation.

If members of the public give you a hard time about anything, use it as an opportunity to educate yourself on why that person is reacting to you, or why they are behaving in a certain manner. You can actually learn a lot about people and diverse viewpoints by asking open-ended questions.

d. Reminder that the CPRC is non-partisan

In all cases, please keep in mind that your role as a CPRC commissioner is always non-partisan – because you are representing the City of Riverside (not yourself). Members of the public may engage in partisan rhetoric in your presence – best never to react, debate, endorse, nor rebuke it. Just listen to what they have to say, and do your best to understand their point-of-view.

As a CPRC commissioner, you also cannot publicly express any views in support of nor against anything political – again, because you are a representative of the City of Riverside. [The City of Riverside has its own PR department that is responsible for public statements.] If you have any questions about anything you can or cannot do, please ask your Commission Chair or the CPRC Manager for input.

2. CPRC Outreach Events

a. Presentation for Public Outreach

CPRC presentations can either be formal or informal. **A formal presentation** typically uses our PowerPoint slides, and can take anywhere from 20 minutes to a full hour (depending on audience participation, questions, etc.).

An informal presentation is far more common than the formal version. With an informal presentation, you are typically given some number of minutes to talk about the CPRC, and it is up to you to make it happen appropriately. You won't have slides or visual aids for an informal presentation, typically. Many activist groups will simply give you 10 minutes to discuss the CPRC, then take questions for another 5 minutes – or at least that is what has been common in 2017-2018.

Regardless of whether you are giving a formal or informal presentation, always prepare yourself appropriately and know what points you are going to make. Best practices include rehearsing and timing your presentation – this is especially important if you are going to appear in front of a very large audience.

b. Presentation to RPD

Outreach also is performed to RPD so that its officers understand the CPRC, and its role. The majority of RPD officers have already attended a CPRC presentation, and so moving forward in 2019 and beyond, it's likely that only new hire officers will need to see our presentation.

Just as with the public, it is best to approach RPD outreach with an unbiased attitude and demeanor. You want to listen as much as you educate.

DRAFT

DEFINITION OF ACRONYMS/ABBREVIATIONS

0-1 or 0-2 – In a police Report, you may see a person listed as an O-1, O-2, etc. The “O” stands for “Other.” This refers to a person involved that is not a witness or suspect but the officer needs to name the person because they were somehow associated with the incident. You may also see this in an OI case.

BWC – This refers to a Body Worn Camera.

CAD – Computer Aided Dispatch system. It is the computer dispatch system in the dispatch center which is located at the Magnolia Street Station.

CHP – California Highway Patrol

CP – This may be seen when reading a police report and refers to “Calling Party.” It is interchangeable with RP.

CPS – This may be seen in a police report where children are involved and need protection. Thus, Child Protective Services.

COBAN – This is the police vehicle in-car video/audio camera system.

CVC or VC - Refers to California Vehicle Code (CVC) or simply VC, Vehicle Code.

IA – Internal Affairs

LEXIPOL - The name of the Riverside Police Department Policy Manual

MDC – Mobile Data Computer. These are the computer terminals located inside patrol vehicles used by the field officers.

MOF – Memorandum of Finding. This is the term used for the finding or disposition of a complaint case written by a Command Staff Member, such as a Lieutenant, Captain, Deputy Chief or Chief of Police. The MOF is not provided to Commissioners. It is solely for the police department. The MOF is the only document in a complaint case that is not reviewed by the CPRC members. This is to ensure there is no undue influence for a Commissioner's decision in determining a finding.

NPC – Neighborhood Policing Center. RPD has four NPCs, North, South, East and West. An NPC is a geographical area within the City of Riverside. It is a geographical area of accountability at the police officer level. An NPC is a part of the RPD Field Services Division which is the uniformed division of the Department.

OID – Officer Involved Death. An OID is where a person dies at the hands of an officer such as an officer involved shooting (OIS), in-custody death or traffic collision.

OIS – Officer involved shooting

PA – This will be seen in front of an Administrative OID case number. It means Personnel Administration. All RPD internally generated internal affairs case numbers begin with PA. For CPRC purposes, you will only see this type of case number in an Administrative OID investigation that is conducted by Internal Affairs. For example, PA18-102.

PC – When referring to a section in the California Penal Code, you will see either PC or CPC. PC meaning Penal Code and CPC California Penal Code. For example, 459 PC or CPC refers to the crime of burglary as defined in the Penal Code.

PC – This will be seen in front of a Citizen Complaint case number. “P” stands for Personnel and “C” for Complaint. Personnel Complaint. For example, PC18-1005.

PSD – Public Safety Dispatcher

RFD – Riverside Fire Department

RP – This will be seen when reading a police report. It refers to “Reporting Party.” The person that reported the incident.

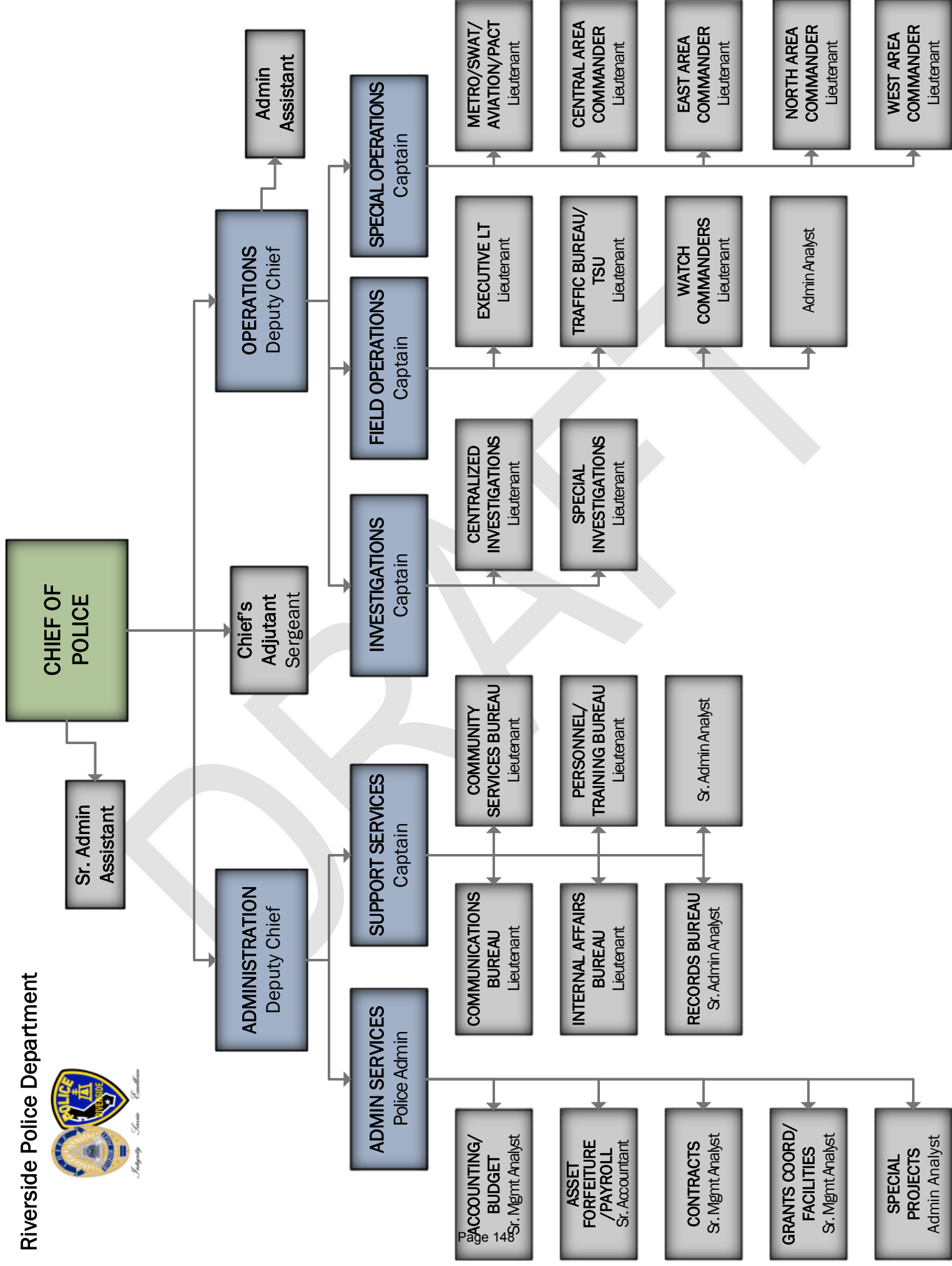
RPD – Riverside Police Department

RSO – Riverside Sheriff's Department

TC – Traffic Collision

Unit #3538 – You may see the term “unit #” then followed by 4-numbers (e.g. Unit #3538) refers to the call sign of an officer. This may be seen in police reports, dispatch logs or in Officer Involved Death case reports.

Riverside Police Department



SAMPLE DISPATCH REPORT

LPD18112700224411

11/27/2018 4:09:06 PM

1007

Page 1 of 1

Incident Brief Report

Incident #: LPD18112700224411

Summary

Location: 10540 MAGNOLIA AV
Loc Name: RPD MAGNOLIA STATION
City: RIVERSIDE
Description:
Building: Subdiv: -
Floor: Apt/Unit: -
Status: Closed Created: 16:08:58 11/27/2018
Inc Type: TEST01 DISPOSITION Agency Type: L
Mod Circ: 2.5. PENAL CODE SECTION Priority: 4
Agency ID: PD / OR FIRE Area: 5
Sector: 5 Beat: PJ12
Report #: CASE # ISSUED TO OFFICER
Disposition: CAN

Dispatch

Unit(s): LISTS ALL OFFICERS DISPATCHED

Comments

16:08:58 11/27/2018 1007 [OP02] - DISPATCHER POSITION IN COMMUNICATIONS CENTER
TEST CALL
16:08:58 11/27/2018 SYSTEM SystemDevice
NOTIFY WATCH COMMANDER: [Agency/IRF]

TIME &
DATE
STAMPTYPE OF
INFO

Persons

Vehicles

LISTS ALL COMPUTER INPUT
COMMENTS BY DISPATCHER OR BY OFFICER

Incident Detailed Report

Incident #: LPD18112700224411

Summary

Location: 10540 MAGNOLIA AV
 Loc Name: RPD MAGNOLIA STATION
 City: RIVERSIDE
 Description:
 Building: Subdiv:
 Floor: Apt/Unit:
 Status: Closed Created: 16:08:58 11/27/2018
 Inc Type: TEST01 Agency Type: L
 Mod Circ: Priority: 4
 Agency ID: PD Area: 5
 Sector: 5 Beat: PJ12
 Report #: CAN
 Disposition: CAN

Dispatch

Unit(s):

Comments

16:08:58 11/27/2018 1007 OP02
 TEST CALL
 16:08:58 11/27/2018 SYSTEM SystemDevice
 NOTIFY WATCH COMMANDER: [Agency/IRF] Role: QUERY= CLETS

Persons

NAME OF PERSON CONTACTED DURING THE INCIDENT

Vehicles

LISTS VEH INVOLVED IN THE INCIDENT

Premise Hazard

Note: The number of premise hazard printed was limited to 0. There were additional premise hazard not printed. Incomplete Printout (Prem/HazNum:0/1)

Previous Incidents

Note: The number of previous incidents printed was limited to 0. There were additional previous incidents not printed. Incomplete Printout (IncNum:0/50)

Associated Incidents

INCLUDE LPD - POLICE FFD - FIRE

Attachments

History

PREMISE HISTORY

Time/Date	Trans Type	User ID	Console ID
16:08:58 11/27/2018	INC UPDT	1007	OP02
Disposition	Dispo: CAN		
16:08:58 11/27/2018	RESP MSG	N/A	System
Response Message	NOTIFY WATCH COMMANDER: [Agency/IRF]		
16:08:58 11/27/2018	CMNTS	1007	OP02
Comments	TEST CALL		
16:08:58 11/27/2018	PREM/HAZ	1007	OP02
Prem/Haz Check	Title: ALARM RESPONSE		
16:08:58 11/27/2018	INC STAT	1007	OP02
Incident Status	Status: Closed (NULL)		

PRICR
HISTORY

Time/Date	Trans Type	User ID	Console ID
16:08:58 11/27/2018	INC CREATE	1007	OP02
Jurisdiction		Area: 5	
Sector: 5		Beat: PJ12	
Rprt Dist: PJ12			
16:08:58 11/27/2018	INC CREATE	1007	OP02
Incident Created		Started: 16:08:31 11/27/2018	
Details to Follow: None		Address: 10540 MAGNOLIA AV	
Loc Name: RPD MAGNOLIA STATION		Latitude: 33.907847	
Longitude: -117.464977		City: RIVERSIDE	
Cross Strs: NYE AV / BANBURY DR		Source: 0	
Incid Type: TEST01		Priority: 4	
Validation Level: Premise Lvl			

DRAFT

CITIZEN COMPLAINTS POLICY REQUIREMENTS

CA PC 832.5

- a. Each department or agency that employs peace officers shall establish a procedure to investigate citizen complaints against the personnel of these departments or agencies, and shall make a written description of the procedure available to the public.
- b. Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years. **(Note: This applies only to citizen complaints. Internally generated investigations can be destroyed sooner, such as 2 or 3 years, depending on the department head. Records retention of files can only be established through a resolution by the City Council or by County Supervisors for County records).**
- c. Complaints by members of the public that are determined by the officer's employing agency to be frivolous, as defined in Section 128.5 of the Code of Civil Procedure, shall not be maintained in that officer's general personnel file.
- d. "General Personnel File," for purposes of this section means the file maintained by the agency containing the primary records specific to each officer's employment, including evaluations, assignments, status changes and imposed discipline.

CONFIDENTIALITY OF PEACE OFFICER FILES

832.7 PC – Peace Officer Records/Confidentiality, et al

- a. Peace officer personnel records and records maintained by any state or local agency pursuant to Section 832.5 PC, or information obtained from these records are deemed confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.
- b. Must release a copy of the complainant's statements at the time the complaint is filed
- c. Department may release data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated or unfounded) as long as the information does not identify the individuals involved.
- d. Conditions where information may be released (if employee makes a public statement knowing the statement to be false)
- e. The department or agency shall provide written notification to the complaining party of the disposition of the complaint within 30 days of the disposition. The notification described in this subdivision shall not be conclusive or binding or admissible as evidence in any separate or subsequent action or proceeding brought before an arbitrator, court, or judge of this state or the United States.
- f. Nothing in this section shall affect the discovery or disclosure of information contained in a peace officer's personnel file pursuant to Section 1043 of the Evidence Code.
- g. Under subsection (a), there is a portion of 832.7 PC that does not apply to investigations or proceedings concerning the conduct of police officers or a police agency conducted by one of three separate entities:

Grand Jury

District Attorney

Attorney General's Office

(e.g. There is a criminal investigation pending against the peace officer by one or more of the above agencies that are involved):

**PEACE OFFICER RECORDINGS
(Digital Recorders, Body Cams, etc).
CA PC 633**

This Penal Code section allows for peace officers to conduct surreptitious recordings during investigations of possible criminal conduct. This includes traffic stops. Under these circumstances, peace officers are not required to disclose the fact that they are recording the contact via a digital recorder, body cam or other recording device.

DRAFT

Peace officer bill of rights Government code 3300-3312

HISTORY

California was the first state to enact a Public Safety Officers Bill of Rights Act. California's act is often referred to as "POBR," "AB301," "officers Bill of Rights" and similar names. Introduced on December 19, 1974, by Assemblyman Keysor, the Act became effective January 1, 1977. Involved in the early conception of the Act was the LAPD Police Protective League and Peace Officers Research Association of California (PORAC). The largest supporter of POBR was the American Civil Liberties Union (ACLU).

Legislative history of the Act indicates that the LAPD Police Protective League was instrumental in introducing and securing passage of the legislation. According to the position paper the LAPD Police Protective League provided to the Senate Judiciary Committee, dated July 25, 1975, the Act "was introduced for this Association by Assemblyman Keysor in an attempt to rectify gross abuses of power by internal investigative departments within police departments throughout the State." In particular, the league complained of polygraph examinations used in the course of disciplinary proceedings which the officers were forced to repeat continuously "under threat of being fired." In support of its position the League cited examples of police officers who sustained physical and emotional injuries when they were harshly interrogated during the course of internal investigations or were kept in small rooms for long periods of time and not allowed to communicate with anyone nor told what the charges against them were. According to the League the officers were also subjected to illegal searches and seizures.

POBR was signed into law by Governor Jerry Brown. The Act is unique in that it regulates personnel investigations and disciplinary procedures relating to public safety officers, including officers employed by both state and local government entities. The California Supreme Court decided that POBR applies to all employing entities regardless of whether they are charter or general law cities or counties.

Since the Act became effective, it has been amended on several occasions. One significant amendment (1979) was the addition of §3309.5, which makes violations of the Act unlawful and authorizes "appropriate injunctive or other extraordinary relief" without requiring the requesting party to exhaust administrative remedies.

In 1997, Section §3304 was amended to include a limitation period (time bar) for “punitive action” requiring that any such action be brought “within one year of the public agency’s discovery” of the alleged misconduct. There are eight exceptions to the one year period of time. (See §3304).

In 1999, Section §3307.5 was added to govern Internet publication of officer’s photographs. In 2000, Section §3306.5 was added to allow officers access to their personnel files.

The CPRC does not deal directly with POBR. These are due process protections provided to peace officers when they are under investigation by their Department, and when they are interviewed by members of the Department concerning questions that solicit information that if true, may result in punitive discipline. What does “punitive discipline” mean?

It is discipline that begins at the level of a written reprimand up to termination of employment. A written reprimand is a permanent form of discipline that is stored in a peace officer’s personnel file.

POBR shall not apply to any interrogation of a public safety officer in the normal course of duty, counseling, or informal verbal admonishment by, or other unplanned contact with, a supervisor or any other public safety officer, nor shall this section apply to an investigation concerned solely and directly with alleged criminal activities.

SOME KEY COMPONENTS OF POBR:

- Officer under interrogation is entitled to representation by union representative, attorney or anyone else not connected with the investigation. (§3303(i)).
- If the incident under investigation has a potential for a criminal violation, the officer must be given his or her rights pursuant to Miranda. Although the officer is not required to provide a statement under Miranda pursuant to a criminal investigation, they must provide a statement under compulsion in an administrative investigation. Any statement provided by the officer under compulsion cannot be used against them in a criminal matter or in superior court in a civil matter. (Lybarger v. City of Los Angeles 40 Cal. 3d 822). (3303(h)).
- Peace Officer may make their own recording of the interview. (3303(g)).
- The investigation and recommendation for discipline must be completed within one year unless certain criteria exist. (See Government Code § 3304(d)).

- The public safety officer shall be informed of the nature of the investigation prior to any interrogation. The section does not require the interrogator or agency to specify a potential policy violation prior to the interrogation.

WHEN DO POBR RULES APPLY

- If any potential for punitive discipline exists
What is punitive discipline:

- * *Written Reprimand*
- * *Suspension*
- * *Termination*
- * *Any loss in pay and wages*

WHEN DO MIRANDA RULES APPLY

- If there is any potential for a criminal case against the officer

WHEN DO LYBARGER RULES APPLY

- If there is no Miranda waiver

Refer to California Government Code Sections 3300-3312 for specific details of each section.

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

RPD POLICIES THAT RELATE TO CPRC CASE REVIEWS

Chapter 1 – Law Enforcement Authority

- 100 – Law Enforcement Authority
- 100.3 – Peace Officer Powers

Chapter 3 – General Operations

- 300 – Use of Force
- 303 – Public Review of Officer Involved Deaths
- 304 – Handcuffing and Restraints
- 305 – Control Devices and Techniques
- 306 – Taser
- 307 – investigations of Officer Involved Shootings and Incidents Where Death or Serious Likelihood of Death Results
- 308 – Firearms
- 310 – Vehicle Pursuits
- 311 – Excited Delirium
- 317 – Search and Seizure
- 322 – Discriminatory Harassment
- **330 – Conduct **** (important)**
- 331 – Investigations of Disciplinary Allegations
- 334 – Report Preparation
- 362 – Off Duty Law Enforcement Actions

Chapter 4 – Patrol Operations

- 401 – Racial or Biased Based Profiling
- 423 – Responses to Loud Parties, Gatherings and Events
- 424 – Detentions and Photographs Detainees
- 427 – Mobile Digital Computer Use
- 428 – Video and Audio Recordings
- 432 – Foot Pursuits
- 434 – Homeless Persons

Chapter 5 – Traffic Collision Reporting

- 500 – Traffic Collision Reporting
- 501 – Collisions
- 502 – Vehicle Tow and Release

Chapter 6 – Investigations Operations

- a. 606 – Brady Material Disclosure

Chapter 9 – Custody

- b. 900 – Custodial Searches

Chapter 10 – Personnel

- c. **1009 – Personnel Complaints *** (important)**