



PERSONNEL COMPLAINT PROCESS

Riverside Police Department, Internal Affairs Bureau

Community Police Review Commission

July 24, 2019

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INTERNAL AFFAIRS - STAFFING

1. One Lieutenant
2. Three Sergeants
3. Two Administrative Specialists (non-sworn)



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INTERNAL AFFAIRS - RESPONSIBILITIES

1. Investigate and track complaints
2. Administrative Review of Officer Involved Deaths
3. Pitchess Motions - Motion for discovery of peace officer's personnel records
4. Process claims and lawsuits
5. Conduct audits
6. Review and track incidents requiring Supervisor's Administrative Review (SAR) which includes Use of Force, Vehicle Pursuits, Property Damage, and Officer Involved Traffic Collisions



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COMPLAINTS – POLICY 1009

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



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COMPLAINT TYPES

1. External – from the public
 - A. Complaints against sworn personnel and filed within six months of incident in question will be forwarded to CPRC
 - B. Complaint control forms for external complaints will be forwarded to CPRC Manager in timely manner
 - C. All related documentation is submitted to CPRC at conclusion of Department's investigation
2. Internal – from within the Department



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COMPLAINTS PROCESS

1. IA notifies complainant of complaint received upon receipt of complaint control form
2. Complaint will be assigned for investigation
3. Complaints may be investigated by employee's immediate supervisor, another supervisor, or Internal Affairs
4. All effort should be made to complete investigations within 120 days of receipt of complaint
5. Factors beyond control of investigators may delay completion of investigation beyond 120 days and status update should be sent to complainant



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TIMELINE

Government Code Section 3304(d):

No punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other misconduct.

Ideally, each investigation will be processed and reviewed by the Department, the CPRC, and the City Manager within the one year time period.



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TIMELINE EXCEPTIONS

1. Allegation of misconduct is also subject of criminal investigation or prosecution
2. Public safety officer waives one year time period
3. Investigation is multi-jurisdictional and requires reasonable extension
4. Investigation involves more than one employee and requires reasonable extension
5. Investigation involves employee who is incapacitated or otherwise unavailable
6. Investigation involves matter in civil litigation where officer is named as party defendant
7. Investigation involves matter in criminal litigation where complainant is defendant
8. Investigation involves allegation of workers' compensation fraud on part of officer



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FINDINGS

SUSTAINED

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



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FINDINGS

NOT SUSTAINED

When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.



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FINDINGS

UNFOUNDED

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



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FINDINGS

EXONERATED

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



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FINDINGS

INCOMPLETE

A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. Depending on the seriousness of the complaint and the availability of sufficient information, Incomplete matters may be further investigated.



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FINDINGS

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.



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FINDINGS

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.



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FINDINGS

INQUIRY

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



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FINDINGS

FRIVOLOUS

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



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DISPOSITION (FINDINGS)

MISCONDUCT NOTED

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



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COMMUNITY POLICE REVIEW COMMISSION (CPRC)

Personnel complaints submitted within six months of the incident in question are also investigated by the Community Police Review Commission (CPRC). At the conclusion of the Riverside Police Department's investigation, all related documentation is submitted to the CPRC for review and further investigation. To ensure that the CPRC arrives at independent conclusions, the findings determined by the Riverside Police Department are not shared with the commissioners.



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CITY MANAGER'S OFFICE

When CPRC finishes its investigation, its findings and the Riverside Police Department's findings are sent to the City Manager's Office. The City Manager or his/her designee reviews the relevant materials and issues a finding for each allegation. Those findings become the final disposition for the complaint.



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NOTIFICATION OF FINDINGS

1. After the findings are issued, written notice of the findings will be sent to the complainant within 30 days.
2. No discipline will be disclosed.



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ELECTRONIC COMPLAINT CONTROL FORM

[illegible]

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COMPLAINTS – CONFIDENTIALITY & RETENTION

1. All investigations of personnel complaints shall be considered confidential peace officer personnel files.
2. All citizen complaints shall be maintained for a period of at least five years.



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RECOMMENDATION

That the Community Police Review Commission receive a presentation about the Riverside Police Department's personnel complaint process from the Internal Affairs Bureau.



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