

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: NOVEMBER 3, 2020**

FROM: COUNCILMEMBER RONALDO FIERRO **WARDS: ALL**
COUNCILMEMBER STEVE HEMENWAY

**SUBJECT: POLICE REFORM TASK FORCE REPORT AND RECOMMENDATIONS TO
STRENGTHEN THE COMMUNITY POLICE REVIEW COMMISSION THROUGH
EXPANSION OF DUTIES, RESPONSIBILITIES AND FUNDING**

ISSUE:

Receive a report regarding task force findings and recommendations for local police reform efforts and measures to strengthen and restructure the community police review commission; send to Inclusiveness, Community Engagement, Governmental Processes for further review.

RECOMMENDATIONS:

That the City Council:

1. Receive a presentation from Launa Wilson and Jalani Bakari regarding the scope of work and subsequent recommendations for police reform from an ad-hoc community task force assembled by Councilmembers Fierro and Hemenway; and
2. Review the measures proposed to restructure and strengthen the Community Police Review Commission through amendments to Chapter 2.76 of the City Municipal Code by;
 - a. Revising the purpose, scope and duties of the Commission to more accurately reflect its role as a policymaking body and oversight commission in the pursuit of police accountability and trust.
 - b. Increasing membership from nine to eighteen with new diversity and experience requirements for recruitment; and
 - c. Establishing the commission's independence by requiring at least three full-time positions appointed by the Commission and confirmed by the Council; and
 - d. Strengthening community engagement and outreach by encouraging the Commission to partner with academic institutions and community groups and including the community in the policymaking process; and

- e. Bolstering the Commission's oversight powers by allowing the Commission to receive and review body-cam video footage immediately and without delay or interference when pertinent to an investigation into a filed complaint or an officer-involved shooting; and
3. Request that the Community Police Review Commission review and provide input on the proposed measures to strengthen the CPRC at their next scheduled meeting or special meeting, in accordance with the Sunshine Ordinance and Brown Act; and
4. Direct the Inclusiveness, Community Engagement and Government Processes Committee to review this item, provide for a wide array of public input and engagement, and make recommendations on an ordinance amending Chapter 2.76 of the Municipal Code; and
5. Require that the recommendations and input from the Council Committee and CPRC are agendized and heard by the full City Council for review and first reading of an ordinance within the next 45 days.

BACKGROUND:

The blatant murder of George Floyd at the hands of Minneapolis police officers in the summer of 2020 shook our nation and community to the core, bringing to light a renewed focus on the systemic racism that continues to plague many aspects of American life, persisting within the very institutions that are meant to protect and serve the people. That single injustice once again laid bare the reality that many in our society choose to ignore, a reality that for far too long has resulted in countless unjustified deaths, irreversible trauma, and entrenched fear of police within communities of color.

In the days and weeks that followed the death of George Floyd, Riverside residents from all walks of life came together in record numbers to peacefully protest these injustices with calls for reform and justice. Groups such as The Riverside Coalition for Police Accountability, The Group, the Riverside Chapter of the NAACP, All of Us or None, the local chapter of the ACLU and others rallied community members together to think about progress made and reforms needed here in the City of Riverside.

To many Riverside community members, the renewed focus on police brutality and injustice reminded many of the tragic death of Tyisha Miller, a young black woman, by former Riverside Police Officers in 1998.

The tragic case began as a nonviolent call, with Tyisha Miller unconscious in a locked vehicle at a gas station. The officers that came to the scene were responding to a call for help from Tyisha's friend as Tyisha was foaming at the mouth. On the scene, as the officers attempted to get into the car, an officer noticed a firearm in the car. A supposed sudden movement by Tyisha caused the officer closest to the vehicle to fire his weapon and fall to the ground. The rest of the officers on the scene responded by shooting a volley of over 30 bullets into the car, immediately killing Tyisha Miller. She was 19 years old.

The case sparked national outrage from civil rights leaders and organizations and was followed by the all-too familiar marches and demonstrations calling for justice for the death of an innocent young woman. Yet, after a long and controversial investigation, the officers involved were acquitted by the Riverside County District Attorney. The State Attorney General and U.S. Attorney General declined to file charges as it was believed that the officers fired out of fear.

After closing the case, former Assistant U.S. Attorney General. Gerald Boyd said, *“Our decision to close this investigation does not signal approval of the conduct of these officers, or indeed any official opinion concerning their conduct, but the bottom line is that our investigation, which was conducted conscientiously, has not revealed enough evidence to support federal criminal prosecution.”*

However, this did not stop California Attorney General Bill Lockyer from beginning an additional investigation into the policies and practices of the Riverside Police Department. The investigation revealed that the Department had a longstanding pattern of violating the statutory and civil rights of the public and had failed to uniformly and adequately enforce the law.

As a result of the civil investigation, on March 5, 2001, the Office of the Attorney General filed a complaint and stipulated judgment in *People of the State of California, etc. v. City of Riverside*, which is believed to be the first court-enforced judgement to reform a police department by a state attorney in the history of the United States.

Pursuant to the stipulated judgment, the RPD agreed to implement a series of reforms which included: changes to the citizen complaint procedures, increased training and supervision of officers, installation of audio and video recorders in patrol cars, and creation of a community-oriented policing program. The AG appointed Joseph Brann, a nationally known police expert, to serve as the monitor. Monitor Brann issued several reports during the five-year monitoring period.

The consent decree remained in place for 5 years, with the AG monitor at City Hall overseeing the implementation of reforms. The judgement culminated in over \$22 million in legal settlements and widespread departmental reforms. As a result, independent review became a part of the culture of the department, the ratio of supervisors to officers was increased, and focus was put on acquiring and utilizing less-lethal weapons, along with other reforms that professionalized the department.

The Decree prompted the creation of the Community Police Review Commission, an oversight body charged with overseeing and reviewing complaints made against the department, use of force cases and officer-involved shootings. the Commission was formed with the following stated purpose of *“promoting 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 the commission 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.”*

In a 2006 press release at the end of the stipulated judgement, then California Attorney General Bill Lockyer said, *“No judgement alone can or ever will create a perfect police department, but it can create a solid foundation for growth. The future success of the RPD will depend upon the willingness of the department and local policymakers to build upon these reforms and fully implement community policing.”*

With this history in mind, the current national reckoning regarding policing has reignited many of the conversations regarding how the Riverside Police Department can continue to learn from its past and begin to lead in regard to community policing. To that end, in July 2020 the Office of Councilmember Fierro and the Office of Councilmember Hemenway formed an ad-hoc task force made up of a broad cross section of residents and community leaders to examine current RPD policies and practices, learn about modern reform models and develop recommendations rooted in research and best practices to build upon the success of the Riverside Police Department in the past 20 years and to strive to achieve better community outcomes here in Riverside.

The Task Force met for nearly five months, hearing from former Mayor Ronald Loveridge, Police Chief Larry Gonzalez, community members familiar with the Tyisha Miller case, academics and other figures familiar with police reform. A summary of their findings and their recommendations are attached to this document.

After hearing from community leaders and experts, the Task Force set out to discuss and formulate informed, vetted and actionable policy recommendations to strengthen community policing in Riverside, set the foundation for an improved public/police relationship and to ensure justice is accessible to all citizens, especially those for whom justice has been historically denied.

The Task Force formulated the following policy recommendations:

- **Riverside Police Department Policies & Procedures:** Their recommendation is to update Chapter 10 (Personnel) to add detailed language regarding specific disciplinary actions that will be taken by the department for policy violations.
- **Riverside Police Department Hiring and Screening:** Their recommendation is for there to be more community involvement in the police hiring process, increasing the minimum age requirements for trainees and officers, and increasing the minimum education requirements for trainees and officers.
- **New Approaches to Non-Violent Crimes and Quality-of-Life Issue:** Their recommendation is for the City of Riverside commit to establishing partnerships with community-based organizations and providing funding for alternative approaches to community public safety.
- **City of Riverside Budget Re-allocation for Improved Community Outcomes:** Their recommendation is for a reallocation of a portion of the police department budget to the Community Police Review Commission and to the expansion of social services, mental health and homeless services professionals as responders to non-criminal and non-violent incidents.
- **Restructuring the Community Police Review Commission (CPRC):** Their recommendation is for a complete restructure of the CPRC to empower its purpose and improve its effectiveness. This overhaul will include a permanent annual budget allocation for staff support, enhancement of CPRC membership criteria to better represent the community at large, and an expansion of the CPRC scope of work, oversight, and reporting.

Out of these recommendations, came a strong desire from the group to focus first on strengthening and restructuring the Community Police Review Commission to allow for it to function properly as a true community oversight and proactive policymaking body, laying the groundwork for an efficient and community-involved vetting process for future reform discussions.

Recently, the City Council has taken several actions to reinforce and support the need for this item, including the adoption of an anti-racism vision statement, the adoption of a resolution recognizing racism as a public health crisis, and the adoption of 2025 Strategic Plan Priorities and Goals, including High-Performing Government and Community Involvement.

DISCUSSION:

Following the death of George Floyd at the hands of Minneapolis began a national discussion about the relationship between police departments and the people that they are sworn to serve and protect. Many looked to national and state figures and institutions to remedy what has been identified as a sharp divide and deep mistrust in police institutions from many community members. While federal and state officials can make meaningful changes and can contribute to a national discussion, true reform and trust-building can only truly happen at the local level.

Because of this, constant discussion and action at the local level regarding police practices is critical to mending relationships and maintaining trust among the community and the police department. As such, having an effective and inclusive community police review commission is essential to laying the groundwork for the discussion, mutual understanding and better community outcomes.

When the CPRC was originally formed, the Commission was staffed by a full-time Executive Director and a Senior Office Specialist. Both of these staffers will critical to the continued engagement and success of the CPRC in investigating officer-involved deaths, policy and procedure recommendations and in keeping the community involved in the processes of the Commission.

However, time has a way of easing urgency, clouding memories, and changing priorities. After the Stipulated Judgement ended in 2006, the CPRC's influence, attention and staffing was slowly stripped away, resulting in a commission not fully engaged with the pulse of the community and unable to adequately develop police reform proposals. Currently, the Commission has no full-time staff and little community engagement presence.

The Task Force identified the above policy problems and through much discussion has recommended the following measures be discussed to strengthen the community police review commission and remedy identified problems.

- 1. Revise the purpose, scope and duties of the Commission to more accurately reflect its role as a policymaking body and oversight commission in the pursuit of accountability and trust.**

The current Purpose of the Commission was written in 2000. Much has changed in the past 20 years and the Task Force believes it is necessary to revise the Commission's stated purpose.

The Commission proposed the following: *The renewed purpose of the CPRC is the betterment of the City of Riverside by establishing a fully transparent, invested, and trustworthy relationship between the Riverside Police Department and the diverse and dignified community it is sworn to serve. To this end the CPRC is charged with independent oversight, purposeful research, good faith engagement, community involvement, and policy development as we continue to build the City of Riverside and ensure the freedom, dignity and safety of citizens and civil servants alike.*

Additionally, the Task Force recommended the following be added to the duties of the Task Force:

- To act as an independent auditor and archivist of the Riverside Police Department and to advise the Mayor and City Council on policy and procedure recommendations related to police/community issues and to develop and oversee regular surveys, reports and studies into Riverside policing policies and 21st century community policing models.

- To conduct public outreach to educate the community on the purpose of the Commission and actively engage community members and community groups in the policymaking and oversight process through methods such as the creation of sub-committees consisting of CPRC members and community members.
 - To independently receive & review body cam video footage immediately, at the same time as Internal Affairs, without delay or interference when pertinent to an investigation into police misconduct or officer-involved shootings.
 - To independently prepare and submit an annual report to the Mayor and City Council on the state of police/community interactions and innovative and pertinent policy recommendations to end violent police interactions, inspire confidence and partnerships in community policing and inform the priority-based budgeting process.
- 2. Increase membership from nine to eighteen members to be recruited to reflect our city's diversity and with priority given to members with experience in public health and safety, social work, and individuals from LGBTQ, black, brown, youth and rural communities.**

This will allow for a more engaged commission with fuller representation of the communities involved in reformation efforts and those that are statistically disproportionately affected by police brutality. This will include 2 members from each ward, and 4 citywide seats. To maintain full independence, the CPRC will not include any active members of law enforcement, and no more than one former police officer or police department staff member shall retain membership on the board at any point in time.

- 3. Establish the commission's independence by requiring at least three full-time positions appointed by the Commission and confirmed by the Council.**

As mentioned earlier on in this staff report, when established, the CPRC was staffed by an Executive Director and a Senior Office Specialist. This allowed the Commission to maintain independence as they did not have to rely on RPD staff or City management to carry out their objectives and community engagement efforts. Over the years, due to budget constraints and general disinterest, the Commission no longer has a full-time staff.

The Task Force believes that remedying this action is critical to the success of the CPRC as a proactive, policy-making body. To that end, it is recommended that the City Council approve 3 full-time positions to staff the CPRC, including: An Executive Director responsible for executing the directives of the CPRC, implementing CPRC goals and objectives, and providing leadership to other CPRC staff; A Community Liaison responsible for outreach and relationship building with the broader Riverside community to further the cause of community-focused policing through forums and townhall events to encourage constructive dialogue; and an Administrative and Research Assistant responsible for sending and receiving correspondence, liaising with the City Clerk's Office and providing other administrative support.

- 4. Bolstering the Commission's oversight powers by allowing the Commission to receive and review body-cam video footage immediately and without delay or interference when pertinent to an investigation into a filed complaint or an officer-involved shooting.**

The very purpose of requiring bodycam footage is to increase accountability and transparency. However, often bodycam footage is not released until internal investigations can be completed and, in some cases, the footage is not released for years until after an investigation is completed.

Many experts have argued that police departments should not be in primary control of bodycam footage. Alex Vitale, director of the Policing and Social Justice Project at Brooklyn College has argued that if the footage is truly an accountability tool it should be controlled by an entity independent of the Department. It is additionally recommended that the CPRC begin discussions on the creation of uniform bodycam access regulations.

By clearly allowing the CPRC unobstructed access to bodycam footage, the Commission's ability to provide oversight and accurately rule on cases will be greatly aided. This will additionally bolster community trust of the Commission's role in community policing.

5. Strengthen community engagement and outreach by encouraging the Commission to partner with academic institutions and community groups and including the community in the policymaking process.

The Community Police Review Commission often acts in a silo, separate from the many community groups and leaders committed to police reform efforts and bettering the relationship between the community and the Riverside Police Department. This is largely due to the current narrow purpose of the Commission and its lack of adequate staffing.

The Task Force recommends that the Commission more explicitly partner with academic institutions, such as UCR and the Center for Social Innovation, as well as community groups like the Riverside Coalition for Police Accountability, to include these important stakeholders in the policymaking process.

These changes will allow the body to act as not just a reactionary oversight board, but additionally as a proactive force that examines, researches and develops policy proposals related to modern policing best practices for the City Council's consideration.

As stated in the Task Force's Report, *"Adoption of these recommendations will be seen as a step towards, not a completion of, our desire for community focused public safety policies and efforts that acknowledge the responsibility of our public servants to truly protect and serve the diverse, dignified, and equal citizens of the City of Riverside."*

It is recommended that these proposed changes to the Community Police Review Commission be reviewed by the Commission themselves and for the Commissioners to be able to provide ample input to the City Council on these recommendations and to additionally have the opportunity to bring forward their own thoughts on ways to strengthen the Commission and help it better achieve its mission.

Concurrently, it is recommended that the Inclusiveness, Community Engagement and Governmental Processes Committee hear this item in a workshop-style meeting and to engage in in-depth conversations about each recommended measure, along with the input from Commission members, community groups focused on police reform and the general public.

This community engagement and stakeholder process will culminate with the item being brought back to the full City Council for consideration of the adoption of an ordinance to amend Chapter 2.76 of the Municipal Code along with other pertinent methods of strengthening the commission.

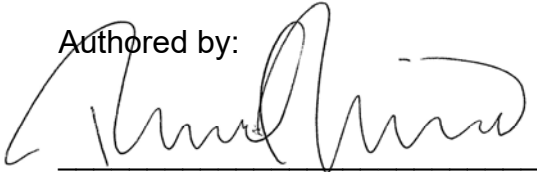
The first step towards enhanced police reform and community trust is by involving those affected by policing at the decision-making table, and by professionalizing the research and policymaking process to encourage and sustain lasting attention and engagement towards efforts to reform and better community policing in Riverside.

FISCAL IMPACT:

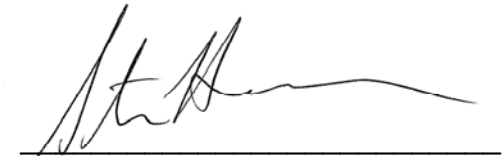
There is no immediate fiscal impact of this item. The appropriations for staffing costs of the CPRC and other potential associated costs will be addressed in subsequent action items.

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Attachments:

1. Community Police Reform Task Force Report & Recommendations
2. Proposed Measures to Strengthen CPRC
3. Draft Amendments to Chapter 2.76 of the Municipal Code
4. City Charter Language