

RIVERSIDE POLICE DEPARTMENT

STATE OF MORALE

AND

ADMINISTRATIVE REVIEW

Background

The City of Riverside has a population in excess of 262,000 and is currently within the fifth fastest growing area in the nation (source: U.S. Census Bureau, 1999). The current population has increased by 80,000 in the last two decades and is expected to double before 2025.

The city covers a geographical area of nearly 78 square miles. It is the largest city in the county, the county seat and the Justice Center for the county. It is also the home of the University of California, La Sierra University, California Baptist University, Riverside Community College and Sherman Indian Institute. The city is in transition from a primarily agricultural base to one of businesses and industry.

The Riverside City Charter (effective December 27, 1995) establishes that the mayor and city council shall be elected-at-large. The city council appoints the city manager, city attorney and the city clerk. The city manager shall serve at the pleasure of the city council, and all department heads and officers of the city shall serve at the pleasure of the city manager. The chief of police is responsible for the direction and management of the department.

Over the past decade, the Riverside Police Department (RPD) has been undergoing growing pains, while making a transition from a small urban agency to a larger professional department. It is one of the largest law enforcement agencies in the area. In the early 1990's, the department was considered one of the premiere law enforcement agencies in the state. Five years ago, they required a large college auditorium to hold the applicants applying for coveted openings in this department. Recently, recruiting efforts drew only forty-seven applicants, most of which were not qualified.

The Riverside Police Department has had numerous controversies over the past decade. Some former Police Chiefs have received votes of "no confidence" from the Riverside Police Officers Association (RPOA). More recently, the past two years have produced some controversial and high risk "Officer Involved Shootings" (OIS). One resulted in awards while another resulted in the termination of an entire squad of officers. These have prompted the state of morale study of the department.

There have also been accusations of rampant racism and "use of force" issues within the department. These have had a negative effect on the morale of the officers and a significant effect on their overall performance.

The city is committed to accomplishing a major transition from traditional style policing of suppression and apprehension to a community-based type of law enforcement aimed at crime prevention. These programs are designed to identify and prevent crimes before they occur. This will require a solid core of traditional pro-active policing in order to build effective programs.

There have been representations made by some officials that Riverside's crime rates have been returned to 1974 levels. When placed in perspective relationship to eight nearby cities of the same size, current reported "Part 1" (major) crime statistics (below) reflect the urgency of this Administrative Review (Source: U.S. Department of Justice, <http://www.fbi.gov>, "Uniform Crime Reports" for January to June 1999).

City	Crime Index Totals
San Bernardino.....	6,971
Riverside	6,586
Santa Ana.....	6,135
Anaheim.....	5,258
Ontario.....	4,222

City	Crime Index Totals
Huntington Beach.....	3,152
Pomona.....	3,124
Pasadena.....	3,096
Torrance.....	2,040

The department underwent an independent audit in 1992, conducted by Ralph Andersen & Associates. The department had another independent audit conducted in 1996 by Tamayo Consulting, Inc. In 1998, a study was also conducted by the John F. Kennedy School of Government at Harvard University. Many "findings" in the two independent audits have yet to be addressed and still exist today.

During the course of this report, we conferred with, or received testimony from, in excess of 150 individuals. Some we heard at their request, however the majority were selected at random.

MATERIALS REVIEWED:

- RPD Officer Involved Shooting (OIS) Reports (three volumes).
- RPD printouts of various radio call "histories."
- RPD Internal Affairs Criminal Investigations.
- RPD Internal Affairs Administrative Investigations: multiple transcribed interviews.
- RPD Internal Affairs Complaint Investigations.
- RPD Administrative Reviews.
- RPD Policy and Procedures Manual.
- RPD Daily Scheduling reports.
- Riverside County Sheriff's Coroner Bureau Reports.
- Riverside County Sheriff's discipline and promotions policies.
- Riverside County District Attorney's Criminal Investigations (two volumes).
- Riverside County District Attorney's OIS Summary.
- Peace Officer Standards and Training (P.O.S.T.) Manual #20: Use of Force.
- Numerous RPD Officer Involved Shooting - Internal Affairs reports.
- Investigations against officers, related to Policy and Procedure violations and dispositions.
- Internal Affairs "Excessive use of Force" complaints.
- Numerous audio tapes of Internal Affairs Investigations.
- An independent expert's evaluation of OIS 'Tactical Analysis.'
- City documents, reports, memorandums and e-mail.
- Press articles.
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Court Decisions:

- Terry v. Ohio, 392 US 1 (1968).

- Tennessee v. Garner, 471 US 1 (1985).
- Graham v. Conner, 490 US 386 (1989).
- Scott v. Henrick, 39 F. 3d 912 (9th Cir. 1994).
- Forrester v. City of San Diego, 25 F. 3d 804 (1994).

Findings

1. The department has a serious need for attention to its physical infrastructure. It has outgrown the Orange Street "Headquarters," that has caused the department to become fragmented into four separate facilities around the city. This is a major contributing factor to the breakdown of interaction, cooperation and communication between divisions.
2. There is a dangerous shortage of patrol officers, which is affecting the safety and security of the community. In 1992, the population was 238,100, and there were 147 officers allocated for patrol services. In 2000, the population is in excess of 262,000, and there are only 135 officers allocated for patrol services. While the population has increased by 24,000, the police coverage has been decreasing.
3. There are more than 335 sworn officers in the department, of those 135 allocated positions for patrol, only 109 are actually assigned to patrol duties. As a result, there have been several occasions where only 8-10 patrol cars (or less) have been assigned to cover the five districts in the city. Arrests will pull a unit out of service for long periods of time. Major incidents often pull several units out of service, reducing adequate back up capabilities and delayed responses to calls for service. Officers are continuously concerned about each other's safety in addition to the safety of the community. (Note: During the preparation of this report, the department allocated overtime hours to increase patrol levels.)
4. Many sworn officers have been assigned to duties that could be accomplished by non-sworn personnel.
5. The department offers only the minimum amount of training required by the State's Peace Officer Standard of Training (P.O.S.T.). Officers who wish to attend specialized schools to improve their proficiency, or advance their careers, must do so at their own expense and often on their own time. Officers are extremely concerned that the severe lack of training is affecting the quality of law enforcement in the city. Additionally, the lack of continual and on-going training is resulting in new officers developing unsafe or dangerous habits, adversely affecting their performance and the overall safety of the community.
6. In mid-1998, the position of "Training Sergeant" was eliminated, which ended the daily roll call training sessions. Officers felt that those 15 minutes of daily training were extremely beneficial , particularly when covering possible scenarios and critical

situations. Officers are mindful that they must rely on their training and instinct, especially when caught in unexpected or extremely unusual incidents where "split-second" decision making is required.

7. Uninvolved patrol officers are not being briefed following Officer Involved Shootings and are not taught which tactics are acceptable or overly dangerous.

8. Currently, there is no established written promotion policy which provides a set of prerequisites needed for qualified officers to obtain advancement. Professional law enforcement management demands that promotions be made in an orderly process. Former chiefs have made promotions arbitrarily, which appears to have caused a critical weakness in the management structure. Many officers believe there is no incentive to advance their careers, because several qualified officers have been passed over for promotions as many as twenty times without explanation.

9. Officers are not allowed to see promotion lists, candidate qualifications or rankings.

10. Command and management oral examinations for promotion are conducted by non-law enforcement personnel in the Human Resources Department at the city manager's office.

11. Unlike most large law enforcement agencies, there is currently no established discipline matrix. Such a matrix specifically states appropriate punishments for specific policy and procedure violations. Such a matrix would also establish fair and consistent punishments in a progressive manner. The chief of police has been the sole decision making authority on discipline and levels of punishment issued. Captains have neither been part of the discipline process on a regular basis, nor are they allowed access to Internal Affairs information when they are asked for recommendations.

As a result, in the summer of 1999, a squad of officers was terminated in connection with a very high profile OIS incident. These terminations severely affected the overall morale in the department, as well as daily functions of the department's patrol operations. Activity has been limited to only *low risk* situations and emergency calls for service.

The department records and testimony show:

A) Monthly Statistics have documented a substantial decrease in pro-active police work.

B) Traffic stops and pedestrian checks have plummeted.

C) Officers are not investigating suspicious or possible criminal activity in order to avoid "use of force" confrontations.

D) Following the termination, most of the SWAT, Defensive Tactics and Field Training Officer teams offered their resignations to the department. These were not accepted, but many of the officers have requested to be rotated off these duty assignments.

E) At least sixteen senior officers have submitted their resumes to other law enforcement agencies. A number of "Lateral Transfers" (resignations) have already occurred, exacerbating an already dangerously low staffing level.

12. An "Early Warning" disciplinary program has been instituted, which attempts to discover whether an officer is developing a problematic pattern. The current department citizen complaint form is not being used in compliance with state law. Complainants are not required to sign complaints under penalty of perjury. Anonymous and "third party" complaints are routinely accepted for investigation, which could lead to frivolous charges. Under the current atmosphere, this could unjustly target officers for discipline. Officers now feel that they are "guilty until proven innocent."

13. There is evidence of "reverse" racial bias regarding discipline. Some minority officers have violated department policies with impunity. The absence of uniform disciplinary actions is common knowledge among the officers and has also had a "poisonous" effect on morale.

14. There is no evidence to support allegations of "rampant racism," "racist activity" or "racial animus" in the department's operations. There is no credible corroborating evidence that officers are taught "racial profiling" by Field Training Officers.

15. There was a severe lack of communication between the former chief of police and the command staff. Captains have not been included in the policy or decision making processes. Also, the department's financial officer was often excluded from command meetings. There has been an apparent prejudice against *civilians* attending policy meetings.

16. Officers are unsure what is expected of them, because there has been a poor line of communication vertically and horizontally. Rumors are allowed to circulate, without being addressed and controlled.

17. Communication and processing of information through all management levels is extremely slow. This has resulted in lengthy delays of reports, Internal Affairs investigations, disciplinary and management actions.

18. Watch 1 (graveyard shifts) traditionally receives a higher degree of criminal activity than Watch 2 (day shifts). Watch 1 is primarily staffed with the department's newest and least experienced officers, which creates a dangerous potential for *high risk* incidents. The city has recently promoted a number of patrol officers to the rank of *detective* and are considering the scheduling of these officers on Watch 1, to provide more experience.

19. A recent department analysis of "Part 1" (major) crimes statistics (see chart below) for 1998/99 revealed significant increases over 1974 levels. Many of the current "Part 1" crimes received little or no attention in 1974 (e.g. sexual assaults, child/elder abuse, domestic violence, and economic crimes). This study also revealed a serious shortage of trained detectives:

A) In 1974, there were twenty-three detectives assigned to investigations. Twenty-five years later, in 1999, there were thirty-three detectives assigned to this division.

B) Increased awareness and reporting requirements for crimes such as domestic violence, child and elder abuse, sexual assaults and Internet crimes have significantly added to detective caseloads. (From 1988 to 1998, domestic violence cases alone have increased 185%.)

C) A single case consists of the following: 1) Reading the report, 2) completing the investigation, 3) writing the supplemental report, 4) filing the complaint with the District Attorney's office (*in other counties this function is performed by the D.A.'s office*) 5) and testifying in court.

It is impossible for the current staffing of detectives to handle the present caseloads adequately (see chart below).

Overall, only a few hours can be allocated for many cases and in most cases, only *minutes* can be allowed. Consequently, most of the cases in priority status 4 and 5 get the least amount of attention.

CASE ASSIGNMENT BY PRIORITY STATUS
July '98 - June '99

UNIT	1	2	3	4	5	Crime Index
						TOTALS
Persons	244	54	228	228	3538	4337
Robbery	253	378	41	15	195	882
Sex.Assault	55	110	52	41	210	468
Child Abuse	119	162	71	120	297	769
Dom. Viol.	467	205	186	91	950	1899
Economic	134	138	21	82	565	940
Auto Theft	181	48	9	13	1877	2128
Property	916	204	282	405	8740	10547

Prioritized by custody and amount of information

D) The department lacks the ability and manpower to handle the growing number of "high tech" crimes on the Internet. These crimes are primarily focused in areas of fraud and child exploitation.

E) As of February of 2000, there are 511 registered sex offenders residing in the City of Riverside. Five are considered "high risk" and 451 are considered "serious risks." Fifty-five are classified as "other." There are also approximately 100 "unregistered" or "unaccounted for" offenders. The majority of these offenders are pedophiles (child predators). There is an insufficient number of detectives to adequately supervise their activities.

F) White collar crimes (including organized crimes, drug dealing, and juvenile activity) are increasing. These cases are extremely time consuming and require large amounts of documentation. With increased use of the Internet and advanced technical skills, juvenile fraud and embezzlement arrests are rapidly increasing nationwide. The department totally lacks the training and manpower to handle such cases.

G) A number of variable factors is also placing an even greater strain on the existing investigation staff. Among these variables are: population growth, increased service calls, increased filings from an increasingly pro-active patrol division, task force commitments, and pretrial responsibilities.

H) A number of officers have been transferred from the patrol division to investigations, to assist in the workload without promotions to detective. However, this does not resolve the problem and seriously depletes the number of officers available to patrol the city.

20. The department's new Records Management System (RMS) has been routed through the city manager's office. The RMS is connected to all public safety systems, which is likely to cause overloads and lengthy "down times." This routing also will allow some unauthorized civilians to have unrestricted access to confidential police files, which is in violation of state and federal regulations. Additionally, this 1.34 million-dollar software purchase did not include the "perpetual rights" use authority from the supplier, placing the department and city in a state of future financial uncertainty.

21. There is a major concern by rank and file officers regarding the qualifications and/or competency level of some supervisors/managers. The majority of the concerns expressed were that they are risking their careers on arbitrary or "unqualified" evaluations from inexperienced managers.

22. Lieutenants serve as "watch commanders" on a rotating basis. This causes a lack of consistency regarding policy and procedure interpretations at the lieutenant level. Sergeants are being held accountable to five individuals' opinions and interpretations, which is causing a high degree of frustration, disharmony and disorganization within the department.

23. Sergeants are inundated with paper work, which is preventing them from properly performing their field functions of training, supervision and mentoring the officers under their supervision.

24. Sergeants are not currently in control of the Field Training Officer Program, which prevents them from adequately overseeing daily training of new officers.

25. Sergeants are not being supported by administration regarding disciplinary evaluations and actions for poor performance or improper behavior. On occasion, sergeants have been instructed to change personnel investigation reports to justify disciplinary actions against officers.

26. Employee evaluations are habitually late.

27. Salaries and benefits are not competitive with surrounding agencies of similar size. This has been a detrimental factor in attracting experienced officers to make lateral transfers to RPD, as well as recruitment of new officers.

28. Most field officers believe they do not have adequate equipment and supplies necessary to perform their duties in a timely manner. The lack of essential equipment often ties-up officers at calls longer than necessary.

29. Vehicles are not equipped with audio or video recording devices, which would properly document all incidents and help avoid legal risks and frivolous complaints against officers.

30. The department does not have a logistics control. Consequently, a number of weapons, radios and miscellaneous equipment have vanished.

31. The RPD is currently a "reactive" rather than a "pro-active" police force. The department lacks the essential prerequisites which will prevent the city from successfully implementing an effective program of Problem Oriented Policing and Community-Based Policing. Specifically:

A) A strong fundamental (apprehension and suppression) police "core."

B) A high degree of decentralized management, which does not currently exist.

C) Highly specialized areas of training for officers. This does not currently exist.

D) These programs require that a large contingency fund be available. This does not currently exist.

32. During the preparation of this report, the Chief of Police resigned and has been replaced with an interim department head. The interim Chief will serve until the city completes its search for a permanent replacement.

33. There is a number of discussions being conducted regarding Citizen/Community Review panels, which would be intended to oversee the department. There are at least six independent agencies which currently oversee the department (including the Riverside County Grand Jury). The department appears to have a good record of self-

policing and disciplining errant officers (with a few noted exceptions), despite the inequities in punishments issued.

34. Police academies teach police officers to use a "three-shot scenario" whenever they are required to use lethal "use of force." They are, to discharge their weapons three times (two toward the chest and once toward the head) then withdraw to reassess the threat, and fire again if necessary. The appearance of "Excessive Force" is based on the number of officers involved.

Recommendations

To the Riverside Mayor, City Council, City Manager and the Chief of Police

1. The city should build a new police headquarters which will be large enough to house all divisions of the department. Such a facility should be planned to keep up with the projected growth of the city.
2. Develop and strictly adhere to a minimum staffing level in compliance with recommended safety standards (approximately 15 patrol units per shift) to ensure adequate officer and civilian safety.
3. (A) Take immediate steps to see that more sworn personnel are returned to patrol duties. (B) City budgetary funding allocations for patrol officers should be adjusted to keep in line with nationally recognized minimum safety standards and the city's growth.
4. Review all programs and assignments to determine which duties can be accomplished by non-sworn personnel, and return sworn officers to more productive and cost effective uses.
5. Allocate sufficient funding specifically for specialized schools and training, and encourage officers to share training information upon their return.
6. Provide funding to expand training at all levels. A training unit needs to be established to develop, oversee and conduct a comprehensive, ongoing training program and to document efficient training. The training of officers in scenarios and critical situations is essential and must be improved.
7. Conduct post-incident briefings on all Officer Involved Shootings. This will provide valuable ongoing training, which may prevent repeated errors.
8. Direct that a formal written promotion policy (which provides the necessary prerequisites for each rank) be established immediately. All law enforcement promotions should be made in a non-discriminatory and professionally established method. Appointments should be made from the top three qualified individuals on the "promotion list." This list should be updated annually. Persons in the top three positions should not be passed-over more than three times, without receiving written notice as to the reason they were not promoted, to allow them to improve their career performance.

9. The department should post qualifications, scores and ranking for all promotion applicants.
10. (A) All oral examinations of law enforcement personnel should be conducted by individuals qualified to appraise the level of professional prerequisites suitable to the level of promotion. (B) Decisions regarding law enforcement personnel hiring and promotions should be made through the police department's personnel department and not through the City Manager's Human Resources Department.
11. (A) Immediately develop and institute a comprehensive, written discipline matrix policy, which provides for prompt, fair, progressive, unbiased and consistent discipline. Such a policy will assure that all officers have full disclosure of expectations and consequences for violations of policies and procedures.

(B) Develop a "discipline review panel" drawn from within the chain of command to ensure fair and equitable disciplinary actions. This "discipline review panel" should eliminate, or greatly reduce the perception and the possibility of arbitrary or biased discipline.
12. Require that all complaints against officers comply with policies set forth by state law. Anonymous complaints are easily contrived and impossible to disprove.
13. Strict compliance with an established discipline matrix is necessary to assure all employees are treated fairly and equitably, regardless of race, ethnicity, personal relationships or beliefs. The discipline of officers should be based on factual violations and in a consistent manner.
14. Publicly address racial or "racist" allegations against the department promptly. All such allegations should receive priority investigation by the department's Internal Affairs Unit.
15. The captains and finance officer should always be part of the decision and policy making process. More authority must be delegated to the command staff and management to achieve the decentralized level management needed for Community-Based Policing.
16. Develop and establish open and clear communication channels and procedures from command staff to subordinates. Establish a rumor control center to defuse groundless rumors, which are detrimental to morale.
17. Evaluate the current communication problems that exist and implement procedures which will improve inner-departmental performance.
18. (A) The department must develop a method of rotating temporary squads of senior officers onto Watch 1, to urgently improve training and skill levels of newer officers, and reduce the danger of "high risk" incidents. (B) The senior officers should receive increased compensations, during their temporary rotation schedule. (C) Recently

promoted *detectives* should be assigned to the seriously understaffed Investigations Division.

19. Priority should be placed on the recruitment of new personnel, so that more qualified officers can be advanced to the detective rank and increase the investigation staff. The Investigation Division should be increased as rapidly as possible.

A) Additional specialized training should be provided to all investigators, ensuring they are adequately prepared to investigate the increasing number of "high tech" crimes.

B) Civilian technicians should be employed to perform specialized tasks, which will free existing detectives to handle cases more efficiently.

C) Most registered sex offenders should be considered "high risk," given their propensity for criminal activity. Therefore, qualified civilian, or sworn personnel, should be appointed immediately to oversee the activities of these individuals.

20. The computerized RMS program must be proprietary and a stand-alone operating system to the department. Outside access to police files and records, by unauthorized personnel, must be prohibited. The city should demand that the "perpetual rights" authority to the purchased software be turned-over by the supplier.

21. Institute an anonymous up line evaluation form, similar to those used in other departments. This evaluation form will assist commanders in recognizing possible weaknesses in supervision/management. This information can be used to develop supplemental training in those areas.

22. (A) Assign senior sergeants on each shift to serve as "watch commander," using a literal interpretation of the department's policy and procedures. (B) Policy interpretation should be clarified and resolved by the division commander.

23. (A) Define specific paperwork obligations of lieutenants and sergeants, consistent with their responsibilities. (B) Expand the stenographer pool, so that sergeants' skills can be better used at supervising and training.

24. Sergeants should organize and supervise the Field Training Officer Program, conducting monthly meetings to discuss progress of officers-in-training. Based on these meetings, regular reports should be provided to the management staff.

25. (A) Management needs to give high regard to sergeants' comments, or recommendations, in areas of officer performance, or behavior. (B) Management should only override sergeants' findings on disciplinary suggestions, with proper supplemental findings, and never request that documents be changed inappropriately.

26. Employee evaluations must be brought up-to-date and properly maintained on a regular basis, as prescribed by law.

27. (A) Conduct a realistic "parity study," to reevaluate the salary and benefit structure. (B) Make necessary adjustments to bring compensation into a competitive range, so as to attract the needed manpower. (C) Increase the funding for a more aggressive recruitment program to attract experienced officers from other agencies, as well as new recruits.

28. (A) Provide photo cameras, additional film, print kits and new technology in non-lethal devices and weapons, for each patrol vehicle. (B) Supervision/management should develop a more comprehensive list of needed equipment and submit it to command.

29. Install video cameras and audio/video recorders in each patrol vehicle to instantly provide irrefutable documentation of all incidents.

30. Require an inventory be conducted to locate missing equipment, and establish a centralized logistics control system. Designate a logistics control supervisor at each of the department's four locations, who would report to one specific command officer.

31. (A) The city should reevaluate its stated commitment toward Community-Based Policing policy, and allocate sufficient funding to accomplish the necessary prerequisites. (B) Management of the department must undergo a radical change in the policy and procedures to accommodate the decentralized form of management needed to make such programs successful.

32. The interim chief should make no major policy decisions which would affect the power and authority of the new permanent replacement for the department.

33. Oversight by "citizens" unfamiliar with the law enforcement profession, or their procedures, would be redundant, unproductive and detrimental to the quality of law enforcement. Additionally, such a "committee" would produce an unnecessary financial expense and bureaucracy within the city.

34. The "three-shot scenario" training should be explained to the public-at-large, so that claims of "Excessive Use of Force" can be placed in proper perspective.

35. Amend the City Charter so that the chief of police is placed directly under contract to the city and given full budgetary authority over the department. This would expedite the Community-Based Policing policy and ensure quality law enforcement for the city.