



MINUTES

**COMMUNITY POLICE REVIEW COMMISSION
SPECIAL MEETING
City of Riverside
June 14, 2001, 6 p.m.
Art Pick Council Chambers**

Present: Commissioners Brewer, Garcia, Gardner, Goldware, Hendrick, Howe, Huerta and Redsecker

Absent: Commissioner Egson

Chairperson Howe called the meeting to order at 6:05 p.m. He noted that one of the commissioners was on duty as a nurse when the shooting victim was brought to the emergency room. He let Commissioner Huerta address the group.

Commissioner Huerta stated that she wanted to let people know that she was there in the emergency room, but was not involved in the young man's care, but had some minimal interface with his family.

Public Comments Regarding the Death of Vanpaseuth Phaisouphanh

Chairperson Howe noted that five minutes would be allowed for public comments and if an interpreter was needed, more time would be allowed, as needed. Chairperson Howe stated that the Chief of Police requested to address the public as a whole rather than go into closed session after the public speakers to discuss the incident with the Commission. He did note that the Commission would still go into closed session.

Anthony Sisavath (through interpreter, Galen Beery)

Mr. Sisavath said that he felt there were two problems. 1) Is this how the Police Department treats people in Riverside? He wanted to know why this happened, because there were six policemen, and why couldn't six policemen take care of one person? Why did they find it necessary to kill this person? And he was shot five times. 2) He commented on a similar situation that occurred after this incident in which bean bags were used. He said that the situations were similar, but that in one a person was killed and in the other the person was restrained by using beanbags. He said that they think the situation was the same, but what happened was different. He said that they want to know what the members of the Commission think of this incident. He said they would like to see an incident of this type not happen again in this city because they'll be living here for the rest of their lives.

Amy Sivilay

She said that the incident was shocking how this could happen. She said it's hard to understand how it would take five or six shots to end the situation. She questioned how officers are trained at the academy and said it's hard for her to understand how it was necessary for this to take place and asked if there weren't any other solutions to the situation. She said she just wants to understand the situation.

Harry Ratnar

Mr. Ratnar said that law enforcement is the heart of a civilized population and for peace. He said that it still depends on habits such as prejudice against color, minorities, skin. He also commented on the fact that a search was conducted of Phaisouphanh's house, even though he wasn't a felon. He said that law enforcement doesn't see minorities as human beings. He next said that many Americans forget about how the Laotians helped the Americans' while fighting in Viet Nam. He commented about the 911 police

response and how there were five shots to a man holding steak knives. “Is that self-defense of the police officer? I think that is not true.” Mr. Ratnar stated that the suspect was clearly visible “in the sunshine” and asked why did the officer have to shoot. He said the Police Department treats people like they’re not human beings.

Norris Paul

Mr. Paul said that he is concerned about police training. He said that from what he knows of this incident, which is only from the newspaper, and what he knows of other incidents, he concerned about training in unarmed defense. He said that, according to the newspaper article, the officer started shooting before his car door was even closed. He said that the officer could have gotten back in his car rather than use deadly force.

Mary Shelton

Ms. Shelton said that she was unaware, when reading the Press-Enterprise article, that there were six officers at the scene. She questioned why an officer, with less than one year of experience, was dispatched to a stabbing incident by himself and noted that this seems to “increase the risk that something bad is going to happen.” She also expressed her concern over training. She said that a local police academy had an instructor who had committed nine procedural violations and was fired from the police department. She is concerned about why the Police Department is in such a hurry to justify this shooting and feels it is insensitive and rash. She is concerned about RPD’s Homicide Unit investigating this incident, saying that they’ll “take care of their own just fine.” Ms. Shelton expressed concern that the wishes of the family have been ignored and that they had not yet been able to see the body.

René Lysloff

Mr. Lysloff read the following statement by the Riverside Coalition for Public Accountability: “The Riverside Coalition for Public Accountability calls upon Community Police Review Commission, the CPRC, to initiate an independent, thorough investigation into the death of V. Phaisouphanh, and all relevant Riverside Police Department policies and procedures, beginning with the initial 911 telephone call to the police department, interactions with the family after the shooting and so forth. An independent investigator whose findings must be public, should carry out this investigation. This is a test for the openness of the CPRC and their commitment to establish community trust.” He said they know that the Commission is not hostile to the police, but said that at the same time the Commission is the advocate of the community. He said that it is important that there is transparency. He noted that, based on the statements of the other speakers, there is a lot of confusion and unhappiness with the way the investigation was going and the secrecy involved. He said it is crucial that the Commission err on the side of openness. He ended by saying it is the Commission’s job to represent the community.

Ray Lewis

Mr. Lewis began by saying that this Commission was created out of a tragedy and that now we have another tragedy. He said that the Commission was established in the hope that this kind of problem would not occur again and if it did, there was a need for a full investigation. Mr. Lewis said that a full-fledged, parallel investigation must be conducted. He said that when the issue of the Commission came up, there was concern over the inadequacy of resources. They were assured by City Council, that if the Commission needs resources, they would be able to go the Council and the resources would be made available. Mr. Lewis noted that the last time he addressed the Commission he asked them to investigate the shooting of a police officer, which the Commission chose not to do. He ended by saying that the Commission does not have that choice now and asked, “Please do not fail us now.”

Rev. Sysay Vilaylack

Rev. Vilaylack is a pastor of the Laotian Vietnamese Church in Riverside. He said he has never seen anything like this happen before. He said that before the Commission makes a final decision, they need to be careful. He commented on officer training and said that this is the time to check the police officers. This will help the community be more peaceful and he hopes the future will be changed.

Jim Martin

Mr. Martin began by saying the only information he had of the incident was what he read in the paper. He said that, once again, the training of police officers is a major issue. He also said that he agrees with what was said earlier about the Commission maintaining its transparency. He said that, "this Commission, at this point in time, right now, should have their own investigator out investigating the circumstances surrounding this young man's death." He expressed concern over the Police Department saying that the shooting was justifiable. He stated that the Commission "must maintain its transparency. By going into closed session with the Police Department you lose everything. You lose your credibility with the community that you're here to protect. You're the buffer between the Police Department and the citizenry of this city of Riverside and you're here specifically because the PD cannot investigate itself. That is your charge. I strongly object to this panel going into closed session with the Police Department." He again stated that the Commission should have its own independent investigator. He asked that the Commission to decide what needs to be done to protect the citizens from "inexperienced, ill-trained officers who have the authority to use lethal force."

Rich Biber

Mr. Biber lives at 6853 Phoenix Avenue. He and his family expressed his sincere condolences to the family, who are his neighbors. Mr. Biber said that they were the ones who called 911 and witnessed "everything." He said that he knows the Commission will do what's right. He urged them not to go quickly, but in a patient manner.

Sireena Chieng

Ms. Chieng began by saying that she is speaking as a young teen. She said that many of her friends don't like "cops," but she couldn't understand why. But she said she sort of understands why now. She said she had a lot of faith in police officers because she felt they were there to help make things good. But she doesn't know anymore. She said she didn't think police officers were supposed to make "big mistakes like that." She said that she doesn't know if she can trust them as much as she did before. She said that she is afraid for the future and that this might happen again when it really isn't necessary.

Chairperson Howe introduced Chief Leach.

Chief Leach

"Thank you, Mr. Chairman and members of the Community Police Review Commission. I want to thank you for allowing me to take this issue public this evening versus discussing it with you in closed session. It's always been my experience and position to discuss publicly things that affect our community. The death of anyone is a tragedy. I too offer my condolences to the loved ones of Mr. Phaisouphanh. It is a tragic death and you have my condolences.

I speak for my police department, and making no references to any prior news articles, I'll speak for the Police Department. What I have to present to you this evening are the facts as we know them so far. As you know, and indeed, Ms. Shelton pointed out, an investigation involving the death of someone at the hands of law enforcement takes longer than two weeks. It takes a long, long time. A lot of witness interviews to be conducted, a lot of forensic evidence to be examined, walk-throughs of the scene, examining everything that took place. And so I will not be coming back to you for quite

some time with the final report of this police incident. However, the facts as we know them so far will be presented this evening. And the facts as we have them so far are irrefutable. Again, my condolences to the family of Mr. Phaisouphanh. The young officer of this Department, John Porche, acted in defense of his life on Sunday. This occurred on June 10th of this year at approximately 12:20 p.m. The location was 6848 Phoenix Avenue in Riverside. Direct your attention to your left. Capt. Dana will be diagramming this as I describe. Again, the details, events that led to the officer-involved shooting of Mr. Phaisouphanh.

On Sunday, June 10th, at approximately 12:20 p.m., Riverside Police Communications Center received a 911 call from 6848 Phoenix Avenue. The caller screamed something that was unintelligible, then dropped the phone, leaving an open line. At about the same time, a separate 911 call was received from 6853 Phoenix Avenue with the caller identifying herself as Sharon Biber. Mrs. Biber told the dispatcher that a neighbor had contacted her and other family members and stated that he had been stabbed, he had been stabbed. She was relaying other information from other family members that the suspect was believed to be in front of the residence located at 6848 Phoenix Avenue. While Mrs. Biber was relaying this information to the Police dispatcher, officers of this Police Department and medical personnel were dispatched to the location. Again, 6848 Phoenix. They were initially told of the stabbing victim, and that the suspect, and Asian male, was still armed with a knife and was near the garage door of the residence across the street from Biber's residence. Just before the dispatched officer, Officer Porche, arrived, Mrs. Biber's son, Bob, took the phone away from his mother and began giving the dispatcher more specific information. Based on the conversation, it appeared that Bob Biber was looking through a window at the residence and could clearly see the suspect across the street. He provided a description of the suspect and told the dispatcher that the suspect was remaining in the area directly in front of his garage door. Bob Biber described seeing the officer arrive and then explained the suspect was approaching the officer, rapidly approaching the officer. He told the dispatcher that he saw the suspect go after the officer and saw the officer shoot the suspect. Bob Biber said he heard the officer several times tell the suspect to stop, but the suspect ignored the commands and aggressively continued to advance on Officer Porche.

Officer Porche arrived at approximately 12:24 p.m. As he arrived and was attempting to locate the residents, he saw a subject in a driveway directly in front of the residence at 6848 Phoenix. The subject was in a crouched position holding what Officer Porche believed was a knife in each hand. Officer Porche parked his unit at an approximately 45-degree angle to the curb, in front of the 6848 residence. He stepped out of his unit and saw that the subject who had been in the driveway was now walking towards him. He described the walk of the subject as deliberate, but aggressive. He saw the subject was holding a knife in each hand, then he broadcast an 11-11, which is an officer requesting immediate help, backup call. Officer Porche said he drew his duty weapon and began ordering the subject to drop the knife and to stop. The subject continued toward Officer Porche, walking around the rear of the police vehicle. Again, Officer Porche didn't have a chance to turn the engine off in the vehicle or to close the driver's side door. Officer Porche began backing toward the front of the unit, backing toward the front of the unit with the subject continuing to approach him, the subject walking forward, the officer walking backward, off-balance. Officer Porche continued around the front of his unit, stepping onto the grass parkway, and then the sidewalk. Again, backwards. The subject continued walking in a determined manner toward Officer Porche, ignoring the officer's orders to stop and drop the knife. As the subject reached the curb, Officer Porche saw the suspect bring both arms out toward him and he began to charge, armed with two knives. He charged to within four feet of Officer Porche. Officer Porche fired his weapon – one round and then four rounds, until the suspect stopped advancing and fell to the ground. Officer Porche immediately requested medical aid and asked for a supervisor to respond to the scene. Assisting officers arrived immediately following the shooting, following the shooting. Officer Riedeman kicked the knives out of the suspect's hands – he still clutched knives in his hands as he was down. In response to the initial radio call, medical personnel from the Riverside Fire Department and American Medical Response were staged a very short distance away. They then arrived and transported the subject to Riverside Community Hospital, where he was pronounced dead at approximately 12:48 p.m.

As previously mentioned, the open phone line from the first 911 call that was received was from 6848 Phoenix, remained open throughout the incident. On the recording of the tapes that we have of the open line, can be heard repeated commands to stop, immediately followed by what sounded like five gunshots.

Investigators confirmed that the suspect had initially attacked one of the nearby residents, victim Harix Moran, 54 yrs. old. According to Mr. Moran, he, his wife and daughter were preparing to leave their residence that day when he saw a wrench in his front yard. He saw the suspect, Mr. Phaisouphanh, standing in front of his residence across the street and asked him if the wrench belonged to him. The suspect replied, "No." A few minutes later, the suspect charged Mr. Moran with a knife in each hand. Mr. Moran managed to get a hold of the suspect's wrists and struggled with Mr. Phaisouphanh. Mr. Moran's wife, Sonia Jauregui and daughter, Angelica Moran, came to Moran's aid, but were told by Mr. Moran to get back in their vehicle, get out of harm's way. As victim Jauregui approached, the suspect attempted to stab her, but he missed. Moran was then able to free himself and ran to his vehicle. As the three victims entered their vehicle, the suspect, Mr. Phaisouphanh, attempted to stab victim Angelica Moran through the open passenger window as she was putting the window up. The suspect missed and victim Angelica Moran was fortunately not injured. As victim Mr. Harix Moran backed out of his driveway, the suspect held one of the knives against the side of the car, scratching the paint. Harix Moran said the suspect did not say anything during the attack. Harix Moran then drove next-door and honked repeatedly until the Biber's came out to assist him and call the police for him. He suffered minor defense wounds to his hands and was treated at the scene by medical personnel.

The subject in this case, Mr. Phaisouphanh, is a Laotian male, 25 years old. He suffered five gunshot wounds; two to the upper chest, one to the lower chest, one under the left eye, and one to the groin.

According to Officer Porche, the suspect did not make any comments or shout anything during the incident. Officer Porche was not injured during the incident.

In accordance with Department Policy, Officer Porche met with a representative from the counseling team and has been placed on administrative leave. Responding, as per policy, to the scene, representatives from the Riverside Attorney's Office, a deputy district attorney from the Riverside County District Attorney's Office, two district attorney investigators, Riverside Police Department Internal Affairs Division, and investigators from our investigative divisions.

Again, when the complete investigation is presented to me for my review, it will be forwarded to you at a later time. I should also tell you that parallel investigations are taking place. One, of course, involves the use of deadly force by a police officer, which is standard in the state. It will be investigated by the District Attorney's Office, and he will consider the legal and proper use of force in this case. Also, Internal Affairs investigation will be completed involving the action of the officers at the scene. And again, the main investigative body will be a report presented to me of the use of force by an officer of this Department.

Thank you."

Chairperson Howe announced that the Commission would now be going into closed session.

Chani Beeman asked if the Commission was going into closed session to discuss this case or other cases? Chairperson Howe told her it was this case. Ms. Beeman asked why there was still information that couldn't be discussed in public even after Chief Leach's presentation. Chairperson Howe said that any type of case the Commission discusses is not open to the public. Ms. Beeman said, "I think you are conservatively interpreting your role, and as a community member, I am very, very disappointed."

Closed Session – Commission Briefing by RPD on the Death of Vanpaseuth Phaisouphanh

At 6:58 p.m. pursuant to Government Code Section 54957, the Commission and the Chief of Police adjourned to Closed Session to discuss procedural issues with regard to the death of Vanpaseuth Phaisouphanh.

At 7:15 p.m. Executive Director Williams announced that the Commission would be returning shortly and those audience members who wanted to wait could do so.

At 7:18 p.m., the Commission returned from closed session. Chairperson Howe informed the public that the Police Department will expedite the Internal Affairs investigation and will forward it to the Executive Director of the CPRC as soon as possible. When that happens, the CPRC will call another meeting to go over the investigation and decide what to do from there.

Meeting adjourned at 7:21 p.m.

Respectfully submitted,

PHOEBE SHERRON
Administrative Clerk