



November 5, 2012

Honorable Mayor and City Council,

The events of October 23rd, 2012 are of little concern to my membership. What is a major concern is how the elected and their employees are handling the fallout from the controversy of the arrest that took place that evening.

There are many questions that need to be answered about the response made by the City Attorney, several members of council and Mayor. While I'm hopeful there would be some sort of reasonable explanation why some have chosen to throw our officers and the department under the proverbial bus, I know based on prior incidents there is not going to be an explanation. I will however give you the laundry list of issues as I see them and you can feel free to discuss them amongst yourselves in closed session.

- Our officers prepared a report detailing their actions that evening. The City Attorney has essentially said the reports are inaccurate. Well, we call that a lie in the profession and the State of California calls lying in a police report a crime.
- The City Attorney has decided to make a statement about the reports and calls the officers account into question. However, when the press asks him further, he invokes attorney client privilege. Now I'm confused by the invocation for a couple of reasons. Is he asserting the client in this case is the officer involved or one if not all of the elected? Does he still get to invoke the privilege when he has made what I consider to be a reckless accusation in first place? I don't have a law degree, but this just doesn't pass the common sense meter.
- The "new" protocol established empowering the official holding the gavel being the determinate factor in when there will be police involvement is not good business. In fact, one could argue that the "power" will likely be abused based on past history. One need look no further then 2007 when a Mayor Pro-Tem issued an order to have an 85-year-old woman arrested for disrupting a meeting. An order by the way that was properly ignored by the officers working that day. The refusal of the officers present that day to accept the order for arrest led to a Deputy Chief seeking employment in one of the nearby desert cities because he "bucked the system" and publicly supported his officers and questioned the elected.

- Has there been or will there be an inquiry into the City Attorney's interaction that day with the officers? Was the "privilege" asserted appropriately, and if so, who is the "client"? If improperly asserted when will a statement be made?

I too am elected by the general membership of the Riverside Police Officers' Association. There are times when a member or a group of members are not happy with a decision or the direction the organization is headed. But it is my responsibility, as an elected, to take their criticism with a smile and to work as hard for them as I can. We may not always see eye to eye and yes, sometimes it is a thankless job, but I knew what it entailed when I accepted the nomination and ran for this office.

The Constitution and the Bill of Rights are not just documents maintained in Washington D.C. They are the cornerstones of what makes this Country great. There is a reason why elected officials, members of our military and law enforcement officers take an "oath of office" that references the constitution and defending it against all enemies, foreign and domestic. Men and women have died for the rights listed within those documents. Blood has been spilled around the world to make sure that my children and their children's children can walk into a public meeting and speak "freely" about anything. You may not like what someone has to say about your policy, program or procedure but it is his or her right to speak. It is your responsibility to ensure they get to exercise that right. If that is something you cannot do as an elected official then I would suggest you are best suited for another line of work.

In short, allowing the City Attorney to essentially call the officers liars is not and will not be tolerated by the men and women of this organization. As elected officials you have a tough call to make. If the report is accurate, and I believe it is, what are you prepared to do about the "misstatements" and "misrepresentations" that might have been made publicly by your representative?

Respectfully

Brian C. Smith
President, Riverside Police Officers' Association