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SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 05 2001

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SUPERIOR / MUNICIPAL COURT
OF RIVERSIDE COUNTY

MAR 05 2001

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

PEOPLE OF THE STATE OF CALIFORNIA ex rel.
BILL LOCKYER, ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA,

Plaintiffs,

v

CITY OF RIVERSIDE and DOES 1 through 200,
inclusive,

Defendants.

Case No. 355410

JUDGMENT

(Pursuant to Stipulation)

Pursuant to the Stipulation for Entry of Judgment ("Stipulation") filed in this matter,
IT IS ORDERED that judgment be entered in favor of the People of the State of California by
Bill Lockyer, Attorney General of the State of California and against defendant City of
Riverside ("Riverside") as follows:

GENERAL PROVISIONS

The injunction that is set forth in this Judgment shall remain in effect for a
period of five years from the date of entry of judgment, unless such period of time is
extended upon the motion of the Attorney General and by order of the court for good cause

1 shown. Upon Riverside's full compliance with the terms of this Judgment, Riverside and
2 the Attorney General shall enter into, and submit to the court for its approval, a stipulation
3 that dissolves the permanent injunction that is set forth in this Judgment.

4 2. Nothing in this Judgment is intended to alter the existing collective bargaining
5 agreement between Riverside and RPD employee bargaining units or to impair the
6 collective bargaining rights of employees in those units under state and local law. The
7 parties acknowledge that, under applicable state and local law, including the City of
8 Riverside employer-employee relations resolution, Resolution Number 15079 (effective
9 August 9, 1983), the implementation by Riverside of certain provisions of this Judgment
10 may require compliance with the meet and confer or consulting process. Riverside shall
11 comply with any such legal requirements and shall do so with a goal of concluding any such
12 processes in a manner that will permit Riverside's timely implementation of the terms of
13 this Judgment. Riverside shall give appropriate notice to employee organizations
14 representing bargaining units affected by this Judgment, and it shall use its best efforts to
15 process any meet and confer demands that it may receive from such employee
16 organizations. Riverside shall consult with the Attorney General on positions that it takes
17 in any meeting and conferring or consulting process connected with the Stipulation and this
18 Judgment. Riverside shall, subject to fulfilling all of its obligations under Resolution
19 Number 15079, including compliance with the meet and confer process, the resolution of
20 any impasse through mediation, further meeting and conferring, and unilateral
21 implementation, proceed to comply with all provisions of this Judgment that are determined
22 to be subject to the meet and confer process.

23 3. The Attorney General and Riverside may jointly stipulate to make changes,
24 modifications, and amendments to this Judgment which shall be effective 30 days after a
25 joint motion is filed by the parties and granted by the court.

26 4. This Judgment is binding upon the parties hereto by and through their
27 officials, agents, employees, and successors. It is the intent of the parties that this
28 Judgment is enforceable only by the parties, and no person or entity is intended to be a

1 third-party beneficiary of the provisions of this Judgment or Stipulation For Entry of
2 Judgment on file herein for purposes of any civil, criminal, or administrative action. It is
3 the further intent of the parties that no person or entity may assert any claim or right as a
4 beneficiary or protected class under this Judgment or the Stipulation For Entry of
5 Judgment on file herein.

6 DEFINITIONS

7 5. The term "Charter" means the Riverside City Charter, as may be amended
8 from time to time.

9 6. The terms "citizen complaint" and "complaint" mean any complaint by a
10 member of the public regarding RPD services, policy or procedure, employee misconduct
11 and any allegations of possible misconduct by an RPD police officer or employee. For
12 purposes of this Judgment, the terms "citizen complaint" and "complaint" do not include any
13 allegation of employment discrimination.

14 7. The terms "Citizen Complaint Procedure" and "citizen complaint policy"
15 mean the procedure as defined in Section 4.12 of the RPD Policy and Procedures Manual.

16 8. The term "City" means the City of Riverside acting through the Mayor of
17 Riverside and the Riverside City Council.

18 9. The term "command staff" means the Chief of Police, Assistant Chief, Deputy
19 Chief, and Captains of the RPD.

20 10. The term "community-based policing" means the development and
21 maintenance of a partnership with the community, implementing a philosophy and strategy
22 which utilizes the resources of various agencies coordinated by a law enforcement agency to
23 be simultaneously responsive to community needs.

24 1. The term "community policing" means acknowledging that the whole
25 community, and not just the police, is responsible for public safety. Community policing is
26 the philosophy and approach that encourages officers to know their community, to listen to
27 the community's concerns, and to involve the community in problem-solving efforts.

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1 12. The term "Communications Bureau" means the public safety communications
2 bureau of the RPD responsible for police, fire, and medical aid dispatch as well as the
3 assignment of incident, file, and complaint numbers to RPD personnel.

4 13. The term "community-oriented policing" means the development and
5 maintenance of a partnership with the community, implementing a philosophy and strategy
6 which utilizes the resources of various agencies coordinated by a law enforcement agency to
7 be simultaneously responsive to community needs.

8 14. The term "complainant" means any person who files a complaint against an
9 RPD police officer or employee, or the RPD.

10 15. The term "critical incident" means any unplanned occurrence, event, or
11 disaster which threatens the peace or safety of the community, and which requires the
12 implementation of an incident command structure to manage assets and response.

13 16. The term "debriefing" means the after-action process of discussion and
14 reconstruction of a critical incident with the goal of providing a record of lessons learned.

15 17. The term "dedicated training fund" means a fund of money that is
16 appropriated and/or endowed for the sole purpose of training RPD personnel.

17 18. The term "displayed sensitivity to" means awareness of and empathy toward
18 all persons who come into contact with officers of the RPD.

19 19. The term "diversity training" means any seminar, assignment or curriculum
20 which is provided with the goal of promoting an increased cross-cultural awareness and its
21 application to professional interaction in the workplace.

22 20. The term "document" and "record" include all "writings and recordings" as
23 defined by California Evidence Code section 250.

24 21. The term "effective date" means the day on which the Judgment Pursuant to
25 Stipulation is entered by the court in this action.

26 22. The term "Executive Staff" means the RPD Chief of Police, Assistant Chief,
27 and Deputy Chief.

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1 23. The term "field training officer" means an experienced police officer who
2 provides on-the-job training and supervision of probationary police officers during the Field
3 Training Evaluation Program of the RPD, while also serving as a patrol officer.

4 24. The term "including" means "including but not limited to."

5 25. The term "inquiry" means an inquiry as defined in Section 4.12 of the RPD
6 Policy and Procedures Manual.

7 26. The term "Internal Affairs" means the RPD Internal Affairs Unit of the
8 Personnel Services Division.

9 27. The term "Lake Incident" means the facts and circumstances that were the
10 subject of the legal action entitled Jose Martinez v. City of Riverside, United States District
11 Court, Central District of California, Case No. CV-98-5294.

12 28. The term "less lethal force" means force used which is not normally lethal
13 when used.

14 29. The term "less lethal weapons" means less lethal munitions as defined in
15 Section 4.49 of the RPD Policy and Procedures Manual.

16 30. The term "lethal force" means lethal force as defined in Section 4.30 of the
17 RPD Policy and Procedures Manual.

18 31. The terms "management" and "management staff" mean RPD personnel of the
19 rank of lieutenant and above. Civilian personnel responsible for the function of a bureau
20 within the RPD are also considered "management."

21 32. The term "manager" means an RPD supervisor at the rank of lieutenant and
22 above. Civilians who manage an RPD bureau are also considered managers.

23 33. The term "motor vehicle stop" means any instance where an RPD officer
24 directs a civilian operating a motor vehicle of any type to stop and the driver is detained for
25 any length of time. Such term does not include: checkpoint stops; roadblock stops;
26 commercial vehicle inspection stops; safe driving award stops; child safety seat giveaway
27 stops; stops related to the execution of an arrest warrant where the person being stopped is
28 reasonably believed to be the person named on the warrant; stops directly related to the

1 execution of search warrants; or stops as part of targeted task force prostitution and drug
2 enforcement stings whose sole purpose is to identify and arrest persons who engage in or
3 attempt to engage in the targeted unlawful conduct. The term also does not include
4 generalized stops of multiple vehicles arising out of traffic accidents or other emergency
5 situations requiring vehicles to be stopped for safety purposes.

6 34. The term "Patrol Division" means Patrol Bureau of the RPD Field
7 Operations Division as that division is currently constituted.

8 35. The terms "police officer" and "officer" mean any law enforcement officer
9 employed by the RPD, including such law enforcement officers who are supervisors and
10 managers.

11 36. The term "POST" means Commission on Peace Officer Standards and
12 Training.

13 37. The term "pretext stops" means those traffic or pedestrian stops that have
14 been made for a lawful reason, but such reason is not the underlying nor principal reason
15 for which the stop was initiated.

16 38. The term "random testing of the complaint procedure" means operations to
17 identify and investigate officers who discourage the filing of a citizen complaint or fail to
18 report misconduct or citizen complaints.

19 39. The term "RPD" means the Chief of Police of the Riverside Police
20 Department and all employees under his or her command.

21 40. The term "span of control" means the number of persons under the direct
22 supervision of a manager or supervisor.

23 41 The term "Strategic Plan" means a five-year plan for the RPD, approved by
24 the Riverside City Council, that will include provisions which set forth a mission
25 statement, a set of core values, policies on use of force, training needs, funding for
26 training, and a methodology to determine the needs for RPD expansion.

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1 42. The term "supervisor" means an RPD supervisor at the rank of sergeant and
2 above. Civilian employees of the RPD who oversee day-to-day activities of others
3 employed by the RPD are also supervisors.

4 43. The term "Tyisha Miller shooting incident" means the facts and circumstances
5 that were the subject of the legal action entitled Delmer and David Miller v. City of
6 Riverside, United States District Court, Central District of California, Case No. CV-98-
7 5294.

8 44. The term "use of force" means a reportable use of force incident as defined in
9 Section 4.30 of the RPD Policy and Procedures Manual.

10 DUTIES AND RESPONSIBILITIES

11 Defendant Riverside IS HEREBY ENJOINED TO TAKE THE FOLLOWING
12 ACTIONS:

13 45. All plans and/or policies or procedures that are required to be developed and
14 implemented by this Judgment shall be developed by Riverside and then shall be submitted
15 to the Attorney General for his review and approval. The Attorney General shall not
16 arbitrarily or capriciously deny approval of any plan, policy or procedure submitted by
17 Riverside. If Riverside believes that the Attorney General has arbitrarily or capriciously
18 denied approval of any plan, policy, or procedure, it may move the court for an order
19 approving the plan, policy, or procedure. The court shall only approve the plan, policy, or
20 procedure if it determines that the Attorney General has abused his discretion in refusing to
21 grant such approval. All plans and/or policies or procedures that are required to be
22 developed and implemented by this Judgment, except the Strategic Plan, are subject to the
23 requirements and procedures set forth in this paragraph and paragraph 46.

24 46. If Riverside desires to extend the time within which it must submit any plan,
25 policy, or procedure to the Attorney General for his approval, it shall make such request to
26 the Attorney General in writing. The Attorney General shall not arbitrarily or capriciously
27 refuse to grant any request for a reasonable extension of time within which Riverside must
28 submit any plan, policy, or procedure for his approval. If Riverside believes that the

1 Attorney General has arbitrarily or capriciously denied any such request, it may apply to
2 the court for an order extending time. The court shall only grant such application if it
3 determines that the Attorney General has abused his discretion in refusing to grant
4 Riverside's request for an extension of time within which to submit a plan, policy, or
5 procedure.

6 47. Riverside has voluntarily instituted a program that requires the collection and
7 reporting of race and gender of drivers in motor vehicle stops made by the RPD. Riverside
8 shall continue RPD's program which requires its officers to report the race and gender of
9 all drivers stopped, as well as the violation of law alleged to justify the stop, and to
10 annually review and analyze this data and to provide a report on this review and analysis to
11 the Attorney General.

12 48. Riverside shall, within three months of entry of judgment, develop and
13 implement a plan to systematically monitor roll calls. The RPD is currently remodeling the
14 Patrol Division roll call room to incorporate changes in technology, crime analysis, and
15 training modules. The plan shall provide that the RPD will not rely solely on sign-in
16 sheets to determine whether required training is occurring during roll calls. The plan shall
17 provide for the ability of Watch Commanders to be present or to monitor roll calls by live
18 feed. The plan shall provide for a system of real-time monitoring of roll calls by the offices
19 of the RPD's Executive Staff and the Patrol Division Commander's office. Such system
20 shall include a connection for video conferencing between the Patrol Division roll call room
21 and the headquarters conference room. The plan shall also provide for a zero tolerance of
22 racial, ethnic, or sexual jokes.

23 49. Riverside shall, within twelve months of entry of judgment, develop and
24 implement a plan to provide four hours of annual training for all sergeants and all other
25 supervisors and managers on the RPD's citizen complaint policy and recommended
26 investigatory guidelines as set forth in the RPD Conduct and Performance Manual. The
27 first training on the citizen complaint policy provided to all sergeants, supervisors, and
28 managers shall include a segment on the "Lake Incident" that critically reviews the manner

1 in which that incident proceeded through the RPD citizen complaint process. The plan also
2 shall provide that the RPD will continue to require personnel promoted to the rank of
3 sergeant to complete the POST-certified Basic Supervisory Course within one year of
4 appointment, that all sergeants will receive additional leadership and supervisory training,
5 and that the RPD will send two sergeants per year to the POST-certified Supervisory and
6 Leadership Institute.

7 50. Riverside shall, within six months of entry of judgment, modify RPD's
8 current complaint procedure, which is set forth in Section 4.12 of the RPD Policy and
9 Procedures Manual, to:

10 a. require that the rationale for all credibility determinations be expressly set
11 forth in the investigation report, and that the officer's personnel history, including the
12 existing record of complaints, be considered in any credibility determination, and that a
13 copy of a summary of the complaint history of the officer be included as an attachment to
14 the investigation report. Internal Affairs will conduct a training class for all supervisors on
15 the investigation and reporting of citizen complaints and on internal investigations. The
16 requirements set forth in this subparagraph shall be covered in that training, and the RPD
17 Conduct and Performance Manual shall be modified to conform to these specific
18 requirements;

19 b. modify the complaint form used by RPD to include the complainant's race
20 and gender;

21 c. require that the rationale for any stop or search related to any complaint,
22 including the officer's actual reason for the stop, be thoroughly investigated, evaluated, and
23 specifically addressed in the investigation report. This requirement shall be covered in the
24 training referred to in subparagraph 50.a., and shall be incorporated into the RPD Conduct
25 and Performance Manual;

26 d. require that each issue raised in the complaint be addressed and be
27 separately set forth. This requirement will be covered in the training referred to in

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1 subparagraph 50.a., and shall be incorporated into the RPD Conduct and Performance
2 Manual; and

3 e. all citizen complaints that are received shall be issued a number by the
4 Communications Bureau. Internal Affairs shall ensure that a number has been issued on all
5 citizen complaints. Internal Affairs shall log all citizen complaints (by the assigned number
6 and citizen's name) and track them. Internal Affairs shall determine whether a citizen
7 complaint shall be investigated as a complaint or an inquiry. If the citizen is requesting
8 clarification of a policy or procedure, it shall be considered an inquiry.

9 51. Riverside shall, within twelve months of entry of judgment, develop and
10 implement a plan to systematically evaluate and audit complaint procedures and
11 administrative investigations conducted by the RPD to assure full compliance with all RPD
12 guidelines and requirements. Such audit procedures shall include inquiry into whether
13 complaints that are investigated by sergeants who supervise the officers that are the
14 subjects of those complaints are fair, unbiased, and thorough. Riverside also agrees to:

15 a. engage in random testing of the complaint procedure at least three times
16 per year through audits or some equivalent; and

17 b. review all complaint investigation reports for objectivity, thoroughness,
18 timeliness, and compliance with RPD policies and guidelines at least annually.

19 52. Riverside shall maintain a 7:1 officers on patrol (including traffic) to
20 supervisor ratio

21 53. Riverside shall, within twelve months of entry of judgment, develop and
22 implement a plan that will continue to require that all sworn managers and supervisors
23 complete:

24 a. a POST-certified 80-hour Basic Supervisory Course;

25 b. In-house training, to be conducted as part of a 40-hour Introduction to
26 Supervision course, which will address performance evaluations and the use of such
27 evaluations, use of such evaluations to improve performance and productivity, and how to
28 communicate the values of the RPD to those under their supervision; and

c. Four hours of update training on performance evaluations every two

years.

54. Riverside shall, consistent with Sections 1.2, 1.10, 11, and 2.23 of RPD's Policy and Procedures Manual, require all personnel evaluations to be conducted annually and to initiate personnel actions against supervisors and managers who fail to comply with this requirement.

55. Riverside shall, within twelve months of entry of judgment, develop and implement a plan to modify job specifications, performance evaluation requirements (including field training evaluations), and promotional factors as necessary so that RPD officers are hired and evaluated based, in part, on displayed sensitivity to all segments of the community.

56. Riverside shall offer James Cannon the option of purging his disciplinary record and personnel file of the letter of reprimand that was issued to him on August 26, 1999, and to refrain from ever making any reference to that letter or its contents. The making of the offer is conditioned upon the delivery of a letter to Riverside from the Attorney General in which he confirms that making such an offer is not inconsistent with 82 Ops. Cal. Atty. Gen. 246 (1999), and does not violate Government Code section 1222 and Penal Code section 832.7. If James Cannon accepts that offer, the letter shall be purged.

57. Riverside shall, within six months of entry of judgment, assign a lieutenant as a Watch Commander on all shifts and not use sergeants as Watch Commanders, except in emergency situations or circumstances as specified in a written policy. Such policy shall be developed and implemented within three months of entry of judgment.

58. Riverside shall develop and implement, within three months of entry of judgment, a written policy and procedure for debriefing all critical incidents, including all uses of lethal force occurring within the RPD. The policy and procedure shall include a review of the debriefing by command staff and shall include lessons and recommendations derived from the debriefing, including an evaluation of the strategy used and need for additional training and equipment.

1 59. The RPD Field Training Officers Program is currently POST-certified.
2 Riverside shall, within six months of entry of judgment, develop and implement a plan for
3 training field training officers including training of the trainers, a provision for
4 communication and support between trainers and between trainers and management, and
5 evaluation and monitoring of the field training program. The training program shall include
6 expanding the training phases, updating the training issues to be covered, revising the RPD
7 field training officer's manual, computerizing the daily observation reports and developing
8 interactive training. The program shall also include a two-week Community-Oriented
9 Policing and Problem Solving component.

10 60. Riverside shall, within six months of entry of judgment, develop and
11 implement a plan to continue the diversity training currently being provided to RPD
12 officers. The training shall include information specific to the actual racial, ethnic, and
13 religious composition of the community in Riverside. The training shall have the goal of
14 promoting an increased cross-cultural awareness and its application on professional
15 interaction in the workplace. The first training session shall include a component that is
16 focused on the reasons why certain segments of the Riverside community reacted negatively
17 to the manner in which some RPD personnel responded, verbally and otherwise, to the
18 Tyisha Miller shooting incident.

19 61. Riverside shall change the probationary period for RPD sergeants from six
20 months to twelve months.

21 62. Riverside shall continue to implement its Early Warning System, which is set
22 forth at Section 4.55 of the RPD Policy and Procedures Manual and, within six months of
23 entry of judgment, modify the system to provide that it is triggered by the occurrence of
24 two or more reportable incidents within the preceding 12-month period.

25 63. Riverside shall, within twelve months of entry of judgment, develop and
26 implement a plan to provide annual training on how to avoid the improper use of pretext
27 stops. The plan shall provide that two roll call training sessions of 45 minutes each shall be
28 held on this subject annually.

1 64. Riverside shall continue implementation of its community-oriented policing
2 and community-based policing programs. Riverside shall prepare and deliver to the
3 Attorney General a Strategic Plan for the RPD within one year of the date of entry of
4 judgment. The Strategic Plan shall include:

5 a. a plan that is reasonably calculated to provide the resources and programs
6 that are necessary to support a serious effort at community policing;

7 b. the creation of a dedicated training fund that is sufficient in amount to
8 ensure compliance with the RPD training plan which is also to be set forth in the Strategic
9 Plan; and

10 c. a plan to ensure that the RPD has and maintains an effective and efficient
11 span of control.

12 65. If Riverside desires to extend the time within which it must submit the
13 Strategic Plan referenced in paragraph 64 to the Attorney General, it shall make such
14 request to the Attorney General in writing. The Attorney General shall not arbitrarily or
15 capriciously refuse to grant any request for a reasonable extension of time within which
16 Riverside must submit the Strategic Plan to him. If Riverside believes that the Attorney
17 General has arbitrarily or capriciously denied any such request, it may apply to the court
18 for an order extending time. The court shall only grant such application if it determines that
19 the Attorney General has abused his discretion in refusing to grant Riverside's request for
20 an extension of time within which to submit the Strategic Plan to him.

21 66. The provisions of the Strategic Plan which address the matters that are set
22 forth in subparagraphs 64.a., 64.b., and 64.c. are subject to the Attorney General's
23 approval. Each provision of the Strategic Plan that is approved by the Attorney General
24 shall be incorporated into this Judgment. The Attorney General shall file a motion with the
25 court to amend the Judgment to add each approved provision. If the Attorney General
26 denies approval of any provision of the Strategic Plan that is submitted to him for his
27 approval, Riverside and the Attorney General shall, within 45 days of the date on which the
28 Attorney General advises Riverside of such disapproval, negotiate in good faith and attempt

1 to reach agreement on any such provision. If the parties are unable to reach agreement, the
2 matter or matters upon which they disagree shall be submitted to the court for the initiation
3 of any further proceedings that the court may deem necessary to resolve the matters in
4 dispute. The Attorney General shall not arbitrarily or capriciously deny approval of any
5 provision of the Strategic Plan that is subject to his approval. If Riverside believes that the
6 Attorney General has arbitrarily or capriciously denied approval of any provision of the
7 Strategic Plan that is subject to his approval, it may move the court for an order approving
8 any such provision. The court shall only grant such a motion if it determines that the
9 Attorney General has abused his discretion in refusing to grant approval of the relevant
10 provision. If the court denies Riverside's motion for approval, it shall then conduct any
11 further proceedings that it may deem necessary to resolve the matters covered by
12 paragraph 64 of this Judgment and on which Riverside and the Attorney General have been
13 unable to reach agreement.

14 67. Riverside shall, within six months of entry of judgment, acquire audio
15 recorders for distribution to all officers and sergeants in the RPD Field Operations
16 Division, and to develop and implement a policy on their use. Riverside shall supplement
17 deployment of the audio recorders as follows:

18 a. within 24 months of the entry of judgment, acquire and deploy video
19 cameras on 10 Field Operations Division vehicles. These vehicles shall be used for field
20 training of RPD officers, officer-citizen contact audits, and other related uses as deemed
21 appropriate by the Chief of Police; and

22 b. use its best efforts to secure funding to acquire and expand deployment of
23 video cameras on 25 or more additional Field Operations Division vehicles.

24 68. Riverside shall maintain a command accountability structure that supports and
25 promotes improved internal accountability with 24-hour management oversight and ensures
26 consistent management supervision for all watches and all storefront operations.

27 69. Riverside shall, within twelve months of entry of judgment, develop and
28 implement a plan to provide all officers with annual training on use of force and when and

1 how to use less lethal methods of force. The course shall include training on evaluating the
2 scene and circumstances to determine whether the officer should take no action until a
3 supervisor arrives. The training requirements on this subject shall continue to exceed POST
4 requirements

5 70. Riverside shall, within six months of entry of judgment, develop and
6 implement a plan to purchase and deploy a sufficient number and types of less lethal
7 weapons to ensure that officers have several options available to them in responding to
8 situations in which force must be used, and so that such weapons can be readily deployed
9 by officers in the field. The plan shall require that the RPD continue to explore new
10 technologies in the area of less lethal weapons.

11 71. Riverside shall pay the cost of a consultant to be employed by the Attorney
12 General to assist him in monitoring compliance with this Judgment. The Attorney General
13 shall confer with and consider input from the RPD Chief of Police before the Attorney
14 General selects this individual who will assume the role of the Attorney General's
15 consultant.

16 a. Riverside shall cooperate with the Attorney General's consultant whose
17 duties shall include:

18 i. to work jointly with the Attorney General and Riverside to monitor
19 Riverside's compliance with the terms of the judgment entered in this action, including
20 development of all plans required by this Judgment.

21 ii. to monitor Riverside's compliance with any remedial plan required
22 by this Judgment.

23 iii. to prepare and submit to the Attorney General reports assessing
24 Riverside's compliance with this Judgment.

25 72. Riverside shall cooperate with the Attorney General's consultant in monitoring
26 compliance with this Judgment. Riverside shall to allow the Attorney General's consultant:

27 a. to interview, on a confidential basis or otherwise, any sworn and
28 unsworn employees of RPD. If the consultant in the performance of his or her duties finds

1 it necessary to interview any Riverside employee outside the RPD, the Attorney General
2 shall seek Riverside's authorization to conduct such interview. Riverside shall not
3 unreasonably withhold such authorization. Riverside shall provide suitable facilities and
4 arrange for such interviews to be conducted under conditions satisfactory to the Attorney
5 General's consultant;

6 b. to request and obtain from the RPD and/or Riverside, the compilation of
7 statistics, reports, and any other information that may be directly related to the matters that
8 are set forth in this Judgment; and

9 c. to request and obtain access to the records, files, and papers maintained
10 by RPD and/or Riverside to the extent that such access is directly related to the matters that
11 are set forth in this Judgment. The Attorney General's consultant may obtain copies of all
12 such relevant records, files, and papers.

13 73. Nothing in paragraph 72 nor in any other provision of this Judgment shall be
14 construed to limit the powers vested in the Attorney General by the California Constitution
15 and state statutory law, including Government Code section 11180 et seq., which he may
16 use to monitor Riverside's compliance with the terms of this Judgment.

17 74. Riverside shall pay for all costs incurred by the Attorney General for the
18 services of his consultant. Within ten days of entry of judgment, Riverside shall deposit
19 with the California Department of Justice the sum of \$25,000, which shall be held in an
20 interest-bearing account. The Attorney General shall pay his consultant from this account.
21 The Attorney General shall notify Riverside, in writing, any time the balance in the account
22 reaches less than \$10,000, and Riverside shall, within ten days of receiving such notice,
23 deliver to the California Department of Justice sufficient funds to return the account's
24 balance to \$25,000. When the injunction to be issued in this action is dissolved or
25 otherwise expires, all funds remaining in this account shall be returned to Riverside.

26 75. Upon full compliance with any provision of this Judgment, Riverside may
27 request in writing that the Attorney General confirm that Riverside has so complied. If the

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1 Attorney General agrees that Riverside has fully complied, he shall confirm that
2 determination in writing to Riverside.

3 76. Neither Riverside nor the Attorney General shall be deemed to be in violation
4 of any provision of this Judgment by reason of the failure to perform any of its obligations
5 hereunder to the extent that such failure is due to unforeseen circumstances, including
6 strikes, acts of God, acts of a court of competent jurisdiction, weather conditions, riots,
7 civil disobedience, fire, insurrection, war, or any similar circumstances for which neither
8 Riverside nor the Attorney General is responsible and which are within neither Riverside's
9 nor the Attorney General's control.

10 77. Riverside shall pay costs and attorneys' fees for any enforcement action
11 brought by the Attorney General to obtain compliance with this Judgment.

12 IT IS SO ORDERED.

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14 Dated: MAR 05 2001

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16 By: **VICTOR MICELI**
17 Judge of the Superior Court of the State of California
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20 Judgment entered on _____ in Book of Judgments No. ____, page ____.
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