

**City of Urbana
Civilian Police Review Board**

POLICY AND PROCEDURE MANUAL

**URBANA CIVILIAN POLICE REVIEW BOARD
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A Message from the Chair

The Civilian Police Review Board was established by the Urbana City Council to provide a fair and independent process for the review of citizen complaints concerning sworn police officers. The Board is charged with offering a citizen's perspective to the review of complaints and to provide a systematic means to promote and maintain positive police community relations. The Board will strive to review complaints in a fair, thorough and timely manner and report their findings to the Mayor and Chief of Police.

Section 1: PURPOSE

These policies and procedures are hereby adopted to facilitate the operations of the Urbana Civilian Police Review Board (hereinafter the "Board") in reviewing and handling citizen complaints filed against sworn police officers of the Urbana Police Department (hereinafter the "Department"). These rules are intended to provide for the oversight of internal police investigations through impartial review of such investigation. The Board shall conduct the review process in a manner consistent with the legal rights of the complainants, witnesses and officers involved.

These policies and procedures are intended to supplement Chapter 19 of the Urbana Municipal Code. In the event of any conflict with these policies and procedures, the Urbana Municipal Code, state and federal laws shall supersede only those provisions found in conflict.

Section 2: DEFINITIONS

All words used in these policies and procedures shall be given their plainly understood meaning. Words, which may be defined within these policies and procedures, shall be construed in accordance with the definition. The following terms shall be further understood to mean:

- (a) "Board" means the Civilian Police Review Board
- (b) "Citizen" means a member of the public, regardless of age, citizenship or other characteristic of the complainant.
- (c) "City" means the city of Urbana, Illinois.
- (d) "Chair" means the chairperson of the Board, the Vice Chair in the Chair's absence, or the designee of the Chair.
- (e) "Complaint" means a written complaint properly filed with the Board.
- (f) "Complainant" means a person who files a complaint with the Board.
- (g) "Council" means the Urbana City Council.
- (h) "County" means Champaign County, Illinois.
- (i) "Department" means the Urbana Police Department.

- (j) “Human Relations Officer” means the head of the Urbana Human Relations Office.
- (k) “Member” means a member of the Board.
- (l) “Officer” means the sworn police officer against whom a complaint is filed.
- (m) “Ordinance” means the Urbana Civilian Police Review Board Ordinance.
- (n) “Participant” means an individual designated by the Ordinance to take part in the appeals process.
- (o) “Vice Chair” means the vice chairperson of the Board.

Section 3: ADMINISTRATION AND PROCEDURE

3.1 Civilian Police Review Board Composition, Term of Membership, and Appointments

All matters pertaining to the composition and selection of members, term of members, and appointing of new Board members, which arise on the Board, shall be governed by law, pursuant to the Urbana Civilian Police Review Board Ordinance, Chapter 19 of the Urbana City Code.

3.2 Responsibilities of the Human Relations Officer

The Human Relations Officer (HRO) shall be the designated facilitator for all meetings of the full Board. It shall be the responsibility of the HRO to ensure the orderly proceedings of all meeting and to prepare and present the agenda. The HRO shall ensure that the Board conducts meetings in accordance with Robert’s Rules of Order, Urbana Municipal Code, all applicable state and federal laws and the rules and policies adopted in this document. The HRO shall not participate in the deliberations or decisions made by the board.

3.3 Records of the Board

The Human Relations Office shall maintain custody of all documents and materials of the Board. The HRO shall be responsible for providing all information to the Board as designated in Section 19-26(a) of the Ordinance. The Chair shall submit all requests in writing to the Human Relations Office for preparation of subpoenas, production of documents, and any other administrative matters.

At the conclusion of a review process, all records provided by the Department and copies thereof shall be returned to the Department. The agendas and disposition reports of the Board shall be maintained by the office of the HRO for a period of five (5) years. All other records shall be confidentially maintained by the Human Relations Office, absent order of court, for a period of five (5) years.

3.4 Transaction of Business

The official address of the Board shall be:

City of Urbana
Human Relations Office
400 South Vine Street
Urbana, Illinois 61801-3336

or such other location as designated by the Board or Council. The Board shall establish regular meeting places and times, which shall be made known to all members. Meetings may be held at other times and places, as needed, in accordance with law. The offices of the Board are open during regular weekday business hours. The office phone number is: (217) 384-2466.

3.5 Review Board Staff

The Human Relations Officer (HRO) shall supervise the administrative, clerical or any other personnel as necessary to discharge the functions of the Board. The HRO shall promulgate internal office procedures and prepare necessary standardized forms for the intake of complaints and conduct of the investigations by the Board. The daily operations of the Board shall be managed by the HRO, who shall oversee the regular functioning of the staff assigned to help carry out the duties of the Review Board. The Board may, in its discretion, from time to time delegate to the HRO certain of the procedural and administrative functions or duties assigned to the Board by these Policies and Procedures. The Board shall not, however, delegate to the HRO any functions, duties or responsibilities which are required by the Statute or Ordinances to be performed by the Board.

3.6 Orientation and Training

The HRO is responsible for the establishment of an orientation and training program. The HRO will work with the members of the Board to develop and maintain a program of continuing education.

3.7 Review Board Proceedings

In all proceedings not provided for by these rules, or by the enabling ordinance of Chapter 19 of the Urbana Municipal Code, Robert's Rules of Order, Newly Revised, shall govern the Review Board.

3.8 Confidentiality

As provided by law, all records, proceedings and other matters related of hearing are strictly confidential and the findings and recommendations of the Board shall not contain information declared confidential by law.

Any violation of confidentiality may result in criminal prosecution and/or removal from the Review Board, as provided by law. However, the Review Board shall have authority to notify the complainant in writing of the disposition of their complaint.

Section 4: COMPLAINT PROCEDURE

4.1 Jurisdiction

Pursuant to Chapter 19-26, the Review Board shall have jurisdiction to receive and review all citizen complaints or requests for review of an internal investigation concerning peace officers employed by the Urbana Police Department.

The Board shall not have jurisdiction regarding conduct of any non-sworn employees of the Department. Non-sworn employees include clerical or other support staff personnel, secretaries, clerks, custodians, receptionists and maintenance personnel.

4.2 Standing to File a Complaint

An alleged victim, an alleged victim's legal guardian, parent or personal representative, or any individual having personal knowledge of alleged officer misconduct shall have standing to file a complaint. Personal knowledge shall mean being an eye or ear witness to an incident involving alleged officer misconduct.

4.3 Filing of Complaint

A complaint must be submitted in writing on an Urbana Police Action Citizen Complaint Form developed by the Board and the Human Relations Office. The alleged victim, or the complainant's parent, guardian or legal representative must sign the complaint. The approved complaint form is available with instructions in both English and Spanish. This form may be obtained by contacting the Human Relations Office.

The complainant shall receive written notice of receipt of their signed complaint. Notice of the filing of a signed complaint along with a copy of said complaint shall be promptly forwarded to the subject officer(s) and to the Department.

4.4 Departmental Investigation

Upon receipt of a complaint, the Police Department shall conduct a timely investigation of the complaint and shall report the findings to the complainant and to the Board. The Police Department shall send notice via certified letter. The department shall conclude its investigation prior to consideration by the Board.

4.5 Appeals Hearing

If the complainant is not satisfied with the determination of the Chief of Police at the conclusion of an internal investigation, he or she may file an appeal to the Board.

The hearing shall be conducted as follows:

- (1) All complaint appeals shall be submitted to the Human Relations Office within thirty (30) calendar days from the date of receipt of the notice of findings. Appeals filed later than this date shall not be considered, unless the Complainant shows good cause why he/she was unable

to meet the submission deadline. Upon receipt of the appeal, the Human Relations Office shall mark the appeal with a date-stamp.

The Chair shall set and hold an initial meeting to set dates to review the case. The date of the hearing shall be no later than 45 working days from the date that the appeal was received by the Human Relations Office.

- (2) At the hearing, the Chair shall preside over the proceedings and exercise the powers provided by law.
- (3) An agenda will be provided to the Board members before the hearing.
- (4) Notice of the date, time, and location of the meeting a brief summary of the basis of the complaint shall be provided to all parties via certified mail. Notice under this provision shall be provided no fewer than ten (10) business days prior to the scheduled hearing.
- (5) Hearings shall be generally conducted in the following manner:
 - a. The Chair will introduce all parties, identifying the complainant and the Chief of Police or his/her designee. The Chair will open the hearing by providing a brief of the hearing procedures as well as informing the participants that the Board is empowered to review complaints against officers, review internal investigations, and make recommendations to the Chief and Mayor regarding the appropriate disposition of the complaint.
 - b. The chair will administer an oath to all the witnesses present.
 - c. The Board shall be provided with full-access to case-specific records and tangible evidence, subject only to the limitations set forth in Sec. 19-26 of the Ordinance.
 - d. The Board shall conduct the hearing respecting the rights of all participants as enumerated in all applicable in all federal, state and local laws.
 - e. Following the administration of an oath, the Chair shall conduct the hearing in the following manner:
 - i. The complainant will be given an opportunity to make a statement which outlines the basis of the appeal.
 - ii. The Chief of Police or his/her designee will be given an opportunity to explain the basis for the Department's findings and conclusions.
 - iii. After each participant's statement, the Board members shall submit questions to the Chair.
 - iv. At the completion of all statements, the Chair shall facilitate the Board's deliberation process. Participants shall not be present during Board deliberations, except where the Board requests an individual to return and respond to specific questions. Once such questions are addressed, the participant shall leave the room.
 - f. At the conclusion of its deliberations, the Board shall render one of the following findings as provided in Sec. 19-33 of the Ordinance
 - i. Not Sustained: Where the members determine that the Chief's finding is not supported by the evidence.
 - ii. Sustained: Where the members determine that the Chief's finding is supported by the evidence.
 - iii. Remanded for Further Investigation: Where the members find, by a majority vote, that there exists new, relevant evidence that was not presented to, or investigated

by, the Chief of Police or his/her designee and that it is in the community's best interest to do so, it may remand a matter back to the Chief for further investigation or consideration.

- iv. No Finding: Where the complainant failed to produce information to further the investigation; the complainant withdrew the complaint; or the complainant is unavailable to clarify the complaint.
- v. Mediated: Where the complaint was successfully mediated pursuant to Sec. 19-30 of the Ordinance.

The Board shall issue its written findings to the department, the subject officer(s) and complainant. These recommendations should be prepared within ten days of the conclusion of all evidence.

- g. The HRO may be present to advise the Board as to any matters. Except that the HRO shall not participate with the Board during deliberations and voting. The Chair may also consult with the City Attorney to rule on objections made or other legal issues as they may arise, after consultation with and consent by the chair. The rules of evidence applicable in court proceedings shall not apply and all evidence shall be given appropriate weight as determined by the Board.
- h. Each Board member shall endeavor to conduct himself/herself in a fair and impartial manner; and to assure that the facts are fully elicited. A Board member shall be disqualified from sitting on that hearing Board if he/she has a demonstrated personal bias or prejudice, or the appearance thereof, in the outcome of a specific Complaint. This does not include holding or manifesting any political or social attitude or belief, which does not preclude objective consideration of a case on its merits.
- i. Each party in need of an interpreter shall make their own arrangements to have an interpreter present. The Chair shall have discretionary authority to provisionally qualify and utilize interpreters if a party is unable to procure the services of an interpreter on their own.
- j. Unless otherwise determined by a majority vote of the Board, the entire hearing on a given complaint shall be conducted on one occasion.
- k. Hearings shall be conducted in closed session and members of the Board shall keep confidential all matters disclosed during hearings.
- l. The Board shall not consider any information that has not been received as part of the hearing.

(6) The Board may appoint a Hearing Officer to conduct an appeals hearing.

- a. Such Hearing Officer shall have the same authority and responsibility as the Chair under these rules.
- b. The Hearing Officer shall be an impartial attorney who is experienced in administrative hearings.
- c. While the essential function of the hearing officer is as chair of an appeals hearing, the hearing officer has no voting capacity and does not participate in deliberations.
- d. The City will pay the costs of the selected Hearing Officer provided the City Attorney has approved the Hearing Officer's retention agreement and fees.

4.6 Access to Internal Investigation Information

Access to Review Board files and records shall be limited to Board members, and the HRO. All files and documents shall be maintained by the HRO in the Human Relations Office and shall be made available for review by Board members prior to the scheduled hearings. No person shall remove any records from the files or make any copies thereof, absent approval of the HRO.

4.7 Solicitation of Additional Investigative Information

The Board may solicit additional testimony and evidence as it deems necessary for the adjudication of a pending appeal. Such information shall be solicited for the purposes of determining whether significant and relevant addition information was not considered in the Chief's initial determination. If the Board determines that such additional information should be considered, the information shall be remanded to the Chief for primary investigation and consideration, as specified in Sec. 19-33(c).

4.8 Subpoenas

Upon majority vote, the Board may direct the City Attorney to issue subpoenas to compel witness attendance, the release of case-specific records and tangible evidence, subject to the limitations as outlined in Sec. 19-26 of the Ordinance. The subpoena shall be accompanied by a brief statement stating:

- (1) The relevance of the appearance, testimony, records or tangible evidence.
- (2) The person to whom it is directed;
- (3) The documents or other items sought by the subpoena, if any;
- (4) The date for the appearance of the witness and the production of the documents or other items described in the subpoena;
- (5) The time for the appearance of the witness and the production of the documents or other items described in the subpoena; and
- (6) The place for the appearance of the witness and the production of the documents or other items described in the subpoena.

4.9 Mediation

Either the Complainant or the subject officer(s) may request that a complaint be referred to mediation. However, in order to initiate a mediation attempt, both the complainant and subject officer(s) must agree to mediation as provided in Sec. 19-30 of the Ordinance. Successful mediation will result in the complaint being dismissed by the Board. The mediation process shall terminate when either party announces its unwillingness to continue mediation or when the parties resolve the disputed issues.

Complaints that are filed by someone other than the alleged victim are not subject to mediation unless the alleged victim also participates.

4.10 Return of Records

Except as otherwise provided herein, the complaint and all other records of proceedings shall be confidentially maintained by the Human Relations Office. All records and any copies thereof provided by the Department to the Board shall be returned to the Department upon the conclusion of the investigation of the complaint, as provided by law. Internal memorandum of the Board or HRO staff shall be confidentially maintained as work product by the Board." Internal memorandum " refers to research, legal and investigative materials prepared in anticipation of the investigation of a complaint. Informal notes of Board members, staff or the HRO may be removed from the official records and file and destroyed at anytime. " Informal notes " refers to any written matters not prepared in anticipation of an investigation by the Board, e.g., a member's handwritten notes of testimony, a staff member's " things to do " notes or any notes which merely reflect a person's thoughts or personal matters.

4.11 Judicial Interpretation

If any section, paragraph, sentence, clause or phrase in this Policy and Procedures manual is held to be invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Policy and Procedures Manual.

4.12 Amendments to Policy and Procedure

Any amendments to these policies and procedures must be by majority vote of the Review Board.

WHEREAS, there being a majority vote of the Board, and the members having voted to approve these provisions, the foregoing Policy and Procedures are hereby adopted as amended by the Board this 25th day of July, 2012.

Approved as to form and Content:

Todd E. Rent
Human Relations Officer