



DEPARTMENTAL  
GENERAL  
ORDER

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6 Dec 05

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Index as:

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Citizens' Police Review Board (CPRB)

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## CITIZENS' POLICE REVIEW BOARD

The purpose of this order is to set forth Departmental policy and procedures regarding investigations conducted by the Citizens' Police Review Board (CPRB).

### I. PURPOSE OF THE CPRB

- A. The CPRB board is comprised of nine members and three alternates and conducts public hearings on police misconduct complaints.
- B. The CPRB accepts, investigates, and reviews complaints regarding the conduct of officers and delivers advisory reports to the City Administrator regarding the facts and a recommended disposition of misconduct complaints. The CPRB may also recommend policy changes regarding investigated complaints.
- C. The CPRB has the power to subpoena Department members and Park Rangers (for the purposes of this order, hereinafter included in the reference of 'officers') who are identified in a complaint or through further investigation identified as having engaged in or witnessed the alleged conduct under investigation.

### II. POLICY

- A. The Department encourages private persons to bring forward grievances regarding inadequate police service or allegations of misconduct by officers.
- B. Officers shall fully cooperate with the CPRB by providing their full and expeditious assistance in the processing of complaints.
- C. All officers subpoenaed by the CPRB shall comply with all orders described in the subpoena and appear and testify as directed unless excused by the issuing authority. Officers who fail to appear and participate shall be subject to the disciplinary process.

- D. Officers subject to an interview are afforded all rights and privileges enumerated in the *Public Safety Officers' Procedural Bill of Rights*.
- E. All Departmental records relating to the incident under investigation, with the exception of personnel records, shall be made available to CPRB investigators.
- F. The release of Departmental records shall comply with all restrictions enumerated by local, state and federal law or appropriate contractual agreements.

### III. AUTHORITY

The CPRB may exercise its authority, as granted by City Ordinance, over all citizen complaints concerning the conduct of officers filed with either the CPRB or the Internal Affairs Division (IAD). Concurrent investigations by the IAD and CPRB may result from a single complaint.

### IV. RESPONSIBILITIES

- A. The Department Court Liaison shall serve or return any subpoena to the CPRB that is not served on an officer on a leave of absence.
- B. IAD Administrative Sergeant or member designee shall:
  - 1. Serve as the single point of contact for all CPRB related matters.
  - 2. Advise the CPRB when it has been determined that a complaint, which has been filed initially with the CPRB, is also being resolved through the Informal Complaint Resolution process.
- C. Officers
  - 1. Officers who have received a *Notice for Interview, Release of Statement Already Given to OPD, Notice for Supplemental Interview, or Subpoena for Hearing* shall contact the appropriate CPRB investigator and comply with all of the directives described on the Notice/Subpoena within three (3) on-duty working days except when an officer receives a Notice/Subpoena on his/her last work day of the week, in which case contact shall be made with the appropriate CPRB investigator upon his/her return. Under no circumstances shall contact exceed three (3) on-duty working days after receiving the Notice/Subpoena.)

2. Officers on a leave of absence are not required to attend CPRB hearings.
3. Officers on light-duty are required to attend CPRB hearings.
4. If an officer has been served with a subpoena and subsequently takes a leave of absence, the officer shall contact the appropriate CPRB investigator prior to the hearing and provide the reason why he/she cannot attend the hearing.
5. Additionally, officers shall:
  - a. Authorize the release of any and all statements taken by Departmental investigators in an internal investigation; or  
  
Provide a statement directly to the CPRB investigator if no statement has been taken;
  - b. Respond directly to the CPRB investigator's inquiries;
  - c. Provide a supplemental statement to the CPRB investigator, upon request; and
  - d. Contact the appropriate CPRB investigator not less than 24 hours prior to an interview should the interview need rescheduling. The final decision to reschedule an interview shall remain with the CPRB investigator.

D. Supervisors

Supervisors receiving a Court Liaison Memorandum and a *Notice for Interview, Release of Statement, Notice of Supplemental Interview, or a Subpoena for Hearing* shall:

1. Personally serve the Notice or Subpoena on the identified personnel at the next shift during which the "noticed" personnel is assigned to work;
2. Notify his/her immediate superior and the CPRB investigator who issued the Notice or Subpoena if the noticed officer is not scheduled to work within the next 3 days (including leaves of absence) so alternate service arrangements can be made.

3. Ensure the memorandum and Notice or Subpoena is properly completed and returned to the Court Liaison Detail.

## **V. HEARINGS**

- A. The officer who is a subject of the complaint or the officer's representative shall have an opportunity to cross-examine the complainant and any neutral or complainant witnesses. Subject officers and their witnesses are subject to cross examination by the complainant or complainant's representative, the CPRB, its Executive Director and the Hearing Officer.
- B. The complainant has the burden to prove the allegations of the complaint by a preponderance of the evidence.
- C. The CPRB considers all pertinent City and Departmental policies and procedures and current applicable law when making its findings and recommendations to the City Administrator.
- D. The City Administrator will confer with the Chief of Police on any related disciplinary actions or policy changes.
- E. The City Administrator is the final authority for imposing discipline.

## **VI. FINDINGS**

The CPRB recommends a finding for each allegation in the complaint. The types and definitions of findings are as follows:

- A. Sustained

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

- B. Not Sustained

The evidence fails to prove or disprove that the alleged conduct occurred.

- C. Exonerated

A preponderance of the evidence proves that the alleged conduct occurred but that the conduct was justified, lawful or proper.

D. Unfounded

A preponderance of the evidence proves that the alleged conduct did not occur or that the accused officer was not involved.

E. Policy Failure

A preponderance of the evidence proves that the alleged conduct occurred but that the conduct was justified, lawful or proper; however, the CPRB recommends the policy or procedure be changed.

F. Training Failure

A preponderance of the evidence proves that the alleged conduct occurred and was the result of inadequate or inappropriate training.

By order of

Wayne G. Tucker  
Chief of Police

Date Signed: \_\_\_\_\_