

Prepared by: Marian Karr, City Clerk, 410 E. Washington St., Iowa City, IA 52240 (319) 356-5041

RESOLUTION NO. 15-223

RESOLUTION TO ADOPT THE IOWA CITY COMMUNITY POLICE REVIEW BOARD STANDARD OPERATING PROCEDURES AND GUIDELINES TO REFLECT THE NAME CHANGE FROM CITIZENS POLICE REVIEW BOARD AND REMOVE OR REPLACE THE WORD "CITIZEN" IN ACCORDANCE WITH RECENT CHANGES TO THE CITY CHARTER AND REPEALING RESOLUTION 13-290

WHEREAS, the City Council adopted Ordinance 97-3792 in 1997 which created the Police Citizens Review Board ("PCRB") to assure that investigations into claims of police misconduct are conducted in a manner which is fair, thorough, and accurate; and

WHEREAS, the PCRB was designed to assist the Police Chief, the City Manager and the City Council in evaluating the overall performance of the Police Department as a whole, by having a review process for Police Department investigations into complaints; and

WHEREAS, the PCRB was renamed the "Citizens Police Review Board" ("CPRB") in 2013 at the request of the Board and the Ad Hoc Diversity Committee; and

WHEREAS, the Charter Review Commission reviewed the Charter and suggested changing the name to the "Community Police Review Board" ("CPRB") and removed references to "citizens" in 2015; and

WHEREAS, the only change in the proposal is the name and to remove or replace the word "citizen" in accordance with recent changes to the City Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IOWA CITY, IOWA, THAT:

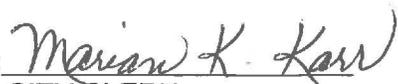
1. That Resolution 13-290 is hereby repealed.
2. The Iowa City Community Police Review Board Standard Operating Procedures and Guidelines are hereby adopted, as attached.

Passed and approved this 16th day of June, 2015.

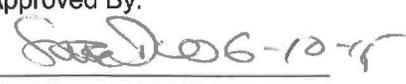


MAYOR

ATTEST:


CITY CLERK

Approved By:



City Attorney's Office

Resolution No. 15-223

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It was moved by Payne and seconded by Botchway the Resolution be adopted, and upon roll call there were:

AYES:

NAYS:

ABSENT:

X
X

X
X
X
X

X

Botchway
Dickens
Dobyns
Hayek
Mims
Payne
Throgmorton

**CITY OF IOWA CITY IOWA
COMMUNITY POLICE REVIEW BOARD
STANDARD OPERATING PROCEDURES AND
GUIDELINES**

June 16, 2015

The Community Police Review Board formerly known as the Citizens Police Review Board (hereafter referred to as the Board) was established to assure that investigations into claims of police misconduct are conducted in a manner which is fair, thorough and accurate and to assist the Police Chief, the City Manager and the City Council in evaluating the overall performance of the Police Department by having it review the Police Department's investigation into complaints. To achieve these purposes, the Community Police Review Board shall comply with Chapter 8 of the Iowa City Code, Board By-Laws and Standard Operating Procedures and Guidelines.

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I. Complaint Process

In an effort to assure the Iowa City community that the Iowa City Police Department's performance is in keeping with community standards, the Board shall review investigations into complaints about alleged police misconduct to insure that such investigations are conducted in a manner which is fair, thorough and accurate. The Board shall achieve this by receiving, reviewing and reporting on complaints in accordance with the procedural rules in Chapter 8 of the City Code, following the Board By-Laws, and Standard Operating Procedures and Guidelines.

- A. Complaints shall be filed in accordance with Chapter 8 of the City Code:
 - 1. All documents and related materials filed with the Board shall not be returned.
 - 2. Complaints filed in the City Clerk's Office shall be assigned a complaint number consisting of the last two digits of the present year with consecutive numbers, starting with one (1) (e.g. 98-1).
 - 3. Complaint copies will be sent to the Equity Director, Police Chief or City Manager. The complaint copy sent to Board members shall have all references to police officer names and other identifying information deleted. A letter will be sent to the Complainant confirming receipt of the complaint and identifying the Equity Director as another resource for them to contact throughout the complaint process.
 - 4. Board deadlines are contained in Chapter 8 of the City Code.
 - 5. A copy of each complaint filed shall be provided to Board members in the next meeting packet.
 - 6. Amendments to a complaint must be in written form.
 - 7. The complainant may withdraw the complaint at any time prior to the Board's issuance of its report to City Council.
- B. Procedures for complaints subject to summary dismissal follow:
 - 1. A complaint that appears to be untimely filed or a complaint that does not involve the conduct of an Iowa City sworn police officer shall be handled in the same manner as outlined in subsection "A" of the Complaint Process.
 - 2. The copy of the complaint furnished to the Police Chief or City Manager, shall include a cover letter from the Board indicating that it appears to be an untimely complaint or a complaint that does not involve the conduct of an Iowa City sworn police officer and will be reviewed by the Board at its next meeting.

3. The Board shall determine whether additional information is necessary to assess whether the complaint should be summarily dismissed and, if additional information is necessary, the method by which such information will be obtained. The methods available include an interview of the complainant by a subcommittee of the Board, a request to the complainant for a written submission on the issue presented and an investigation by the Board, but shall not include an invitation to the complainant to address the Board at a public meeting or an interview of the complainant at a public meeting.
4. Upon the completion of such investigation and the Board's determination that additional information is not necessary, the Board shall, by motion in open session, vote to determine whether the complaint will be dismissed under Section 8-8-3E of the Ordinance. The Board shall not discuss the facts or substance of the complaint at said open meeting.
5. If the Board dismisses the complaint, staff shall:
 - a. Untimely Complaints:
 1. Forward a copy of the decision to the Police Chief or City Manager including a cover letter stating that the complaint has been dismissed and that a report to the Board by the Police Chief or City Manager is not required by Chapter 8 of the Code.
 2. Forward a copy of the decision to the complainant including a cover letter advising that although the complaint has been dismissed and will not be reviewed by the Board, there is a method for the complainant to file a complaint directly with the Iowa City Police Department.
 3. Forward a copy of the decision to the City Council indicating the dismissal and referring to the section of the City Code.
 - b. Complaints not involving a sworn Iowa City police officer:
 1. Forward a copy of the decision to the Police Chief or City Manager including a cover letter stating that the complaint has been dismissed and that a report to the Board by the Police Chief or City Manager is not required by Chapter 8 of the Code.
 2. Forward a copy of the decision to the complainant including a cover letter stating why the complaint was dismissed.
 3. Forward a copy of the decision to the City Council indicating the dismissal and referring to the section of the City Code.

4. If the Board determines the complaint shall not be dismissed, it shall so advise the Police Chief or City Manager so that the investigation may continue and make the required report to the Board.

II. RESERVED

III. Meetings

Regular meetings shall be held monthly. Special meetings may be called by the Chair as needed. The Board shall comply with the Board's By-Laws and the Board Standard Operating Procedures and Guidelines.

- A. Meeting packets shall be distributed to Board members at least two (2) days prior to a meeting when possible.
- B. Place of Posting Notices and Agendas.
 1. Follow requirements of Section 21.4, The Code of Iowa.
 2. The City of Iowa City provides the Notice Bulletin Board in the lobby of City Hall.
- C. Consent Calendar shall include:
 1. Minutes of the last meeting(s);
 2. Correspondence and/or memoranda directed to the Board (not complaint-related). Staff shall be given directions based on Board discussion as to whether staff shall respond or whether Board members shall respond, with copies furnished to the Board.
- D. Time for open public discussion shall be made available at all open meetings as provided by the Board By-Laws.
- E. Time for "Board Information" and "Staff Information" shall be made available at all meetings.
- F. Decisions made in executive session shall be ratified in open session.
- G. Taped minutes of open meetings shall be kept thirty (30) days from acceptance and approval of minutes.
- H. Taped minutes of executive meetings shall be kept for one year from the date of the meeting.
- I. To the extent practicable, legal counsel for the Board shall attend all meetings of the Board.

J. Electronic Participation

1. Follow the requirements of Chapter 21, The Code of Iowa for “electronic meetings”.
2. It shall be the rule of the Board to secure electronic participation by absent members whenever it is physically feasible where such participation is necessary or desirable because of statutory voting requirements or the importance of the subject matter to the public. This rule shall not apply to electronic participation by a majority of the Board members.

K. Quorum and Voting Requirements

1. Quorum. See By-Laws.
2. Voting. See By-Laws.
3. Voting to close a session. See Chapter 21, The Code of Iowa.

L. Iowa Open Records Law

1. The Board must follow all the requirements of Chapter 22, The Code of Iowa, Examination of Public Records (Open Records). This means every person has the right to examine and copy the public records of the Board pursuant to that Chapter.
2. The lawful custodian of the Board public records is the City Clerk of Iowa City. If the City Clerk requires legal counsel concerning whether a document is public or confidential, the Clerk shall notify both the City Attorney’s Office and counsel to the Board of the request.
3. In accordance with Iowa Law, the Board shall maintain the confidentiality of complaints, reports of investigations, statements and other documents or records obtained in investigation of any complaint as outlined in the Board’s By-Laws.
4. In accordance with Iowa Law, the Board shall maintain the confidentiality of information protected by the Iowa Open Records Law as outlined in the Board’s By-Laws.

M. Iowa Open Meetings Law.

1. In accordance with Iowa Law, the Board must follow all the requirements of Chapter 21, Official Meetings Open to Public (Open Meetings).
2. In accordance with Iowa Law, confidentiality of information protected by the Iowa Meetings Law as outlined in the Board’s By-Laws.

- N. Conflicts of Interest and Ex Parte Contacts
 - 1. Conflicts of Interest. See By-Laws.
 - 2. Ex Parte Contacts. See By-Laws.

IV. Complaint Review Process

The Board shall review all Police Chief's reports and City Manager's reports concerning complaints utilizing Sections 8-8-6, 8-8-7 and 8-8-8 of the City Code and the Board Standard Operating Procedures and Guidelines.

- A. Review of Police Chief's report or City Manager's report as outlined in Chapter 8 of the City Code.
- B. Select a level of review as outlined in Chapter 8 of the City Code. The Board shall notify the Complainant and the Police Chief, or the City Manager if the complaint is against the Police Chief, of the selected level of review. The Police Chief shall notify the officer of the selected level of review.
- C. Pursuant to Chapter 8 of the City Code, the Board may choose to subpoena witnesses or documents.
 - 1. A motion to issue a subpoena to compel the appearance of a witness or for the production of documents may be made by any Board member pursuant to the voting procedure outlined in the Board's By-Laws. Such a motion if made in closed session will be ratified in open session.
 - 2. The subpoena will be prepared by legal counsel for signature by the Board Chair.
 - 3. Funds for the payment of witness fees, mileage and service will be issued by the City Clerk.
 - 4. The subpoena may be issued to compel the appearance of a witness to be interviewed by a committee, of no more than two Board members assigned by the Chair, at a time and place determined by the committee.
- D. The Board may request an extension of time to file the Board's public report as outlined in Chapter 8 of the City Code.
- E. The Board shall not issue a public report critical of a police officer until after a name-clearing hearing has been held or waived by the police officer as outlined in Chapter 8 of the City Code.
- F. Name-clearing hearing procedure
 - 1. If the Board determines that the comments or findings contained in its proposed report will be critical of the conduct of a sworn police officer, it

must offer the officer a name-clearing hearing prior to the issuance of the Board's report to Council.

2. The Board shall select a proposed date for the name-clearing hearing.
3. Written notice of the date, time and place of the name-clearing hearing shall be given to the officer no less than ten working days prior to the date set for hearing. The notice to the officer should be transmitted via the Police Chief. The notice to the officer shall provide a written response form for the officer to demand or waive the name-clearing hearing. Said written response form shall also allow the police officer to state whether he or she requests an open or closed session.
4. If the officer provides a written waiver of the name-clearing hearing prior to the date set for hearing, the hearing shall not be held.
5. If the officer does not respond to the notice prior to the time of the hearing, the hearing shall be convened. If the officer does not appear, the hearing shall be terminated.
6. If the officer demands a hearing or appears at the hearing, the Board will first determine whether the hearing shall be open or closed. If the officer requests a closed session, the Board shall close the session pursuant to motion specifically identifying an appropriate provision of Chapter 21 Iowa Code as the basis for closure. If the officer does not request a closed session the session shall be open except where closure is appropriate pursuant to Section 21.
7. Before the hearing, the Board shall advise the officer of the Board's proposed criticism(s). At the hearing, evidence supporting the criticism shall be presented. The officer shall be given the opportunity to be heard and to present additional evidence, including the testimony of witnesses.
8. If, subsequent to a name-clearing hearing or waiver of a name-clearing hearing by the officer, the Board changes its level of review, it shall issue a new written notice pursuant to subparagraph B, hereof. If, following said change, the proposed report is critical of the sworn officer's conduct, the Board shall offer another name-clearing hearing to the officer pursuant to the name-clearing hearing procedures herein.
9. The complainant shall not receive a notice of, or have the right to participate in, a name-clearing hearing.

G. Report Writing – See Chapter 8 of the City Code

1. The Chair shall appoint a committee to prepare draft reports. The committee may request assistance from staff as needed.
2. When possible, a draft report shall be included in the agenda packet prior to the meeting at which it is discussed.

3. Draft reports shall be discussed in executive session and finalized by the full Board.
 4. Draft reports shall be confidential.
 5. Final Public Reports shall be reviewed by legal counsel to the Board before being submitted to the City Council.
- H. Final Board Public Reports shall be distributed according to Chapter 8 of the City Code. The copy sent to the City Council shall be accompanied by the minutes of the meeting which approved it and be sent to the City Clerk for inclusion in the next Council agenda packet.
- I. Once the Public Report is sent to designated parties, the complaint file is closed.
- J. An exit survey tool will be mailed to the complaint and responses returned will be contained in the Board's annual report.

V. Identification of Officers

- A. The reports of the Police Chief and the City Manager to the Board will identify the officers with unique identifiers, i.e. same number for same officer from one complaint to the next, but not by name. In its public reports, however, the Board shall not use the same number for the same officer from one report to the next, in order to guard against inadvertent identification of the officer to the public by the Board. The Board reserves the right, however, to identify the officer in a sustained complaint pursuant to Chapter 8 of the City Code and may obtain the officer's name from the City Clerk for this purpose.
- B. An allegation of misconduct or previous allegation of misconduct against an officer is not and shall not be used by the Board as evidence of misconduct.

VI. Review of Policies, Procedures and Practices of the Iowa City Police Department

As stated in Chapter 8 of the City Code, the Board's By-Laws, and Standard Operating Procedures and Guidelines, the Board shall, from time to time, report to the City Council on policies, procedures and practices of the Iowa City Police Department, including recommended changes, if appropriate.

- A. Policy-review discussions shall be held at regular meetings, when possible.
- B. Pursuant to Chapter 8 of the City Code, on at least one occasion each year the Board shall hold a community forum for the purpose of hearing views on the policies, practices and procedures of the Iowa City Police Department. The format, location, date and time, of the forum will be determined by the Board. The procedures and requirements set forth in the Board's By-Laws, will be satisfied.

- C. When persons have a concern about police procedures or practices, but there is no allegation of individual officer misconduct, there may be an issue of policy. Any person or Board member may raise an issue at a Board meeting.
- D. The Board encourages signed written correspondence but will accept anonymous correspondence concerning policies, procedures, and practices of the Iowa City Police Department.

VII. Annual Report

The Board shall maintain a central registry of all formal complaints against sworn police officers and shall provide an annual report to the City Council which will give the City Council sufficient information to assess the overall performance of the Iowa City Police Department.

- A. The annual report shall include information required by Chapter 8 of the City Code.
- B. The Board's annual report may also include recommendations to amend Chapter 8 of the City Code.

VIII. General

- A. The lawful custodian of the Board records and the central depository for all information is the City Clerk's Office of the City of Iowa City.
- B. The Chair is the official spokesperson for the Board.
- C. When legal counsel and/or staff are contacted on Board business, they shall report that information to the Chair and to each other.
- D. Contacts between a Board member and the Police Chief and/or City Manager shall be in the form of written communication when possible.
- E. Requests for information from the Board to the Police Chief or City Manager shall be in writing.
- F. The City Clerk's office shall provide the Board a monthly "Office Contacts Report," stating the number of telephone calls and in-office contacts which come directly to the City Clerk's office, the general substance of such contacts, and their disposition.
- G. Voice Mail telephone messages to the Board office shall not be retained nor will messages be transcribed unless there are extenuating circumstances on a case-by-case basis determined by legal counsel for the Board and the City Attorney's Office.
- H. The Board shall utilize its own letterhead stationery.