



CITIZENS PUBLIC SAFETY REVIEW AND APPEAL BOARD

New Member Orientation

Policies & Procedures of Operation

BOARD AUTHORITY

By the City Manager under administrative authority granted by the Kalamazoo City Charter created the Citizens Public Safety Review and Appeal Board (CPSRAB).

PURPOSE

- Provide an opportunity for the City Manager to receive input from a citizen board prior to deciding appeals filed with him pursuant to the Kalamazoo Department of Public Safety's General Order 16.

ADDITIONAL ROLES

1

Build more credibility, community trust, and confidence by creating a process that will respond appropriately to allegations of misconduct by the Kalamazoo Department of Public Safety

2

Respond to requests from the City Manager on the disposition of inquiries and complaints, as well as the complaint process

3

Serve in advisory role to the City manager regarding possible improvements to policies and procedures, the complaint process, communication and outreach to citizens

BOARD MEMBERSHIP

- Twelve Members appointed by the City Manager
- Up to Six At-Large Members
- Up to Six Members from Designated Groups
- Appointed for 1 three-year term (may be appointed for a 2nd three-year term)
- May not serve for more than 2 consecutive terms (full or partial)

DESIGNATED GROUPS (EXAMPLES ONLY)

- El Concilio (formerly known as the Hispanic American Council)
- Family Health Center
- Gospel Mission
- Gryphon Place
- Mothers of Hope
- NAACP
- Neighborhood Associations
- Northside Ministerial Alliance
- OutFront Kalamazoo

Candidates interested in serving on the Board will submit an application along with a letter of interest including a statement of their background, reason for consideration, and other information deemed appropriate for consideration.

The City Manager may schedule an interview with selected candidates to assist him/her in finalizing the membership list for the Board.

The City Manager will make the final selection of the Board.

The City Manager will annually name the Chair of the Board from the list of Board members.

MEMBERSHIP SELECTION PROCESS

MEMBERSHIP QUALIFICATIONS

- U.S. Citizen or legal U.S. Resident
- Residency
 - Full-time residents of the City of Kalamazoo are given first priority
 - Second priority is given to persons with an identifiable interest located in the City of Kalamazoo
- Willingness to spend approximately four or five hours a calendar quarter reviewing cases and attending meetings
- Willingness to make a three-year commitment
- Willingness to attend orientation session

MEMBERSHIP DISQUALIFIERS

- Serving a sentence for a criminal conviction or while on probation or parole.
- Subject to an active personal protection order
- Holding any political office or an announced candidate for political office.
- Working for another law enforcement agency.
- A current City of Kalamazoo employee.
- An immediate family member of any Kalamazoo Department of Public Safety personnel or current CPSRAB board member.
- A retired or former law enforcement officer.

STAFF SUPPORT



- The City Manager / Designee
 - Liaison – Does not participate in deliberations or vote on recommendations of the Board.
- The Public Safety Chief / Designee
 - Attends all appeal hearings
 - Attends meetings when requested by the Board or City Manager
 - Does not participate in the deliberations of the Board.
- The City Attorney / Designee
 - Legal advisor to the Board
 - In the event of an ethical conflict will be recused and separate legal counsel will be arranged for the Board.

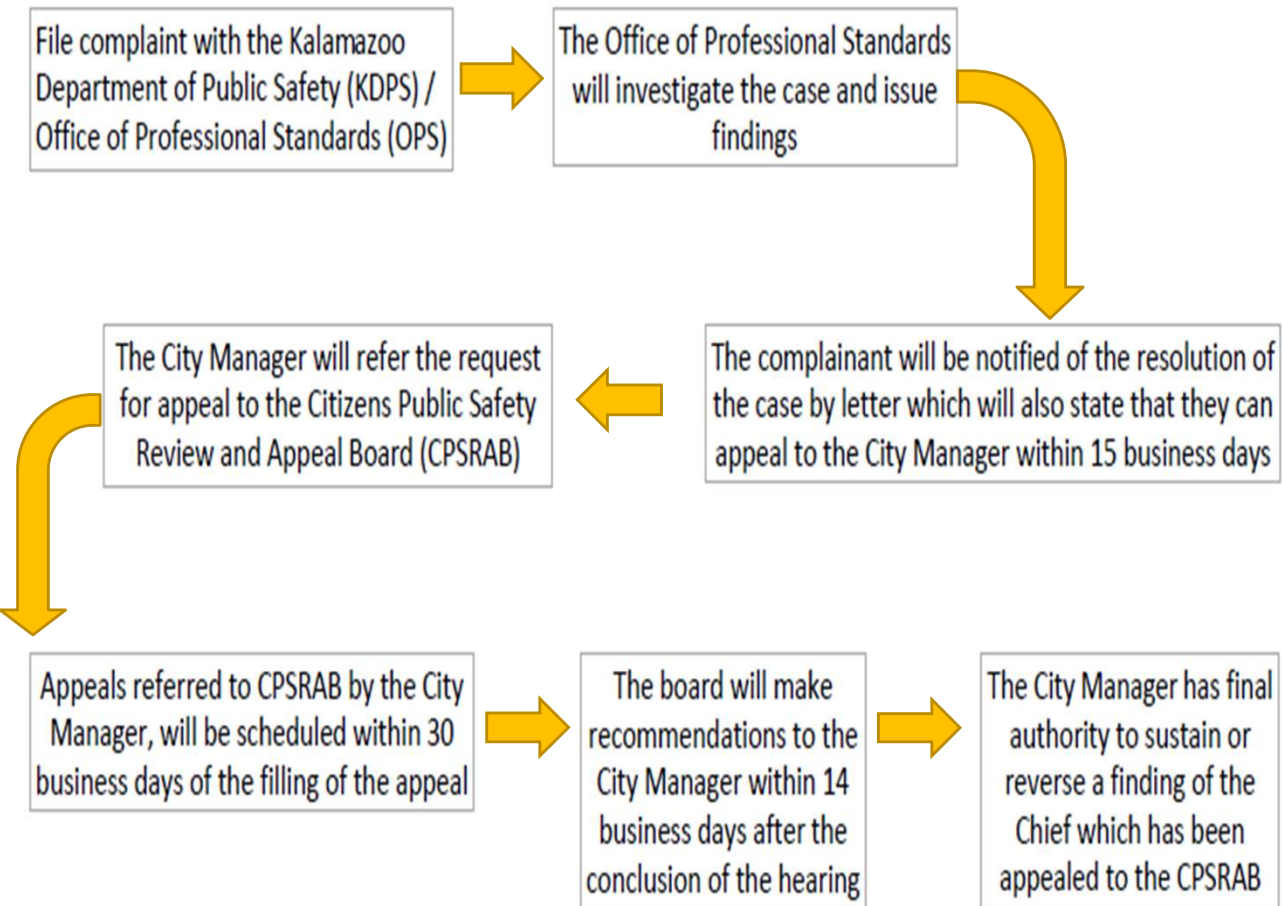
BOARD MEMBER RESPONSIBILITIES

- Maintain confidentiality
- Avoid conflict of interest
 - Personal
 - Professional
 - Financial
- Behave in a manner that maintains public confidence in the fairness, impartiality and integrity of the Appeal and Review process
- Refrain from making any prejudicial comments with respect to complainants or Public Safety officers
- Participate in required orientation and other training opportunities

REMOVAL OR SUSPENSION FROM BOARD

- Misfeasance (unintentional wrongdoing)
- Malfeasance (intentional wrongdoing)
- Failure to attend meetings (three unexcused and/or consecutive meetings in a twelve-month period)
- Conviction of a criminal offence after appointment to the Board
- Change in circumstances that implicate any membership disqualifier (discussed earlier)
- Demonstrated bias or prejudice that preclude objective consideration of appeal cases on their merit

THE COMPLAINT PROCESS



DISPOSITION OF CLAIMS

- The Chief or his/her designee will review all complaints adhering to the following:
 - If the complaint is a criticism of operating policies or procedures and a change is justified, the Chief, in conjunction with staff, will develop and implement the necessary changes
 - Non - criminal policy violations will be reviewed for progressive discipline
 - If criminal sanctions are indicated, an offense report will be written and submitted to the County Prosecutor or City Attorney for review

BOARD'S AUTHORITY



The Board's scope of authority when considering an appeal will be limited to considering decisions made by the Chief of Public Safety at the conclusion of the Public Safety Community Relations (PCR) complaint process.



The Board will have the authority to hear an appeal from any PCR finding in which the Chief has made a finding of exonerated, unfounded, misconduct not based on the complaint, or not sustained, and to recommend to the City Manager that the Chief's finding be changed to sustained under Department of Public Safety General Order 16

PCR FINDINGS

- **Exonerated** - (especially of an official body) absolve (someone) from blame for a fault or wrongdoing, especially after due consideration of the case
- **Not Sustained** - the investigation failed to disclose sufficient evidence to prove or disprove the allegations made in the complaint
- **Sustained** - a fair preponderance of the evidence obtained in the investigation established that the accused person's actions constituted misconduct
- **Unfounded** -no (adjudicated) basis for the charge or accusation
- **Misconduct not based on complaint** – other policy violations were found

The Board will not have the authority to hear an appeal when the Chief has sustained the complaint.



The Board will not have the authority either to impose discipline on any employee or to recommend that discipline be imposed or increased in a particular instance.

BOARD'S AUTHORITY

THE HEARING

- The appeal hearing will be open to the public if an open hearing is requested by the complainant.
- If an open hearing is not requested by the complainant, the hearing will be closed to the public.
- *The Board's deliberations will be closed to the public.*



ABSTENTION

- Conflict of Interest
- A Board member will abstain from any consideration of a complaint if she or he has a demonstrated personal bias or prejudice, or the appearance thereof, in the outcome of the complaint
- Examples of Personal Bias
 - Having a familial relationship, close friendship, or close working relationship with any party material to the complaint
 - Witnessing events material to the complaint
 - Being a party to the complaint
 - Holding a bias for or against a particular party that is sufficient to impair the Board member's impartiality.
 - Having a financial interest in the outcome of the complaint

APPEAL CONFIDENTIALITY

- Board members will maintain ***complete confidentiality*** concerning all appeals pending until a final written report is presented to the City Manager
- ***No discussion***, including among other board members, except at scheduled meetings.
- Board members ***will not investigate independently*** outside the of board meeting.

DOCUMENTS

- The Investigation File
 - Interview Transcripts
 - Police Reports
 - Other Relevant Documents

(The complainant may request that personal information not germane to the appeal be deleted from any document)

WITNESSES

- The complainant may appear in person before the board, but the Board ***will not hear from other witnesses or from city employees*** other than the Chief or his/her designee.
- The Board also may make a written request for further investigation by the Chief of Public Safety, or his/her designee, or the City staff member assigned to work with the Board.

RECOMMENDATIONS

The Board will prepare a written recommendation for submission to the City Manager setting forth its findings and conclusions, and, based on its findings and conclusions, will recommend that the City Manager either sustain or reverse the Chief's finding.

The Board's report will contain such comments and criticisms of the Chief's finding as a majority of the Board feels are appropriate.

The recommendation should be submitted to the City Manager no later than 14 business days after the conclusion of the hearing. The City Manager may ask the Board in writing to clarify its conclusion

FINDINGS

- The City Manager will have the final authority to sustain or reverse a finding of the Chief which has been appealed to the Citizens Public Safety Review and Appeal Board.