



MEMORANDUM
(REVISED)

384-2456

April 09, 2009

TO: Mayor and City Council

FROM: Todd Rent, Human Relations Officer

RE: Reauthorization of the Ordinance Establishing a Civilian Police Review Board

BACKGROUND

Section 19-40 of the Civilian Police Review Board Ordinance, as amended, requires that a review and reauthorization process be completed by April 30, 2009. As such, the Human Relations Office submits the Ordinance Establishing a Civilian Police Review Board for your consideration and reauthorization for the period of two years. Your packets contain (1) the revised Ordinance, (2) public comments regarding the strengths and weaknesses of the existing Ordinance, (3) a CPRB complaint brochure, and (4) a report containing information mandated in Sec. 19-27(a)(2) of the Ordinance.

ORDINANCE REVISIONS

Time Requirements: Section 19-28(k) has been revised to set forth time and reporting requirements for the Police Department's response to complaints. The new language requires that the Police Department verify receipt of a complaint within fourteen (14) days. The new language also states that the Police Department will make every reasonable effort to complete resolve complaints within forty-five (45) working days. If the complaint is not resolved within the specified time period, the Police Department must provide the complainant with a status report every thirty (30) working days until the complaint is resolved.

Date of Reauthorization: Section 19-40 has been revised to require review and reauthorization by April 30, 2011.

Respectfully submitted,

Todd Rent
Human Relations Officer

**AN ORDINANCE REAUTHORIZING A CIVILIAN POLICE REVIEW BOARD WITHIN THE
CITY OF URBANA**

WHEREAS, the Mayor has established a Special Citizens' Task Force to study the desirability and feasibility of creating a Civilian police review board; and

WHEREAS, this Task Force has studied various proposals, examined data on police complaints from many different cities, and vigorously debated the issues relating to the structure and operation of a Civilian police review board; and

WHEREAS, the Task Force has submitted a proposal for the consideration of the Mayor and the City Council for the creation of this Civilian police review board; and

WHEREAS, this proposal has been the subject of extensive public debate and consideration through several public hearings before the City Council; and

WHEREAS, the Mayor and the City Council have determined that a Civilian police review board will enhance public safety by providing an independent means to review citizen complaints regarding police officer conduct and the operations of the City of Urbana Police Department; and

WHEREAS, the Mayor and the City Council hereby establish a Civilian police review board with the recognition that all people in the City deserve protection of their civil rights and respect for their fundamental human dignity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The Code of Ordinances, City of Urbana, Chapter 19, "Police" is hereby amended by adding the following Article thereto:

ARTICLE III. CIVILIAN POLICE REVIEW BOARD

Sec. 19-20. Establishment and Purpose

A Civilian Police Review Board (CPRB) is hereby established to:

- (a) Provide a systematic means by which to achieve continuous improvement in police community interactions;
- (b) Provide oversight of internal police investigations through review of such investigations;
- (c) Provide an independent process for review of citizen complaints;
- (d) Oversee a monitoring system for tracking receipt of complaints lodged against sworn officers;
- (e) Add a citizen perspective to the evaluation of these complaints;
- (f) Contribute to timely, fair and objective review of citizen complaints; and
- (g) Provide fair treatment to and protect the rights of police officers.

Sec. 19-21. Composition

- (a) The CPRB shall consist of seven (7) members appointed by the Mayor with the approval of the City Council.
- (b) Members shall serve for a three (3) year term. However, at the inception of the Board, two (2) members shall be appointed for a one (1) year term, two (2) members for a two (2) year term, and three (3) members for a three (3) year term, so that terms are staggered.
- (c) The Mayor shall designate the Chair and a Vice-Chair of the Board.
- (d) A majority of the sitting members of the CPRB shall constitute a quorum.
- (e) Members shall serve until their successors are appointed and confirmed, unless removed by the Mayor in accordance with Sec. 19-25(e).

Sec. 19-22. Qualifications for Membership

- (a) Members of the CPRB shall reside in the City of Urbana, and shall possess a reputation for fairness, integrity and a sense of public service.
- (b) No City employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency.
- (c) No person with a criminal felony conviction or plea shall be eligible to serve on the CPRB.
- (d) In making appointments, the Mayor shall endeavor to reflect community diversity, including different neighborhoods, income levels, ethnicity, age, gender and experience.

Sec. 19-23. Training and Orientation

The Human Relations Office (HRO) shall develop written standards for orientation and continuing education for all CPRB members. The written standards shall be subject to the approval of the Mayor and Council. Completion of the orientation program is required before a member is seated. Timely completion of continuing education is required for all sitting members.

Sec. 19-24. Rules and Procedures

The CPRB in consultation with the Legal Division and HRO shall establish rules and procedures for the transaction of CPRB business.

Sec. 19-25. Member Responsibilities

- (a) Members shall conduct themselves at all times in a manner that maintains public confidence in the fairness, impartiality and integrity of the CPRB. Further, members shall refrain from prejudging or making any comments, prejudicial or otherwise, regarding any pending complaint, on-going investigation, complainant or police officer.
- (b) Members shall maintain absolute confidentiality with respect to confidential or privileged information in perpetuity. CPRB members shall not disclose, in whole or in part or by way of summary, any information made available pursuant to Sec. 19-26(a). This

provision is not intended to prohibit CPRB members from expressing opinions regarding (1) general patterns and trends, (2) procedural matters, (3) any information that has been previously released as a public record, and (4) any other non-confidential or non-privileged information discussed in the course of CPRB proceedings and/or deliberations.

- (c) No member shall have ex parte communications with any third party regarding any complaint under active review.
- (d) A member shall recuse himself or herself from consideration of any complaint in which the member has a personal, professional, or financial conflict of interest.
- (e) A violation of any of these provisions may constitute grounds for immediate removal of the member at the discretion of the Mayor, except that violation of subsection (c) of this section shall constitute grounds for immediate dismissal.

Sec. 19-26. Record and Information Access

- (a) The CPRB shall have access to relevant case-specific records including but not limited to documents and testimony gathered in the course of the Police Department's investigation. To the extent that the following items were not gathered in the course of the Police Department's investigation, the CPRB, by a majority vote shall have access to police reports, incident-related documents such as schedules, dispatch tapes and transcriptions, citations, video recordings, and photographs; records of interviews with complainants, employees, and witnesses; and external documents such as medical records as provided for under the HIPAA Privacy Rule, expert opinions, and receipts. Information released under this subsection shall be redacted and/or withheld by the City Attorney or his/her designee to ensure compliance with all federal, state and local privacy laws and regulations. The City Attorney or his/her designee shall also have discretion to redact or withhold any information that may, in his/her judgment, unduly compromise a victim's privacy or compromise an ongoing law enforcement investigation. In the event that the City Attorney decides to withhold such case-specific records, he/she shall provide a written response which sets forth the nature of the document(s) withheld and the reasons for withholding the document. Such decision may be appealed to the Mayor upon a majority vote of the CPRB.
- (b) In the event that any medical records of an officer are disclosed to the CPRB in connection with the Board's review of a complaint, the subject officer shall be notified in writing of the disclosure of such records.

Sec. 19-27. Reports

- (a) The CPRB shall:
 - (1) Maintain a central registry of complaints.
 - (2) Collect data and provide an annual report to the Mayor and City Council which shall be public and shall set forth the general types and numbers of complaints, location of the incident(s) giving rise to the complaints, disposition of the complaints, the discipline imposed, if any, and complainants' demographic information. The report shall contain a comparison of the CPRB's findings and conclusions with the results of investigations and

- actions taken by the Police Department. Public reports shall not include the names of complainants or police officers.
- (3) Have authority to make recommendations to the Police Chief, Mayor and City Council regarding Police Department policies and practices, based on its consideration of information received.

COMPLAINT PROCEDURES,
INVESTIGATION AND MEDIATION.

Sec. 19-28. Definition of Complaints; Filing of Complaints

For the purposes of this Ordinance, a "complaint" is a written allegation of misconduct lodged against a sworn police officer.

- (a) Complaints concerning police conduct may be filed at the Police Department or the Urbana Human Relations Office.
- (b) Complaints shall be made in writing using a Citizen Complaint Form created by the CPRB in cooperation with the Chief of Police. A complainant shall be furnished with information regarding the complaint process and the rights of complainants prior to, or as part of the filing process.
- (c) A complaint shall be a sworn statement attesting to the truthfulness of the allegations made. Complaint forms shall contain a written statement that anyone making willfully or intentionally false allegations within the sworn complaint may be subject to prosecution. An explanatory statement shall state that a finding that the complaint is unfounded or not sustained shall not necessarily be construed as a false statement.
- (d) Complaints shall be based upon a first-hand account either by the person involved in the incident or a witness to the incident, except that a minor shall be represented by a parent or guardian in all matters pertaining to the complaint.
- (e) Complainants may opt to dictate complaints to HRO. Dictated complaints must be read back to the complainant, verified by the complainant and signed by the complainant.
- (f) Complainants shall receive a copy of the submitted complaint at the time of filing.
- (g) Complaints shall be filed within 45 calendar days of the date of the incident, giving rise to the complaint, unless the complainant is physically unable to file a complaint because he or she has been hospitalized, incarcerated or called to active military duty. In such a case, the complaint must be filed within 15 calendar days of the date the person becomes physically able to file or no longer incarcerated or in military service.
- (h) The CPRB shall be notified within seven (7) working days of the filing of the complaint.
- (i) Complaints filed at the Urbana Human Relations Office shall be forwarded to the Police Department within (7) working days.
- (j) All complaints shall be submitted to the CPRB within (7) working days of the filing date.
- (k) 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 CPRB. The Police Department shall send all notices regarding the complaint via certified letter. Complainants shall receive confirmation that their complaint has been received within fourteen (14) days. Every reasonable effort shall be made to resolve the complaint within forty-five (45)

working days. In the event that it is not resolved in forty-five (45) working days, a status report shall be mailed to the complainant every thirty (30) working days until the complaint is resolved. The department shall conclude its investigation prior to consideration by the CPRB.

- (l) The CPRB shall provide the Mayor and Council with a quarterly report of all open or pending internal investigations.
- (m) Once the Police Department has reported its findings to the complainant and to the CPRB, the complainant shall have the option of appealing those findings to the CPRB in accordance with the procedures set forth in Sec. 19-32.
- (n) The CPRB shall not have jurisdiction over allegations about non-sworn officers such as the animal control officer, parking enforcement personnel or police service representatives.
- (o) Complaints concerning incidents pre-dating the first convening of the Board will not be accepted.
- (p) Harassment, retaliation, or retribution for filing a complaint or testifying on behalf of a complainant will not be tolerated. Such allegations shall be reported to the Human Relations Officer for appropriate investigation and follow-up.

Sec. 19-29. Mediation Notice.

Upon receiving a complaint, the CPRB shall notify the complainant of a mediation option and invite the complainant to submit the complaint to mediation.

Sec. 19-30. Mediation Process.

- (a) Requests for mediation may be submitted in writing to the CPRB by the complainant or the police officer(s) at any time in the review process. Mediation shall proceed as soon as reasonably possible.
- (b) Mediation shall proceed only upon agreement of both parties;
- (c) Mediation shall be conducted at no cost to the complainant or officer(s) by trained or experienced mediators from among a list selected by the City or a conflict resolution program approved by the City. The mediator shall have experience dealing with law enforcement related issues.
- (d) Mediators shall conduct mediation sessions with officers and complainants at times and places agreed upon by the parties. Where these mediation sessions result in resolution of the dispute, the mediator shall inform the CPRB and Chief of Police in writing within five (5) working days. Terms of the resolution may be reported to the CPRB and the Chief of Police only upon the express written approval of the parties;
- (e) In conducting the mediation, the mediator may suggest avenues toward resolution but may not impose an outcome on the parties;
- (f) Mediation sessions shall be closed to the public. Matters discussed shall be confidential unless both parties agree otherwise as part of a written mediation settlement.
- (g) If the complainant is a parent of a child who is the alleged victim of police misconduct, the parent may bring the child to the mediation session. A minor who is the alleged victim of misconduct must bring a parent or guardian to the mediation session.

Sec. 19-31. [Reserved]

Sec. 19-32. Appeal of Police Department Findings to the CPRB

- (a) 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 CPRB within thirty (30) calendar days from the date of receipt of the notice of the findings.
- (b) Upon receipt of an appeal, the Board shall hold an initial hearing to set dates to hear the case within 45 working days. If the Board is unable to hear the matter within 45 days, the Board shall provide written basis to the complainant and the Police Department for the extension of time needed for the appeal to be heard.
- (c) Internal investigation reports shall not be subject to public disclosure or use in other legal proceedings.
- (d) Hearings shall be conducted in closed session and members of the CPRB shall keep confidential all matters disclosed during hearings.
- (e) A non-union member of the Police Department Command Staff shall be appointed by the Chief of Police to participate as an advisor to the Board during all hearings of complaints. This officer must not have been involved in the incident(s) giving rise to the complaint under review. At the complainant's request, the Chief of Police shall select another officer to advise the CPRB during the review process.
- (f) The complainant shall be provided the opportunity to make a statement to the CPRB which details the basis of the appeal.
- (g) The Chief of Police or his/her designee shall be provided an opportunity to explain the basis for the Police Department's findings and conclusions.
- (h) The CPRB shall weigh the facts and reach a conclusion based on the preponderance of the evidence.
- (i) The CPRB findings and conclusions may not be used as evidence in any other criminal or civil court proceeding to the extent that the City has the ability to declare such an intention through adoption of this Ordinance. However, this provision shall not constitute a bar to disciplinary action against a police officer based on the Police Department's own investigation of an officer's conduct.

ADMINISTRATION AND ENFORCEMENT

Sec. 19-33. Findings and Conclusions

At the conclusion of each appeal under Sec. 19-32, the CPRB shall render one of the following findings based on the preponderance of the evidence;

- (a) **Not Sustained:** Where the members determine that the Chief's finding is not supported by the evidence.
- (b) **Sustained:** Where the members determine that the Chief's finding is supported by the evidence.
- (c) **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 interests to do so, it may remand a matter back to the Chief for further investigation or consideration.

- (d) **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.
- (e) **Mediated:** Where the complaint was successfully mediated pursuant to Sec. 19-30.

Sec. 19-34. Report to the Chief of Police

- (a) At the conclusion of its review, the CPRB shall forward its written findings and conclusions to the Chief of Police and to affected officers, and, to the extent permitted by law, to the complainants. To the extent permitted by law, the written findings and conclusions shall be a public record. Such records shall not identify subject officers. If the findings of the CPRB and of the Chief of Police differ, the Board and the Chief shall discuss their differences and the basis for the different findings. A thorough and objective written summary of this discussion shall be transmitted to the Mayor by HRO within ten (10) working days of the discussion.
- (b) The CPRB shall have no authority over police disciplinary matters.

Sec. 19-35. Quarterly Meetings

- (a) The CPRB shall conduct quarterly meetings that provide the general public with an opportunity to voice concerns and to provide recommendations for improving interactions between the Police Department and the community
- (b) The CPRB shall hold its first quarterly meeting within thirty (30) days after a quorum of its members has completed the orientation program.
- (c) CPRB quarterly meetings shall be open to the public except when closed as provided in the Open Meetings Act and all other applicable federal, state and local laws.

Sec. 19-36. Conduct of Complaint Review

- (a) In conducting a review, the CPRB shall:
 - 1. Be provided with full access to case-specific records and tangible evidence subject to the limitations of Sec. 19-26;
 - 2. Hear a statement from the Complainant stating the basis for appeal;
 - 3. Hear a statement from the Chief of Police or his/her designee describing the investigation and determinations of the Police Department;
 - 4. Have the power to:
 - i. Subpoena witnesses, and case-specific records and tangible evidence, subject to the limitations set forth in Sec. 19-26;
 - ii. Administer oaths;
 - iii. Take testimony; and
 - iv. Exclude witnesses;
- (b) No Police Officer who shall be required to appear or be subpoenaed to testify before the Board.
- (c) Witnesses shall be questioned only by members of the CPRB;
- (d) The entire review on a single complaint shall be concluded on a single occasion unless the CPRB determines otherwise based on good

cause. The Board may discontinue its review of a complaint for lack of interest if the complainant fails to attend the hearing without good cause;

- (e) No fewer than ten (10) business days before a scheduled hearing, the CPRB shall provide notice to all interested parties via certified mail.

Sec. 19-37. Suspension of Proceedings

CPRB review of any complaint shall be suspended at the request of the Chief of Police or City Attorney where a separate criminal investigation is underway or if a civil action against the City is threatened, underway or pending. Upon the conclusion of the Police Department's investigation of a complaint and the conclusion of any separate legal proceedings, the CPRB may resume or undertake its review if the complainant still wishes to proceed. The CPRB will honor all requests from the Police Department or from the complainant to suspend proceedings until the conclusion of any pending criminal or civil case related to the complaint.

Sec. 19-38. Information Sharing

The CPRB shall forward to the Chief of Police any new case-specific information it obtains, during the course of a review, concerning an incident subject to a citizen complaint. Similarly, during the course of a CPRB review, the Chief of Police shall forward to the CPRB in writing any new case-specific information the Chief obtains after the Internal Affairs review has been concluded and submitted to the CPRB concerning an incident subject to a citizen complaint.

Sec. 19-39. Community Outreach

- (a) The CPRB shall work with the Police Department, Human Relations Office and Human Relations Commission to anticipate and prevent problems, including analyzing data and making recommendations to the Police Department about issues requiring special attention.
- (b) The CPRB is empowered to periodically study and issue reports to the corporate authorities about police/community relations, racial profiling, and other issues which relate to community climate.
- (c) The CPRB and HRO shall develop a brochure explaining CPRB procedures and the rights of complainants. The brochures shall be prepared and distributed to the public according to a plan developed by the CPRB and approved by the Mayor and the City Council. Appropriate information on the CPRB and its procedures shall also be posted on the City's website and available through the Police Department, the City Clerk's office, and the Urbana Free Library.
- (d) The CPRB and HRO shall develop a brochure a "Know Your Rights" poster to be displayed prominently within the Police Department. The poster shall provide information on(1) the right of citizens to make complaints, and (2) the right of citizens to have a complaint reviewed by the CPRB.
- (e) The CPRB and HRO shall develop and distribute complaint forms in languages and formats accessible to citizens, educate the community on the complaint process and the importance of reporting complaints.

- (f) All materials distributed to the public under subsections (c) and (d) of this section shall contain, in a prominent typeface, the following statement: "Harassment, retaliation, or retribution for filing a complaint or testifying on behalf of a complainant will not be tolerated. If you believe that you are the subject of harassment, retaliation or retribution as a result of the complaint process, please contact the Human Relations Officer for appropriate investigation and follow-up."
- (g) The CPRB may hold periodic meetings with neighborhood groups, civic organizations, and/or community leaders to discuss community concerns relating to public safety and police procedures.

Sec. 19-40. This Ordinance shall be subject to review and reauthorization by April 30, 2011. The review shall include public hearings and written comment from a broad cross-section of the Urbana community as well as the Police Department, the Human Relations Commission, the City Attorney, and the CPRB, itself. The purpose of the review is to evaluate the strengths and weaknesses of the present ordinance, and determine what changes, if any, are appropriate to the ordinance in the interest of strengthening police community relations.

Sec. 19-41. Budget.

The CPRB, in conjunction with HRO, shall annually submit a budget to the mayor. Such budget shall show those funds that are deemed necessary by the board to implement its duties under this article.

Section 2. If any provision or part thereof of this Article III, or application thereof to any person or circumstance, is held invalid, the remainder of the Article and the application of the provision, or part thereof, to other persons not similarly situated or to other circumstances shall not be affected thereby.

Section 3. All ordinances, resolutions, motions, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

Section 4. This ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the city council of the City of Urbana, Illinois at a regular or special meeting of the council.

PASSED by the City Council this ____ day of _____, 2009.

Ayes:

Nays:

Abstentions:

_____ Phyllis Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2009.

_____ Laurel Lunt Prussing, Mayor



Dear Mayor, Council, and CPRB,

Thank you for the invitation to comment on the Civilian Police Review Board program during its re-authorization.

We are pleased the City of Urbana has taken the first steps in developing a independent review of police complaints and strengthening police community relations.

Nonetheless, such a program is in danger of losing credibility with the community if it is not executed in a timely manner. Although the ordinance was adopted 21 months ago, there has not been outreach efforts to date nor regular reports to council and the public, as stipulated by ordinance. We also have some suggestions to improve on the ordinance, given observations about its execution so far.

CUCPJ suggests the following:

- **Set time requirements for the police department to provide a response to a complainant.** The complainant is required to file within 45 days of an incident, but there are no time constraints on the police department to respond. In response to one complaint in 2008, the police department took a number of months to respond. In our largely transient community, such delays could result in a loss of contact with the complainant. We suggest that the ordinance be amended the following way in Section 19-28 k (CAPS ARE PROPOSED ADDITIONS)
 - 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 CPRB. The Police Department shall send ALL notices REGARDING THE COMPLAINT via certified letter. ADD: COMPLAINANTS SHALL RECEIVE CONFIRMATION THAT THEIR COMPLAINT HAS BEEN RECEIVED WITHIN 14 DAYS. EVERY EFFORT SHALL BE MADE TO RESOLVE THE COMPLAINT WITHIN 30 DAYS. IN THE EVENT THAT IT IS NOT RESOLVED IN 30 DAYS, A STATUS REPORT SHALL BE MAILED TO THE COMPLAINANT EVERY 30 DAYS UNTIL IT IS RESOLVED. The department shall conclude its investigation prior to consideration by the CPRB.
- **Outreach and education** is essential in making this program successful. In addition to implementing Section 19-39, we suggest the following:
 - Direct the Human Relations Officer to meet with community groups to explain the program and answer questions.
 - Buy local media to publicize the program.
 - Include information about the CPRB in the regular mailings to Community Block Grant areas.

- Run Public Service Announcements on commercial cable channels (the franchise agreement requires that Comcast run PSAs for free), the public access channels, and local community radio stations.
- Make the information easier to find on the web. It is not intuitive that one should click on “executive” and “human relations” to get to CPRB info.
- Allow groups and individuals to sign up to receive the same quarterly reports to council. This will help groups better educate their constituents about the program.
- **Distinguish between complaints and appeals** in the ordinance and in your communications about the program to the public. Public officials have stated there were “no complaints to the CPRB” last year, when there were in fact 8 complaints, all seen by the CPRB, but no appeals.
- **Follow the reporting requirements of the ordinance.** The ordinance states that the CPRB shall:
 - “provide the Mayor and Council with a **quarterly report** of all open or pending internal investigations. (Section 19-28 l.) Reports have not been given on a quarterly basis to date.
 - “Collect data and provide an **annual report** to the Mayor and City Council which shall be public and shall set forth the general types and numbers of complaints, location of the incident(s) giving rise to the complaints, disposition of the complaints, the discipline imposed, if any, and complainants’ demographic information.” (Section 19-27 a2). No annual report has been given to date.
- **Reconsider the ban on people with felonies serving on the CPRB** for the following reasons:
 - People who served sentences for felony offenses have “done their time” and should be restored back to the community, with full rights.
 - It does not make sense to exclude a now law abiding citizen from serving on the CPRB for an act they committed and were punished for decades ago. Length of time since conviction should be considered.
 - Champaign County has a history of pressuring innocent people to plea guilty in return for being released from jail and sentenced to probation. Many have taken this “deal” instead of fighting for their innocence at trial and facing prison time. The circumstances of their felony should be considered on a case-by-case basis during the appointment process.
- **Invite groups** including CUCPJ, the Ministerial Alliance, NAACP, and ACLU **to present to the CPRB** about police/community relations and actions that can be taken to strengthen these relations.

Thank you for your time and service.

Sincerely,

Champaign-Urbana Citizens for Peace and Justice

Public Comments from Carol Ammons

Good Morning Todd,

I just wanted to share a few thoughts.

Re: Proposed Ordinance for the Police Civilian Review Board

I am excited that you are revisiting the ordinance that established Urbana's Civilian Police Review Board. The model we've used has some significant advantages to the current structure. However, the one thing that is still missing is an independent investigator that has access to all internal affairs information and who can run an investigation parallel that of the internal affairs department, the current ordinance does not allow for an auditor of the IA process.

Thank you for making this opportunity possible to include others recommendations in the written record.

On that note, I strongly recommend the following:

1) The CRB has a fundamental role in hiring and firing its investigator.

We are concerned about the real or perceived conflict of interest in the fact that the person who hires the chief of police also has absolute control over the appointment of the person who investigates complaints against the police department. The investigator must be truly independent, and he/she should not have to worry about job security because the chief of police is a friend of the mayor's. Also, on a practical level, the investigator works for the CRB, and board members should therefore be able to participate in the hiring process. One possible solution is to set up a system in which the investigator can be hired or fired by the mayor with the concurrence of the majority vote of the CRB, or by a majority vote of the CRB with the concurrence of the mayor.

2) The investigator has subpoena power.

Any meaningful investigation requires a full analysis of the facts surrounding a complaint, and it is therefore particularly important that the investigator be granted subpoena powers. Otherwise, he/she will be unable to do their job if a police officer or citizen refuses to cooperate in the investigation. Other CRB models; an estimated 38% of citizen review procedures included subpoena powers. Our hope is that Urbana will institute a similar model in its ordinance.

3) Citizens are able to arrange for an investigation independent of the police department.

Some residents may be fearful of the police, and as a result, will not contact the police department to arrange for or participate in an investigation even if they have legitimate grievances. For this population, it would be helpful if there were a designated phone

number and location outside of the police department at which city residents can contact the independent investigator. Residents will be assured that an individual who is not associated with the police department is reviewing their complaints, and they may have an increased confidence in the independence of the review procedure.

4) The investigator helps develop the early warning system.

Because the CRB and its investigator are responsible for identifying systemic problems and problem officers, it is only practical that the investigator be involved in creating an early warning system. Also, if such a system were to originate from both the chief of police and the CRB, it may have much more credibility than one that comes solely from within the police department.

5) The ordinance explicitly states that CRB reports are public documents.

A consequence of an effective CRB is that communities have increased confidence in law enforcement because they believe that officers are accountable to the public. It is therefore essential that CRB reports be both public and publicized. Outside of the ordinance itself, the CPRB should have a tip line, i.e. 217-555-CPRB and a newsletter that provides the community with some general information i.e. # of Intakes between a certain period, Citizen complaints: 11, Pending complaints: 4, Out of Jurisdiction: 40, and Total Intakes: 55 (these are hypothetical numbers; it should also list board meetings.

Thank you for taking our concerns into consideration – it's a welcome change to know that I do not have to spend any portion of this letter convincing you about the importance of a strong Civilian Review Board. As always, please feel free to call me directly if you have any questions.

Public Comments from Police Chief Michael Bily

Todd,

You have requested written commentary concerning the Citizen Police Review Board for the ordinance review and reauthorization process, as outline in the ordinance. As you know I was actively involved in the "Task Force" that provided the input from which this ordinance was created. During the Task Force debate and subsequent Council discussion, the wisdom and usefulness of the various provisions as well as the exact wording of the ordinance, provided several challenges. While much of what we envisioned seemed to make sense as the ordinance was created, I felt that it would take some time and experience to actually see how the Citizen Police Review Board was utilized by the public prior to making any suggestions for positive change. Due to this actual lack of experience with the citizen complaint appeal portion of the ordinance, I find it difficult to offer any substantive suggestions for improvement. My suggestion would be to re-authorize this ordinance as it is written currently and to see what experiences we encounter over the next 1 - 2 years.

I do believe that the Police Department, in working with your office and the CPRB, has made much progress in putting together the framework for the process in the ordinance to become a reality.

Michael F. Bily
Chief of Police
Urbana Police Department
400 S. Vine
Urbana, IL 61801
217-384-2321
bilymf@city.urbana.il.us

THE MINISTERIAL ALLIANCE OF CHAMPAIGN-URBANA & VICINITY
P.O.BOX 6693
CHAMPAIGN, IL 61826

April 7, 2009

Todd E. Rent
Human Relations Officer
City of Urbana
400 South Vine St.
Urbana, IL 61801

Re: Civilian Police Review Board Review and Reauthorization
Process Comments

Dear Mr. Rent,

After review of the City of Urbana's proposed Civilian Police Review Board Ordinance, the Ministerial Alliance of Champaign Urbana & Vicinity has outlined our concerns and questions below.

Sec 19-21, "Composition"

- It is concerning, given the racial, ethnic, and income group diversity of the City of Urbana, that there is no subsection regarding the Mayor's due diligent effort/obligation to appoint board members based on a balanced representation of racial, ethnic, and low income communities. Also, considering that Urbana Police Department has disproportionate contact with communities of color, and low-income status, striving for a board reflective of this reality is crucial.

Sec 19-25, "Member Responsibilities"

- Subsection (e) – The fact that the Mayor has ultimate discretion in removing members from the board, would potentially take away from the purpose and spirit of a "Civilian" Police Review Board. We strongly recommend that a level of review and collaboration needs to occur before a board member is removed, synonymous with the U.S. "checks and balances" system. This will ensure fair and impartial removals when necessary.

Sec 19-39, "Community Outreach"

- Subsection (c) – Outreach and brochure distribution should also take place at highly visible community locations, including local churches (particularly in the African-American community), low-income housing projects, and middle and high schools.
- Subsection (d) – A “Know Your Rights” poster solely at Urbana Police Department building will not serve the purpose of disseminating information to Urbana communities most affected by police interaction. Posting this information at community locations described above would also be beneficial for the larger community.

Sincerely,

THE MINISTERIAL ALLIANCE OF CHAMPAIGN-URBANA & VICINITY

Rev Dr. Evelyn B. Underwood

Rev. Dr. Evelyn B. Underwood, President

Public Comments from Ricky Baldwin

Dear Mr. Rent,

Thank you for contacting me regarding the Civilian Police Review Board reauthorization process, and for extending the deadline for comments.

As you know I was part of the grassroots citizen group that advocated for a civilian review of local law enforcement for a few years, as was Mayor Prussing well before her election, and as were quite a few others. As such I was very excited when Urbana finally began the process of addressing the fundamental principle of democracy, that government should have oversight, especially where the use of force and the possibility of invading privacy exists, as with law enforcement.

Serving on the Mayor's Task Force that was focused on this purpose with some fine members of our community including Chief Biley and the then-president of the police union, I believe that our emphasis was on fairness, to police and to civilians, openness and access to records, neutrality, and independence of the board. Our research, which included other cities of various sizes and advocates - some of whom are current or former law enforcement officers - convinced us that these were crucial to the success of our board.

I was pleased to see that many of these goals seemed to be respected in the ordinance as passed by the City Council. However, there were significant failings, and I have been disappointed since then with the board's progress.

The most important failings from the get-go are the following two: (1) exclusion from board membership of persons convicted of crimes, even after they have "paid their debts to society"; and (2) restriction of the board's authority to independently investigate the reports and testimony provided by the police department.

I want to be clear that I am not opposed to the police union, nor has the Champaign County Coalition for Police Review Boards. In fact we support them and supported the addition of new police officers in Urbana. I support generous pay and benefits, as well as adequate staffing and safety and other important rights, for the people who put their lives at risk for the police department. We welcomed the police union into these discussions from the start; in fact we went out of our way to try to meet with the union well before the elections that led to the Mayor's Task Force. However, in negotiations with the City *prior* to this ordinance being voted on by elected officials, the City gave away significant citizen rights, in effect hamstringing local democracy.

The disenfranchisement of persons with police records has a long and ugly history in this country, and it is not limited to the right to vote. The exclusion written into this ordinance is a violation of basic human rights to participate in the institutions of our society, and must be removed. This provision alone also skews the character of the board by limiting the scope of participation improperly. The board's deliberations, its

perspective and function, are biased by this skewing. It violates the neutrality principle, in fact.

Also in terms of the board's function, its ability to operate independently to seek independent conclusions, the two main necessities that are clear are (1) that the board must have unimpeded access to all records, testimony, transcripts and video tapes related to any case, and this must include subpoena power to call witnesses; and (2) that the board be able to do its own "poking around", including the authority and budget to hire an independent investigator if necessary. This was prohibited. Board members are not now allowed to go and knock on a door in a neighborhood where an incident may have occurred, and ask if anyone saw anything. This is serious and ridiculous.

I hope that these errors will be addressed.

In closing, let me just add that I have been disappointed with outreach that was discussed from the beginning as necessary – including information being made readily available in libraries and other public places – as well as the required provision of quarterly and annual reports, etc. I support the suggestion of allowing groups and individuals to sign up to automatically receive the quarterly updates and annual reports, as a start. A couple of articles in the woefully inadequate News-Gazette, which is anyway not an official organ of the government, simply won't compare to a real effort to inform citizens – enthusiastically and practically – of the new ways in which City government can serve their needs, is open to criticism, and takes seriously their rights and concerns. Without such an effort, without a broad campaign of outreach, this board cannot possibly hope to function as intended.

I would also like to see the board discuss the IDOT study and other data relevant to police-community relations. This clearly falls within the board's stated purview and is a matter of some public concern.

I hope that my comments have been helpful and look forward to participating in the process as it hopefully progresses. Thank you.

Sincerely,
Ricky Baldwin
Urbana resident

SEC 19-27(a)(2) SUPPLEMENTAL REPORT.xls

COMP#	DATE FILED	INCIDENT DATE	INCIDENT TYPE	INCIDENT LOCATION	COMPLAINT DISPOSITION	DISCIPLINE IMPOSED	COMPLAINANT DEMOGRAPHICS	CPRB APPEAL?	FINDINGS COMPARISON	COMMENTS
0807-01	7/2/2008	5/15/2008	9 (IN COURT CONDUCT)	CHAMPAIGN COUNTY COURTHOUSE	OFFICER ACTED PROPERLY	NONE	AFRICAN-AMERICAN MALE	NO	N/A	ORIGINAL FILING DATE OUTSIDE STATUTE OF LIMITATIONS FOR APPEAL
0810-02	10/9/2008	10/2/2008	4 (OVERCHARGING)	DUMBAR COURT	OFFICER ACTED PROPERLY	NONE	AFRICAN-AMERICAN FEMALE	NO	N/A	0812-02, 0812-04 AND 0812-05 CAME FROM A SINGLE COMPLAINANT
0810-03	10/24/2008	10/20/2008	3 (RUDE CONDUCT)	1008 E. KERR AVENUE APARTMENTS	1ST OFFICER ACTED IMPROPERLY; 2ND OFFICER ACTED PROPERLY	NOTICE TO CORRECT	UNKNOWN	NO CPRB JURISDICTION	N/A	NONE
0812-04	12/4/2008	10/3/08 11/7/08	14 (POLICY/PROCEDURAL)	N/A	WRITTEN EXPLANATION AND APOLOGY GIVEN	NONE	AFRICAN-AMERICAN FEMALE	NO	N/A	COMPLAINT REGARDING LENGTH OF INTERNAL INVESTIGATION
0812-05	12/4/2008	11/18/2008	14 (POLICY/PROCEDURAL)	CITY OF URBANA BUILDING	NO CPRB JURISDICTION	NONE	AFRICAN-AMERICAN FEMALE	NO CPRB JURISDICTION	N/A	ALLEGATIONS MADE AGAINST NON-SWORN (CIVILIAN) STAFF
0812-06	12/12/2008	12/10/2008	6 (UNOFFICER-LIKE CONDUCT)	CAMPUS GREEN & GOODWIN	OFFICER ACTED IMPROPERLY	NOTICE TO CORRECT	CAUCASIAN MALE	N/A	N/A	NONE
0902-07	2/10/2009	2/10/2009	3 (RUDE CONDUCT)	88 BROADWAY - LINCOLN SQUARE MALL	INVESTIGATION IN PROGRESS	N/A	CAUCASIAN MALE	N/A	N/A	NONE
0902-08	2/21/2009	2/21/2009	3 (RUDE CONDUCT)	CRCE RECREATION CENTER CAMPUS	NO URBANA POLICE OFFICER INVOLVED	NONE	AFRICAN-AMERICAN FEMALE	N/A	N/A	INVESTIGATION CONCLUDED THAT URBANA OFFICER NOT INVOLVED IN INTERACTION