



Civilian Police Review Board

Annual Report 2011

Board:

Tom Costello, Chair

Grace Mitchell, Vice-Chair

Scott Dossett, Member

James McNeely, Member

Diane Gottheil, Member

Ivy Williams, Member

Ricardo Diaz, Member

Staff:

Todd Rent, Human Relations Officer

Anthony Weck, Administrative Assistant



Message from the Chair

The Urbana Civilian Police Review Board (the "UCPRB") 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 UCPRB is charged with offering a citizen's perspective to the review of complaints and with providing a systematic means to promote and maintain positive police community relations. The UCPRB will strive to review complaints in a fair, thorough and timely manner and report their findings to the Mayor and Chief of Police.

Message from the Human Relations Officer

The Urbana Civilian Police Review Board's Third Annual Report summarizes the Board's most recent operational period. This annual report provides data on complaints received, investigated and concluded during the period of July 1, 2010 to December 31, 2011. While the report would typically cover a year's worth of data, the CPRB felt that providing data through end of 2011 would provide a more complete representation of complaint activity.

The report also provides an overview of complainant demographics, complaints by location, and complaints by classification type.

Respectfully Submitted,

Todd E. Rent
Urbana Human Relations Officer

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Chapter 1: Introduction

Background

On September 1, 2005, Mayor Laurel Prussing established a taskforce to explore the creation of a local police oversight committee. The task force consisted of members from a broad spectrum of the community including city staff, concerned citizens, the Fraternal Order of Police (FOP), as well as representatives from community groups.

Over the course of the next year and a half, the taskforce developed a draft ordinance. Concurrently, the City and FOP entered into an agreement governing some of the key aspects of the relationship between the officers, the City and the proposed board.

The draft "Ordinance Establishing a Civilian Police Review Board" was introduced to the Urbana City Council's Committee of the Whole (the "Committee") on July 9, 2007. At the meeting, several members of the community provided input regarding the draft ordinance. Ultimately, the Committee determined that the draft ordinance needed revision in several areas concerning the scope and nature of the UCPRB's authority.

For the next several weeks, members of the community, Urbana Police Department, and city staff worked to develop a draft that would address many of the concerns raised during the initial public meeting. As a result of those efforts, the first version of the Ordinance was passed on August 6, 2007.

In the springs of 2009 and 2011, the Ordinance was submitted for reauthorization. The reauthorization processes provided an opportunities for community stakeholders to publicly voice their opinions regarding the operation of the Ordinance. On April 31, 2011, the City Council passed the current version of the Ordinance.

Current Civilian Police Review Board Appointees:



Thomas Costello, Assisting Managing Director – CU Mass Transit District. B.A. 1971, M.A. 1973, Doctoral Candidate from 1972 – 1976. Current appointment ends December 2013.

Chair



Grace Mitchell, Secondary Alternative Education Director - Urbana High School. B.S., M.S.W. Current appointment ends December 2013.

Vice-Chair



Scott Dossett, Retired Scientist/Consultant. B.S. Agriculture with some graduate study at UIUC. Current appointment ends June 2012.



James McNeely, General Manager – Federal Companies. B.S., M.S. Criminal Justice. Current appointment ends June 2014.



Diane Gottheil, Retired. Former Director of community corrections program. Former corrections consultant to Governor of Illinois. B.A., M.A. and Ph. D. Political Science. Current appointment ends June 2012.



Ivy Williams, Special Education Teacher – Champaign Public Schools. B.S. Special Education, M.S. Education. Current appointment ends December 2013.



Ricardo Diaz, Educational Equity Programs, University of Illinois at Urbana-Champaign Graduate College. B.S., Doctoral Student, Educational Linguistics. Current appointment ends June 2014.

Initial Board Training

Training is a crucial factor in the success of any citizen driven law enforcement oversight agency. Section 19-23 of the Ordinance directs the HRO to develop written standards for orientation and continuing education for all UCPRB members, subject to Mayor and City Council approval. Pursuant to that direction, the training developed by the HRO was intended to (1) align group mission and understanding, (2) increase group credibility through developing subject matter expertise and (3) avoid unnecessary legal liability.

The UCPRB's training was drawn from several sources including "Recommended Orientation and Training: Board, Committee, and Commission Members" and "Recommended Minimum Training for A New Civilian Oversight Board or for New Members to a Board" distributed by the National Association for Civilian Oversight of Law Enforcement's (NACOLE), Citizen Oversight of Law Enforcement edited by Justina Cintron Perino and Civilian Review of Police: Approaches and Implementation written by Peter Finn for the U.S. Department of Justice.

Complaint Form

Section 19-28(b) of the Ordinance directs the UCPRB and Chief of Police to collaborate on the development of a citizen complaint form. Based upon the key role that the form would have in the complaint process, the UCPRB viewed the development of this form as a matter of first importance. As such, a draft of the Urbana Police Action Citizen Complaint Form (the "Complaint Form") was first reviewed by the UCPRB at its second meeting on May 28, 2009. The UCPRB members recommended several revisions be made.

The final version of the Complaint Form was approved by the UCPRB on June 25, 2009.

Complaint Process

The complaint process is initiated by the submission of a Complaint Form to either the Police Department or the Human Relations Office ("HRO"). Complaint forms may be obtained from the Police Department, the HRO or online at <http://www.urbanaininois.us/residents/citizen-police-complaint>. Once completed, the complaint form may be notarized at several community locations. Local notary services may be obtained, free of charge, at the Urbana Free Library, the Urbana Post Office, and the Champaign County Clerk's Office, to name a few. In addition to these community locations, several notaries are located within the City of Urbana municipal building, specifically in the Finance Department (1st floor), the City Clerk's Office (1st floor), the Legal Division (2nd Floor) and the Executive Department (2nd Floor). Complainants may receive assistance with the citizen complaint process at the Urbana Human Relations Office.

Once filed, the citizen complaint is catalogued and distributed to both the Police Department and the UCPRB c/o the HRO. Upon notification that a complaint has been filed, the Chief of Police will assign a member of the police command staff to conduct an internal investigation into the allegations, the CPRB is notified of the initiation of the complaint and the complaint is filed at the HRO office for CPRB review. Once all relevant and available information has been gathered, the findings are then submitted to the Chief of Police for review. The Chief of Police reviews the findings and mails a certified letter to the complainant and UCPRB stating his determination. For those complaints that are eligible for appeals according to the requirements set forth in the Ordinance, an Appeals Form is enclosed with the determination letter.

Once the determination letter is received via certified mail, the complainant has thirty (30) calendar days in which to appeal the Chief's findings. As discussed above, the complainant may choose to complete the attached Appeals Forms or notify the Human Relations Office that he or she wishes to file an appeal. Upon notification of an appeal, the UCPRB has forty-five (45) working days in which to either hold the hearing or provide a written explanation to the Complainant as to why the time limit could not be met. Once the hearing is scheduled, the HRO will provide the UCPRB members with copies of the complaint as well as any materials gathered in the course of the Police Department's internal investigation.

Once the hearing is convened the complainant will have an opportunity to present the basis for his/her appeal. A representative from the Police Department will also provide an explanation of the Department's investigation, findings

and conclusions. Once both parties have had the opportunity to present their various perspectives, the UCPRB members will have an opportunity to pose questions to either party.

At the conclusion of the hearing, the UCPRB will deliberate and vote on a ruling. The possible rulings as outlined in the Ordinance are as follows:

- Not Sustained:** Where the members determine that the Chief’s finding is not supported by the evidence.
- Sustained:** Where the members determine that the Chief’s finding is supported by the evidence.
- 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.
- 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.
- Mediated:** Where the complaint was successfully mediated pursuant to Sec. 19-30.

After reaching a determination, the UCPRB will notify both the complainant and the Police Department. If the UCPRB does not sustain the Police Chief’s finding, the HRO will convene a meeting between the UCPRB and the Chief to discuss the differences that resulted in the non-concurrence. The Human Relations Office will then develop and transmit a thorough and objective written summary of the meeting to the Mayor.

Complaint Data for Years 2005 to 2011

This section of the report will provide internal complaint data from years January 2005 through December 2011. For that time period, a total of eighty-four (84) complaints were filed with annual totals ranging from a high of twenty (20) in 2006 to a low of six (6) in 2008. Forty-eight (48) complaints were filed between 2005 and 2007, notably prior to the inception of the CPRB in 2008. In the period between January 2008 and December 2011, the duration of the UCPRB’s operation, there were thirty-six (36) complaint filings. Illustration 1 provides a comparison of complaint filings by year and the Police Department’s calls for service.

Illustration 1: Table of Complaint Filings and UPD Calls for Service between 2005 and 2011

YEAR	COMPLAINTS RECEIVED	UPD CALLS FOR SERVICE	COMPLAINTS PER 1,000 CALLS FOR SERVICE
2005	10	19,681	0.5
2006	20	20,479	1.0
2007	18	21,480	0.8
2008	6	21,115	0.3
2009	10	20,964	0.5
2010	11	20,226	0.5
2011	9	20,245	0.4

Types of Complaints Received

Once filed, complaints are reviewed by the HRO and classified according to the type of allegation. The following are the current classifications:

ALLEGATION TYPES	
Excessive Force allegation is when the level of force used on the citizen is excessive or improper.	In Court Conduct refers to allegations of misconduct within the context of a court proceeding.
Harassment is alleged when a complainant was harassed either physically, verbally or by gesture on the basis of any factor unrelated to a legitimate law enforcement objective.	Racial Profiling refers to allegations that an officer initiated a contact solely based on the race of the person contacted.
Rude Conduct allegation is regarding abusive or obnoxious behavior or language, threats, profanity, and/or poor attitude while on duty.	Discrimination allegation indicates disparate or unfair treatment of a person or group on the basis of race, color, creed, class, national origin, religion, sex, age, marital status, physical and/or mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, or any other discrimination based upon categorizing or classifying a person on a basis not directly relevant to the police interaction.
Overcharging is alleged when a complainant is charged with an offense that is higher than the circumstances seem to warrant.	Delayed/Slow Response allegation indicates an unreasonably slow or delayed response to a call for service.
Unlawful Arrest/Detainment is alleged when a complainant is arrested or detained without legal basis.	Improper Procedure allegation involves a violation of either City or UPD policy, directive or operations guideline.
Unofficer-Like Conduct refers to conduct which adversely reflects upon the police department, i.e. violations of law or policy, substance abuse, misuse or misappropriation of City property, acceptance of gratuities, bribes or abuse of authority.	Unlawful Search allegation is regarding an improper or illegal search.
Missing/Damaged Property allegation is used to report incidents of missing or damaged property.	Excessive Police Service allegation indicates excessive, recurring contact by a police officer or by multiple police officers.
Failure to Take Action allegation involves either no or inadequate police service given to the complainant.	

Types of Complaints

Between 2005 and June 2011, the most frequent allegation types was improper procedure (17 complaints), followed by rude conduct (14 complaints) and unofficer-like conduct (12 complaints). Discrimination (2 complaints) and overcharging (1 complaint) were the two least frequent allegation types. Illustration 2 provides the number and type of each allegation.

Illustration 2: Table of Aggregated Allegation Types for Years 2005–2011

ALLEGATION TYPE	DISCRIMINATION	IMPROPER PROCEDURE	UNLAWFUL SEARCH	EXCESSIVE POLICE SERVICE	HARASSMENT	EXCESSIVE FORCE	RUDE CONDUCT	OVERCHARGING	UNLAWFUL ARREST/DETAINMENT	UNOFFICER-LIKE CONDUCT	FAILURE TO TAKE ACTION	IN COURT CONDUCT
#	2	17	7	5	5	3	14	1	8	12	7	3

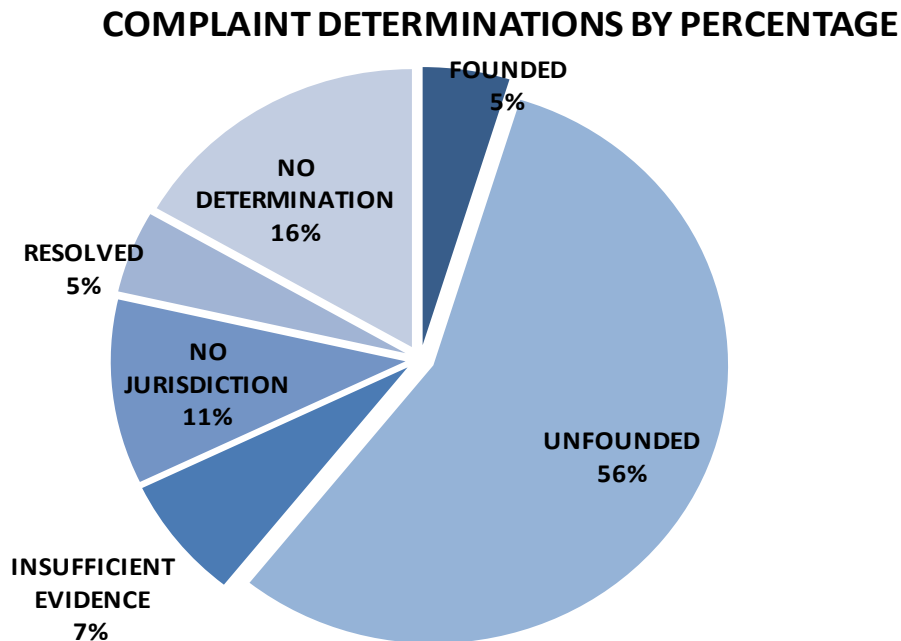
Complaint Determinations

Once the UPD investigation has been completed, the Police Chief makes a determination as to the veracity of the allegations. That determination will generally fall into the following categories:

- (1) **Founded.** This finding is appropriate when the Chief determines that the investigatory findings either support the initial allegations or raise some other concern about a police officer's conduct
- (2) **Not Founded.** This finding is appropriate when the Chief determines that the investigatory findings do not support either the initial allegations and/or fail to raise additional concerns.
- (3) **Insufficient Evidence.** This finding indicates that there was insufficient information upon which to either confirm or deny the Complainant's allegations.
- (4) **No Jurisdiction.** This finding indicates that based upon the particular findings of fact or untimely filing, the UPD does not have jurisdiction in the matter.
- (5) **Resolved.** This finding indicates that the complainant and UPD have reached a mutually acceptable resolution.
- (6) **Pending.** These cases are either in progress or on hold pending the outcome of a court matter.

In the time period between January 2005 and December 2011, there have been four (4) founded complaints, forty-seven (47) unfounded complaints, nine (9) findings of no jurisdiction, fourteen (14) findings of no determination, six (6) findings of insufficient evidence, and four (4) resolved cases. Illustration 3 shows the determinations by percentage for the years January 2005 through December 2011.

Illustration 3: Complaint Determinations by Percentage for Years 2005 to December 2011



Data for Complaints Filed Between July 1, 2010 and December 31, 2011

In the time period between July 2010 and December 2011, a total of eleven (11) complaints were filed with the CPRB. Of those complaints, the most frequent allegation was improper application of policy or procedure. Illustration 4 provides a breakdown of the allegations by type.

Illustration 4: Table of Allegation Types for Complaints Filed Between July 2010 and December 2011

ALLEGATION TYPE	IMPROPER PROCEDURE/FAILURE TO TAKE ACTION	UNLAWFUL SEARCH	EXCESSIVE SERVICE	EXCESSIVE FORCE	UNLAWFUL ARREST/DETAINMENT	UNOFFICER-LIKE CONDUCT	FAILURE TO TAKE ACTION	IN COURT CONDUCT
#	4	1	2	1	2	2	3	1

Illustration 5: Complaint Disposition/Status for Complaints Filed Between July 2010 and June 2011

COMPLAINT DISPOSITION/STATUS	#
FOUNDED	0
UNFOUNDED	3
NO JURISDICTION	4
NO DETERMINATION	3
RESOLVED	0
PENDING	1

Appeals to the CPRB between July 2010 and June 2011

One (1) appeal was filed with the CPRB on February 21, 2011. Subsequent to several scheduling delays, the appeal was heard by the CPRB on October 26, 2011.

After careful consideration of the appeal, the CPRB voted to sustain the findings of the Urbana Police Department.

Chapter 4: Review and Reauthorization Process

Section 19-40 of the Ordinance requires that the Ordinance be reviewed and reauthorized by April 30, 2011. The language states as follows:

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.

On April 19, 2011 at the request of the HRO, the City Council amended Section 19-40 to extend the completion date of the review and reauthorization process to May 31, 2011. At that time, the HRO also submitted a schedule for completion of the review and reauthorization process.

Public Comments

On February 23, 2011 the HRO forwarded a letter to several community stakeholders soliciting public comment on the existing ordinance.

Comments were received from the Champaign-Urbana Citizens for Peace and Justice, and the Ministerial Alliance of Champaign-Urbana. Those comments have been included as attachments to this report.

Special Meetings of the Civilian Police Review Board

On April 6, 2011, the CPRB held a special meeting to receive public comments regarding the Ordinance. Several community stakeholders provided comments during the meeting.

On April 14, 2011, the CPRB formally reviewed the changes proposed by community stakeholders. At that meeting, the CPRB elected not to recommend changes to the existing Ordinance.

Adoption of the Revised Ordinance

On May 16, 2011 the Urbana City Council adopted a revised version of the Ordinance. The revised Ordinance contained the following modifications:

1. Modification of Timely Filing Requirements

In its previous form, Section 19-28(g) set forth a (45) forty-five working day time limit for filing a complaint against an Urbana police officer. The section extended the filing deadline for individuals who were "physically unable to file because he or she has been hospitalized, incarcerated or called to active military duty". The revised Ordinance (1) deletes the specific list of conditions (i.e. hospitalized, incarcerated, etc.) required to qualify as physically unable to file and (2) requires that the individual "demonstrate" that he or she was physically unable to file. The revision is intended to allow anyone with a bona fide reason to qualify for a filing deadline extension, rather than be disqualified because their particular circumstance was not anticipated by the drafters of the Ordinance.

In addition to the clarification of language, the revised Ordinance adds an ultimate filing deadline of (1) one year for all police complaints, regardless of the complainant's physical ability to file. This revision is intended to ensure that complaint investigations are conducted within a reasonable time subsequent to the events giving rise to the complaint. Without such a limitation, complaints could be filed several years after the initial incident. Investigations conducted pursuant to such complaints would almost certainly be hampered by the staleness of the available evidence.

2. Addition of Limitation on Issues Reviewed by the Board

The revised Ordinance contains Section 19-32(q). The provision adds language limiting the scope of the Board's jurisdiction. Specifically, the provision states that the Board "shall have no jurisdiction over complaints relating to in-court proceedings". The revision is intended to avoid a circumstance in which the Board would be required to make a determination on an issue of law that a court has already either reviewed or had the option of reviewing upon an appropriate request by a complainant.

3. Deletion of "Sunset Provision"

Section 19-40 of the previous Ordinance (quoted above) set forth a date by which the Ordinance would need to be reviewed and reauthorized. The revised Ordinance deleted this provision. As a result, the Ordinance will no longer be subject to biannual review by the City Council.

Chapter 5: Board Year 2011-2012 Goals and Information Dissemination

Goals for Operational Year 2011-2012

The UCPRB goals and initiatives for the operational year 2011 – 2012 are as follows:

1. Increased effort to disseminate information to the community concerning the purpose and activities of the Board.
2. Participation in opportunities for additional training of Board members.

Information Dissemination

In previous years, the HRO made quarterly reports to the City Council that showed the status of pending complaints. However, this year, at the request of the CPRB, the HRO has published a table on the City's website providing this information on an ongoing basis.

APPENDIX

**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 working days of the date of the incident, giving rise to the complaint, unless the complainant can demonstrate that the complainant is physically unable to file a complaint within 45 working days. In such a case, the complaint must be filed within 15 calendar days of the date the person becomes physically able to file. Under no circumstances however, shall any complaint be filed more than one (1) year after the date giving rise to the complaint.
- (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.
- (q) The CPRB shall not have jurisdiction over complaints relating to any in-court proceedings.

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. [Deleted]

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 _____, 2011.

Ayes:

Nays:

Abstentions:

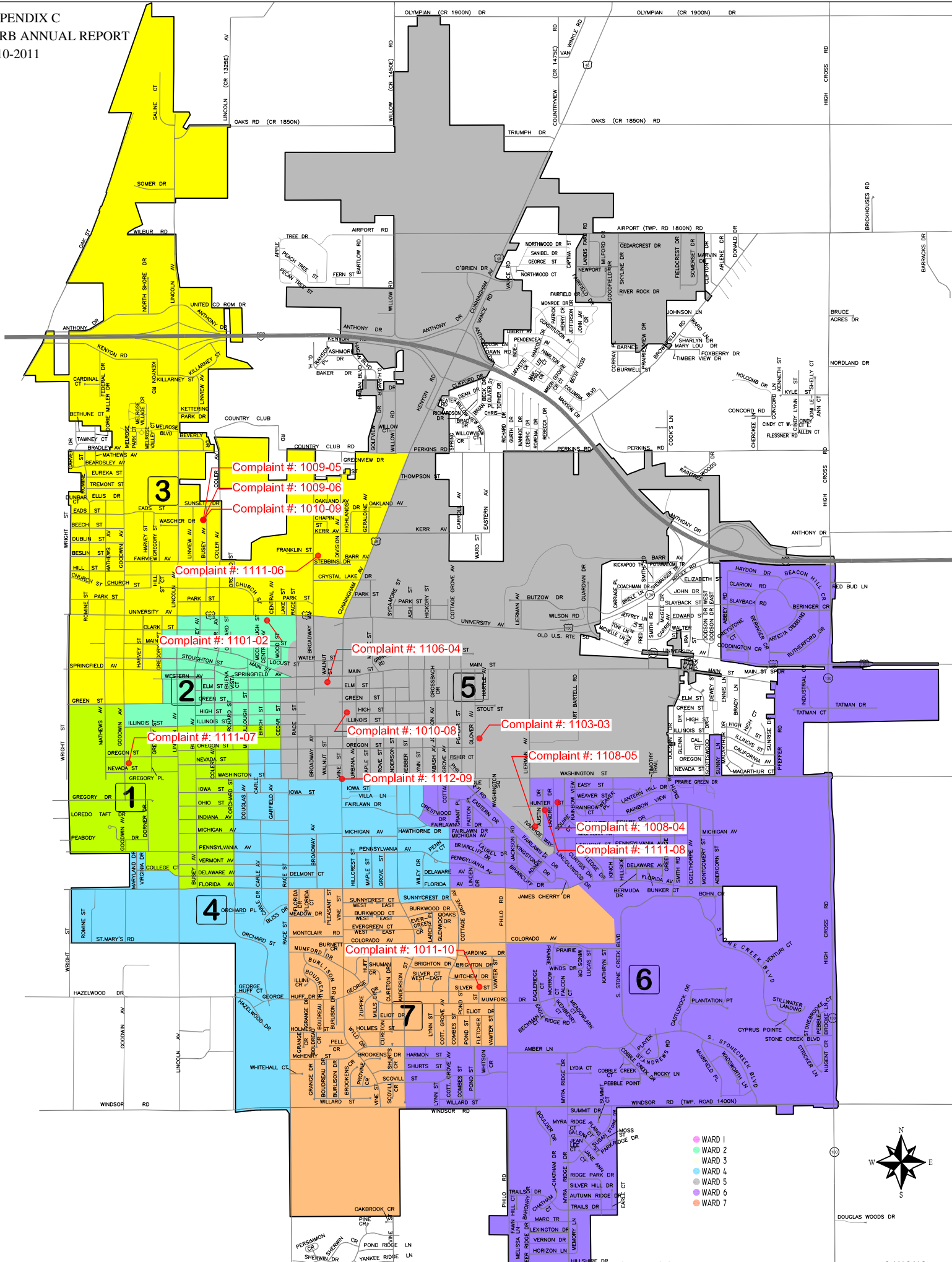
Phyllis Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2011.

Laurel Lunt Prussing, Mayor

COMPR#	DATE FILED	DATE ENDING	INCIDENT DATE	INCIDENT TYPE	INCIDENT LOCATION	COMPLAINT DISPOSITION	DISCIPLINE IMPOSED	COMPLAINANT DEMOGRAPHICS	CPRB APPEAL?	COMMENTS
1008-04	8/13/2010	11/3/2010	6/29/2010	16 (EXCESSIVE SERVICE)	1702 HUNTER ST URBANA, IL	INSUFFICIENT EVIDENCE	NONE	AFRICAN-AMERICAN	NO	
1009-06	9/8/2010	12/27/2010	9/1/2010	5 (UNLAWFUL ARREST/DETAINMENT)	1203 N. BUSEY	INSUFFICIENT EVIDENCE	NONE	AFRICAN-AMERICAN	NO	
1009-05	9/8/2010	12/21/2010	9/1/2010	5 (UNLAWFUL ARREST/DETAINMENT)	1203 N. BUSEY	PART 1: OFFICERS ACTED PROPERLY PART 2: INSUFFICIENT EVIDENCE	NONE	AFRICAN-AMERICAN	NO	
1009-07	9/14/2010	N/A	2/17/2010	8 (FAILURE TO TAKE ACTION)	N/A	NO DETERMINATION WARRANTED	NONE	CAUCASIAN FEMALE	NO CPRB JURISDICTION TIME BARRED	ORIGINAL FILING DATE OUTSIDE STATUTE OF LIMITATIONS
1010-08	10/7/2010	12/2/2010	10/4/2010	6 (UNOFFICER-LIKE CONDUCT)	400 S. VINE CITY OF URBANA BUILDING	INSUFFICIENT EVIDENCE	NONE	AFRICAN-AMERICAN FEMALE	NO	
1010-09	10/8/2010	1/28/2011	9/1/2010	6 (UNOFFICER-LIKE CONDUCT)	1203 N. BUSEY	OFFICER ACTED PROPERLY	NONE	AFRICAN AMERICAN MALE	YES	
1011-10	11/3/2010	N/A	8/29/2010	15 (UNLAWFUL SEARCH)	SILVER STREET	PENDING	N/A	UNKNOWN	N/A	CURRENTLY PENDING COURT CASE; COMPLAINT SUSPENDED UNTIL CONCLUSION OF CRIMINAL MATTER
1101-01*	1/10/2011	N/A	2/17/2010	8 (FAILURE TO TAKE ACTION)	N/A	NO DETERMINATION WARRANTED	NONE	CAUCASIAN FEMALE	NO CPRB JURISDICTION TIME BARRED	ORIGINAL FILING DATE OUTSIDE STATUTE OF LIMITATIONS (SEE 1009-07)
1101-02	1/20/2011	3/23/2011	1/19/2011	13 (IMPROPER PROCEDURE)	407 WEST UNIVERSITY	OFFICER ACTED PROPERLY	NONE	ASIAN MALE	NO	
1103-03*	3/17/2011	N/A	2/14/2011	8 (FAILURE TO TAKE ACTION)	GLOVER STREET STORAGE	NO DETERMINATION WARRANTED	NONE	CAUCASIAN FEMALE	NO CPRB JURISDICTION TIME BARRED	COMPLAINANT ATTEMPTING TO FILE BASED UPON EARLIER INCIDENT (SEE 1009-07, 1101-01)
1106-04	6/24/2011	N/A	5/1/2009	9 (IN COURT CONDUCT)	CHAMPAIGN COUNTY COURT	NO DETERMINATION WARRANTED	NONE	AFRICAN-AMERICAN MALE	NO CPRB JURISDICTION TIME BARRED	ORIGINAL FILING DATE OUTSIDE STATUTE OF LIMITATIONS; SUBJECT MATTER OUTSIDE ORDINANCE SCOPE
1108-05	8/29/2011	10/6/2011	8/25/2011	16 (EXCESSIVE SERVICE)	1518 IVANHOE WAY	COMPLAINT WITHDRAWN	NONE	AFRICAN-AMERICAN FEMALE	NO	COMPLAINT CLOSED AT COMPLAINANT REQUEST
1111-06	10/14/2011	N/A	10/12/2011	13 (IMPROPER PROCEDURE)	904 N. BROADWAY	PENDING	N/A	AFRICAN-AMERICAN MALE	N/A	COMPLAINT CURRENTLY ON HOLD PENDING OUTCOME OF CRIMINAL INVESTIGATION
1111-07	11/7/2011	N/A	9/24/2011	13 (EXCESSIVE FORCE)	708 SOUTH GOODWIN	PENDING	N/A	HISPANIC FEMALE	N/A	
1111-08	11/14/2011	N/A	11/12/2011	13 (IMPROPER PROCEDURE)	1102 AUSTIN	PENDING	N/A	AFRICAN AMERICAN FEMALE	N/A	COMPLAINT CURRENTLY ON HOLD PENDING OUTCOME OF CRIMINAL INVESTIGATION
1112-09	12/7/2011	N/A	12/6/2011	13 (IMPROPER PROCEDURE)	VINE AND WASHINGTON	PENDING	N/A	AFRICAN AMERICAN MALE	N/A	

*Denotes that the complaints were filed by one complainant



- WARD 1
- WARD 2
- WARD 3
- WARD 4
- WARD 5
- WARD 6
- WARD 7

