

1. Council Meeting Agenda

Documents:

[08-22-17 AGENDA.PDF](#)

2. Council Meeting Packet

Documents:

[AUGUST 22ND COUNCIL PACKET.PDF](#)



**CITY OF YPSILANTI
COUNCIL SPECIAL MEETING and WORK SESSION AGENDA
COUNCIL CHAMBERS - ONE SOUTH HURON STREET
TUESDAY, AUGUST 22, 2017
7:00 P.M.**

I. CALL TO ORDER –

II. ROLL CALL –

Council Member Bashert	P A	Council Member Robb	P A
Mayor Pro-Tem Brown	P A	Council Member Vogt	P A
Council Member Murdock	P A	Mayor Edmonds	P A
Council Member Richardson	P A		

III. INVOCATION –

IV. PLEDGE OF ALLEGIANCE –

"I pledge allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

V. AGENDA APPROVAL-

VI. PRESENTATIONS –

2017 Byrne Grant Application – Police Chief Tony DeGiusti

VII. AUDIENCE PARTICIPATION -

VIII. REMARKS FROM THE MAYOR –

IX. MOTIONS, RESOLUTIONS, DISCUSSIONS -

1. Resolution No. 2017-193, authorizing the Huron River Watershed Council (HRWC) to apply for the Connecting Communications grant on behalf of the City of Ypsilanti.
2. Resolution No. 2017-194, approving funds not to exceed \$26,500 to allow the City to split the cost of the Peninsular Dam study with the Huron River Watershed Council (HRWC).

X. WORK SESSION:

Police Review Board Discussion

XI. AUDIENCE PARTICIPATION –

XII. REMARKS FROM THE MAYOR –

XIII. ADJOURNMENT -

Resolution No. 2017-195, adjourning the City Council Meeting.



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Resolution No. 2017-195, adjourning the City Council Meeting.



Resolution No. 2017-193
August 22, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the Huron River Watershed Council (HRWC) is authorized to apply for the Connecting Communications grant on behalf of the City of Ypsilanti.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:



Resolution No. 2017-194
August 22, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

THAT the allocation of funds not to exceed \$26,500 to allow the City to split the cost of the Peninsular Dam study with the Huron River Watershed Council (HRWC) be approved.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE:

BLM/HR Task Force Sub Committee Recommendations

1. Establish a Community and Police Commission

- a. To give residents an integral platform and role in public safety.
- b. Establish through a City of Ypsilanti ordinance.
- c. Address Collective Bargaining Agreements if needed

2. Ensure Procedural Justice through;

- Readopting Community Policing
- Reestablish Citizen Police Academy with current curriculum
 - Update Curriculum
- Establish Application for Process for commission
 - Update Application
- Align Resources for support recommendations

3. Composition

Be comprised of nine individuals who have completed the 4-8 week Citizens Police Academy and submitted application for consideration.

4. Length of Term

City Council to approve nine individuals for 2-3 year staggered terms. The nine individuals should be representative of two people from each ward and three at large.

5. Responsibilities

- a. Facilitate implementation of City of Ypsilanti Police Reform to address accountability, transparency, data collection and reporting and investigations of police misconduct.
 - i. Review accusations of police misconduct
 - ii. Facilitate review of 2-3 policies per year
 - iii. Promote Community Policing
 - iv. Promote Citizens Police Academy



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1286**

An ordinance to establish the Ypsilanti Community Policing Action Council

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 2, Article IV of the Ypsilanti City Code of Ordinances is hereby amended to add a new Division 6, as follows:

DIVISION 6. COMMUNITY POLICING ACTION COUNCIL

Section 2.200. Created.

Pursuant to Ypsilanti City Charter section 9.03, there is hereby created a commission known as the "Ypsilanti Community Policing Action Council."

Section 2.201. Purpose.

The purpose of the Ypsilanti Community Policing Action Council is:

- a. To strengthen the relationship between the citizens of the City of Ypsilanti and the Ypsilanti Police Department.
- b. To make recommendations to the Chief of Police with regard to organizational matters and procedures.
- c. To serve as a liaison to enhance community and police relations and serve as an advocate for programs, ideas, and methods to improve the relations between the police and the community.
- d. To participate in annual review of the Ypsilanti Police Department's Citizen Police Academy.
- e. To collect, review, and audit summary data and compile aggregate statistics relating to individual or community complaints and other issues of importance.
- f. To consult and advise the Chief of Police on the Ypsilanti Police Department's strategic plan.

Section 2.202. Appointment and Terms.

The Ypsilanti Community Policing Action Council shall consist of 18 members. All members to the Ypsilanti Community Policing Action Council shall be appointed by the Mayor, with the approval and confirmation of a majority of City Council. The following organizations and neighborhood associations may make a recommendation to the Mayor for appointment to the Ypsilanti Community Policing

Action Council from within its membership if the organization or neighborhood association is active and has membership in good standing:

1. Stadium Meadows Condominium Association.
2. Gerganoff Neighborhood Association.
3. College Heights Neighborhood Association.
4. Normal Park Neighborhood Association.
5. Woods Road Neighborhood Association.
6. Worden Gardens Neighborhood Association.
7. Heritage Park Neighborhood Association.
8. Historic South Side Neighborhood Association.
9. Downtown Association of Ypsilanti.
10. Midtown Neighborhood Association.
11. Riverside Neighborhood Association.
12. Depot Town Association.
13. Prospect Park Neighborhood Association.
14. East Prospect Park Neighborhood Association.
15. Historic East Side Neighborhood Association.
16. Miles Neighborhood Association.
17. Prospect Gardens Neighborhood Association.
18. Eastern Michigan University.

The term of members of the Ypsilanti Community Policing Action Council shall be three years, except that of the members first appointed. Terms shall be staggered so that as far as practicable at least six member's terms expire each year.

There shall be no more than three non-resident members of the Ypsilanti Community Policing Action Council. Such non-resident members may only serve upon the recommendation of the Depot Town Association, the Downtown Association of Ypsilanti, and Eastern Michigan University. Non-resident members shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes of city council members.

Section 2.203. Duties.

The duties of the Ypsilanti Community Policing Action Council shall be to:

- a. Establish and update rules by-laws for the transaction of its business, subject to the approval of the City Council. Such rules and by-laws shall be in a manner not inconsistent with this Article, other City ordinances, the City Charter, or laws of the state and federal government.
- b. Elect officers, including a president.
- c. Establish and maintain a meeting schedule and meet at least quarterly.
- d. Take all necessary action to fulfill the purpose for the Ypsilanti Community Policing Action Council, as stated in this Division.

- e. To file a written report of its activities, findings, and recommendations, if any, to City Council at least annually.

Section 2.204. Procedure.

Procedure for the operation of the Ypsilanti Community Policing Action Council shall be as follows:

- a. A majority of the Ypsilanti Community Policing Action Council members appointed shall constitute a quorum.
- b. No meeting of the Ypsilanti Community Policing Action Council shall commence or continue in the absence of a quorum.
- c. A majority vote of those forming a quorum shall be required for any action by the Ypsilanti Community Policing Action Council, except where otherwise specified in this Article, other City ordinances, or the City Charter.
- d. Regular meetings of the Ypsilanti Community Policing Action Council shall be held no less than quarterly. Any scheduled meeting may be rescheduled at the preceding regular meeting.
- e. The records of the Ypsilanti Community Policing Action Council shall be public and subject to the Freedom of Information Act, Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.), as amended.
- f. All meetings of the Ypsilanti Community Policing Action Council shall be public and subject to the Open Meetings Act, Act No. 267 of the Public Acts of Michigan of 1967 (MCL 15.261 et seq.), as amended.
- g. The Ypsilanti Community Policing Action Council shall provide an opportunity for public comment as to the business being conducted by the Ypsilanti Community Policing Action Council, pursuant to its established rules and by-laws.

Sections 2.205 – 2.225 - Reserved.

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2017.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1286 was published according to Section 11.13 of the City Charter on the _____ day of _____, 2017.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2017.

Frances McMullan, City Clerk

Notice Published: March 16, 2017

First Reading: April 4, 2017

Second Reading: _____

Published: _____

Effective Date: _____

COMMUNITY AND POLICE COMMITTEE

Name	Established	Purpose	Constitution	Length of Term/# of Participants	Responsibilities
City of Detroit	1950's	Review accusations of Police misconduct	6 elected by district and 5 appointed	11 people serve with Staggered	Have increased over time to include disciplinary
City of Southfield	2012	Serve as a platform to communicate issues/concerns they understand policing and now community	Diverse – must come through 10-week Citizen Academy	50 people currently serving	Advisory but has ability to make recommendations. Has an established Policy Review Board which tackles 2-3 policies per year.
City of Ferndale	In process	Proactive response to positive social change in community.	4-week citizen academy		In process
City of Flint	?	Bridge the gap between citizens and police			
Washtenaw County Sheriff	?	The Washtenaw County Law Enforcement Citizens Advisory Board (LE-CAB) is established by the Washtenaw County Sheriff's Office and is intended to be an independent group of citizens brought together to represent the voice of residents.	7 people, by selection or application through county boards and commissions	?	Advisory - To provide a forum for the citizens of Washtenaw County to provide a full range of perspectives on any aspect of the Washtenaw County Sheriff's operations; - To gather information on important issues

					To take other appropriate actions to accomplish the objectives of the CAB.
City of Ypsilanti	2016 proposed establishment via city council and ordinance.	Ensure Procedural Justice through • Readopting Community Policing • Reestablish Citizens Police Academy with current curriculum. • Establish application process for commission • Align resources to support recommendations	Be comprised of individuals who have completed the 4-8 week Citizens Police Academy and submitted application for consideration.	City Council to approve 9 individuals for 2-3 year staggered terms, representing 2 people from each of the 3 wards and 3 at large individuals representing each ward.	Facilitate City of Ypsilanti Police Reform. Review accusations of police misconduct. Facilitate review of 2-3 policies per year. Promote Community Policing.

					concerning the Sheriff's Office and make that information available to the public; • To encourage community involvement in the Sheriff's Office operations; • To provide any information received from the community concerning any Sheriff's Office issue to the Washtenaw County Sheriff; • To make recommendations to the Washtenaw County Sheriff on any item pertaining to the operation of the Sheriff's Office as necessary;
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Frances McMullan

From: Pete Murdock <murdock.sweeney@comcast.net>
Sent: Friday, August 18, 2017 12:44 PM
To: Lois Richardson; Nikki Brown - CC; Dan Vogt ; Amanda Edmonds; Beth Bashert; Brian Robb
Cc: Frances McMullan; Darwin McClary; Tony DeGiusti; 'John Barr'; Tony DeGiusti
Subject: Police Review Board
Attachments: 2017_08_18 - Proposed Community Police Board - REVISED (2).docx; Types of Review Boards - International Association of Police Chiefs.docx; NEWARK, NJ - CIVILIAN COMPLAINT REVIEW BOARD.docx

Hi All –

When we last dealt with this issue the proposed Police Review Board was rejected for two major reasons. 1) the Board was too large and COPAC wasn't the right mechanism and 2) there was no review of complaints of alleged police misconduct.

In discussion with the Mayor Pro-Tem Brown we could remedy that by making modifications to the original proposal. A revision is attached that reduces the Commission to five members with at least one person from each ward and adds an additional item (g) under purposes "to review complaints of alleged misconduct."

The Board would establish the procedures for reviewing these complaints.

Attached are the four types of Police Review Boards from the International Association of Police Chiefs

Also attached is a copy of the Citizen Review Board Ordinance from Newark, N J. We are not Newark, but this proposal was praised highly and has a lot of detail about procedure that might be useful.

Haven't received any specific suggestions from anyone beyond what was stated at the original meeting. But another option to consider might be one that Councilmember Robb proposed - the possibility of having City Council or a Council Committee act as the review board since ultimately it is our responsibility and we have subpoena power.

FRANCES – COULD YOU ADD THIS EMAIL AND ATTACHED DOCUMENTS TO THE PACKET

Thanks

Pete

International Association of Police Chiefs

CITIZEN REVIEW MODELS

Citizen review of police misconduct takes many forms. Four types are most common.^[vi]

- **Class I: Citizen Review Board.** Citizen complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by a board comprised wholly of citizens. The board may or may not have subpoena power. Under this model, a citizen review board handles each step on the continuum from original complaint through review, investigation and recommendations for sanctions. This is the most independent citizen review model.
- **Class II: Police Review/Citizen Oversight.** Complaints are reviewed and investigated, and recommendations for disciplinary or policy action are made by law enforcement officers, with oversight of each case by a citizen or board of citizens.

Under this model, the steps on the complaint continuum are handled by the police. A board of citizen reviewers, or a single individual, reviews those actions/determinations. Since law enforcement conducts the initial fact-finding investigation, the Class II model is considered less independent than Class I.

- **Class III: Police Review/Citizen-Police Appeal Board.** Complaints are reviewed and investigated by law enforcement officers in the Internal Affairs Unit, which recommends disciplinary action to the chief. Complainants who are not satisfied with outcomes of investigations can appeal for review to a board composed of both citizens and sworn officers.

Under this model, the complaint process is handled by the police. In the event a complainant is not satisfied with the outcome of his or her case, a board that includes police officers undertakes review of how the case was originally investigated. Citizen participation is limited to appeal review only.

- **Class IV: Independent Citizen Auditor.** An independent citizen auditor or auditor system reviews the law enforcement agency's internal complaint review process (IA) and makes recommendations as needed.

Under this model, the complaint process is fully in the hands of the police. However, an auditor or audit team has access to that process and reviews it for effectiveness and accuracy of findings, making recommendations to improve the process as needed. The auditor reviews completed complaint cases and contacts complainants to assess satisfaction with outcome.

<http://www.theiacp.org/Police-Accountability-and-Citizen-Review>

NEWARK, NJ - CIVILIAN COMPLAINT REVIEW BOARD

2:2-86. CIVILIAN COMPLAINT REVIEW BOARD.

2:2-86.1. Establishment and Structure; Civilian Complaint Review Board.

a. *Establishment and Structure.*

1. Established - Civilian Complaint **Review Board**. There is established in the Office of the Mayor, a Civilian Complaint **Review Board** to address and participate in the resolution of complaints filed by citizens against the Department of Public Safety, Division of **Police** and/or its officers and members. Public complaints against members of the NPD shall be investigated and discipline, if any, shall be recommended to the Public Safety Director by a Civilian Complaint **Review Board**.

2. Structure-Civilian Complaint **Review Board**. The Civilian Complaint **Review Board** will have the following structure:

(a) Members, Selection Process. The Civilian Complaint **Review Board** (hereinafter referred to as the "CCRB" or the "**Board**", shall consist of eleven (11) members of the public, all appointed by the Mayor with advise and consent of the Municipal Council: One (1) of which shall be the appointment, by the Mayor, of the City of Newark's Inspector General, three (3) shall be elected members of the Municipal Council or their designees, who shall be nominated by the Municipal Council and recommended to the Mayor; the Mayor shall accept nominations from the seven (7) organizations, one (1) from each of the organizations listed below, which individuals shall be members or representatives in good standing with said organizations, for consideration for appointment to the **Board** by the Mayor with the advice and consent of the Municipal Council.

(1) American Civil Liberties Union ("ACLU") – New Jersey

(2) National Association for the Advancement of Colored People ("NAACP") - New Jersey

(3) People's Organization for Progress ("POP")

(4) La Casa de Don Pedro

(5) Ironbound Community Corporation ("ICC")

(6) Newark Anti Violence Coalition ("NAVC")

(7) Representatives of the Clergy (referring to any person who provides moral, spiritual, or philosophical guidance as a profession.)

In selecting representatives to serve on the CCRB, nominators are encouraged to consider potential members' professional experience in law, civil rights or law enforcement. Nominators shall provide the Mayor with the resumes and any other submissions that establish the nominee's qualifications to be appointed to the **Board** and such information shall be provided to the Municipal Council for its **review** and consideration. In the event any of the organizations, for any reason, declines to recommend a member or any one or more of the organizations cease to exist, the Mayor may designate another organization which may in turn recommend a representative in good standing for membership which appointment shall be with the advice and consent of the Municipal Council. The Mayor shall retain the authority to remove an organization and its representative for cause and designate another organization which can then recommend a representative in good standing for membership on the CCRB which appointment shall be with the advice and consent of the Municipal Council. Any member of the clergy appointed to the **Board** shall represent the public interest and may not render decisions based on any personal religious belief.

(b) Chairperson, Term of Membership. The Mayor shall designate one of the members to be the Chairperson. The Inspector General shall not be eligible to serve as Chairperson of the **Board**. The term of the members shall be three (3) years, except that of the members first appointed, five (5) shall be appointed for terms of one (1) year, the Municipal Council members shall be appointed for terms of two (2) years and the Inspector General shall be a permanent appointment to the **Board**.

(c) Restrictions and Inspector General. No member of the **Board**, excluding the Inspector General, shall be former employees of the NPD. The Inspector General shall serve as the administrative head of the **Board**, assist the **Board** with supervision of civilian employees, supervise intake and

communications on behalf of the **Board** with complainants and victims, as well as serve as a voting member. The Inspector General shall provide such assistance as the **Board** needs to receive complaints, perform investigations, hire and assign civilian staff, and ensure the training of **Board** members and staff.

The Inspector General shall **review** completed investigations, sit in on ongoing cases and may ask questions and may make policy recommendations to the **Board** as a whole. The Inspector General shall also serve in an audit role, reporting on the fairness of the investigations conducted (by the NPD) as opposed to the behavior of individual officers. Any civilian staff used to assist the Inspector General in his audit role, shall not engage in investigations.

(d) Vacancy. In the event of a vacancy on the **Board** during the term of office of a member, by reason or removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

(Ord. 6PSF-B, 3-16-16)

2:2-86.2. Budget.

The **Board** shall be allocated, on an annual basis, an operating budget which shall be proposed by the Mayor in the City's Annual Budget and adopted by the Municipal Council of the City of Newark. During the first quarter of the year, the **Board** shall submit a proposed annual operating budget to the Mayor and annual financial statements for consideration at a budget hearing to be conducted by the Mayor and/or the Business Administrator. The Mayor and/or Business Administrator of the City of Newark shall determine, upon conclusion of the hearings, the appropriation for the CCRB to be included in the years' corresponding City budget and shall be a line item in the Department of Public Safety, Division of **Police** Budget.

Within forty-five (45) days of the first full sitting **Board**, the **Board** shall submit to the Mayor a proposed budget to cover initial costs and expenses related to the hiring, and training of employees and **Board** members, secure necessary infrastructure and equipment, conduct a public awareness campaign, and

otherwise implement the requirements of this Section 2:2-86. This allocation shall be a one time appropriation in an amount that shall not exceed \$500,000.00 subject to Municipal Council and State of New Jersey, Division of Local Government Services/DCA approval pursuant to terms of the Memorandum of Understanding between the State of New Jersey and the City of Newark for Transitional Aid.

(Ord. 6PSF-B, 3-16-16)

2:2-86.3. Powers and Duties of the Civilian Complaint Review Board.

a. The **Board** shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public (including, but not limited to complaints made by other **police** officers or personnel) against uniformed and sworn personnel of the NPD that allege misconduct involving inappropriate behavior or actions, including but not limited to excessive use of force, abuse of authority, unlawful arrest, unlawful stop, unlawful searches, discourtesy or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, age, sexual orientation, gender identity or expression, and disability, theft, and any other categories protected under law. Any member of the public is intended to have the broadest possible meaning and interpretation.

b. At the conclusion of the Newark **Police** Division's investigation of a complaint or behavior, the **Board** shall have the power to conduct a **review** of the findings, conclusion and recommendations of the Division of **Police** (Investigation **Review**). The **Board** shall report its findings of the Investigation **Review** to the Public Safety Director. A semi-annual report of the Investigation Reviews shall be submitted to the Mayor, Public Safety Director and the Municipal Council. The **Board** may utilize all the powers set forth in this Section 2:2-86. to carry out the Investigation Reviews.

c. The jurisdiction of the **Board** shall be concurrent with that of the NPD to investigate complaints or behavior.

d. The **Board** shall have the power and authority to consider and make recommendations to the Public Safety Director, Mayor, Municipal Council, and

the public with regard to policies and procedures concerning the general investigation of complaints by the Division of **Police** as well as its Internal Affairs procedures. The **Board** shall also have the power and authority to investigate and make recommendations regarding practices and/or patterns of behavior that are problematic with regard to the interaction of the Division of **Police** with the public at large, public safety concerns, failures of communication with the public, or any other area regarding **police** practices and policy or **police**-community relations.

The findings and recommendations of the **Board**, and the basis therefor, including those that may relate to suggested general policies and procedures not specific to any particular investigation or complaint shall be submitted to the Public Safety Director. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation with regard to a particular complaint, but such findings or recommendations shall be grounded in a residuum of some competent support or evidence.

e. Changes and/or amendments to the Rules of Procedures and/or the Rules of the **Board** set forth in subsection 2:2-86.5 of this section may be proposed by the **Board**. A public hearing of the **Board** shall be convened to accept public comments of the proposed changes and/or amendments. The proposed changes and/or amendments as recommended by the **Board** shall be submitted to the Mayor and/or the Administration of the City of Newark no later than ten (10) days after the public hearing was held. The Mayor and/or the Administration shall **review** the proposal and may make changes and amendments to the proposal prior to submitting it to the Municipal Council for approval which shall be not later than forty-five (45) days after receipt from the **Board**. The proposal shall be submitted by the Mayor and/or the Administration to the Municipal Council for **review** and approval. The Rules of Procedure shall prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such Rules may provide for the establishment of subcommittees or panels, which shall consist of not less than three (3) members of the **Board**, which shall be empowered to supervise the investigation of complaints, and to hear, make findings and recommend action on such

complaints. No such subcommittee or panel shall consist exclusively of members designated by the Municipal Council.

f. The **Board** may require the production of such records and other materials as are necessary for the investigation of complaints submitted to the **Board**, pursuant to this section through the issuance of subpoenas. Upon a majority vote of members of the **Board**, the **Board** may issue subpoenas ad testificandum and duces tecum, which may be served to the extent permitted by law.

g. The **Board** shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

h. The **Board** is authorized, within appropriations available to it, to appoint and train such civilian employees as are necessary to exercise its powers and fulfill its duties, which employees shall be employees of the City of Newark. **Board** members shall receive the same training as provided to civilian employees.

i. The **Board** shall issue to the Mayor and the Municipal Council a semi-annual report which shall describe its activities and summarize its action.

The **Board** shall have the responsibility of informing the public about the **Board** and its duties, and shall develop and administer an ongoing program for the education of the public regarding the **Board**. The **Board** shall hold public meetings and shall regularly report to the public on its activities and other policing information it determines to be in the public interest. It shall adopt rules to delineate its public reporting requirements. Those initial rules are set forth in this Section 2:2-86.

j. The **Board** shall use an established discipline matrix and guidelines to recommend discipline for outcomes resulting from investigations and complaints filed with the **Board** and/or the NPD. Said discipline matrix and guidelines shall act as safeguards to ensure the consistent application of discipline and should include aggravating and mitigating factors. The discipline matrix and guidelines should be developed by the Public Safety Director and affected bargaining units, in consultation with the CCRB, and must accord with any Consent Order or Judgment with the United States Department of Justice.

k. The **Board** shall provide its findings of fact to the Public Safety Director and, absent clear error, the Public Safety Director shall accept those findings of fact. The **Board** shall also make disciplinary recommendations and the Public Safety Director shall make all disciplinary decisions based on the CCRB's findings of fact, absent clear error, and consistent with the matrix and guidelines.

(Ord. 6PSF-B, 3-16-16)

2:2-86.4. Cooperation of the Division of Police and Departments.

a. It shall be the duty of the Department of Public Safety, Division of **Police** to provide such assistance as the **Board** may reasonably request, to cooperate fully with investigations by the **Board**, and to provide to the **Board** upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.

b. The Public Safety Director, with the assistance of the **Police** Chief, shall ensure that officers and employees of the NPD appear before and respond to inquiries of the **Board** and its civilian investigators, if any, in connection with the investigation of complaints.

c. In any case substantiated by the **Board** in which the Public Safety Director finds clear error in the findings of fact or intends to impose discipline that is of a lower level than that recommended by the **Board** or by the NPD's **Police Trial Board**, the Public Safety Director shall notify the CCRB in writing, prior to the imposition of such discipline, detailing the specific reasons for the decision not to accept the CCRB's findings of fact, or to impose the discipline recommended by the CCRB or the **Police Trial Board**. The **Board** may then request that the Public Safety Director appear in person before the **Board** for further explanation or to address questions from the **Board**. The Public Safety Director shall cooperate with requests to appear before the **Board**.

d. The provisions of this section shall not be construed to limit or impair the authority of the Public Safety Director to discipline members of the NPD nor obviate the responsibility of the NPD to investigate citizen complaints or incidents to which NPD is made known, involving uniformed and sworn members of the

NPD, and to promptly inform the CCRB of all such complaints or incidents. Nor shall the provisions of this section be construed to limit the rights of members of the NPD with respect to disciplinary action, including, but not limited to the right to notice and a hearing, which may be established by any provisions of law or otherwise.

e. The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of a member of the NPD for violations of law by any court of competent jurisdiction, a grand jury, County or State Prosecutor or any other authorized officer, agency or body.

f. The processing and **review** of civilian complaints shall not be deferred because of any pending or parallel disciplinary proceeding or criminal investigation unless such request for deferment is made by the office of a County Prosecutor or a State or Federal law enforcement agency or prosecutor or by a court order.

g. The Public Safety Director shall ensure that any adverse action by a member of the NPD towards an individual which is due to an action taken to exercise his or her rights to file a misconduct complaint, or which likely would deter an individual from exercising their rights or making or supporting a complaint, is prohibited.

h. All City officials and departments shall fully cooperate with the implementation of this section 2:2-86.

(Ord. 6PSF-B, 3-16-16)

2:2-86.5. Rules of the Civilian Complaint Review Board.

The Rules of the Civilian Complaint **Review Board** are adopted herein by Ordinance No. 6PSF-B.* (Ord. 6PSF-B, 3-16-16)

***Editor's Note:** See Rules of the Civilian Complaint **Review Board** on following pages.

RULES OF THE CIVILIAN COMPLAINT REVIEW BOARD.

(Adopted March 16, 2016 by Ordinance No. 6PSF-B. See Section 2:2-86)

SUBCHAPTER A – INTRODUCTION

§1-01 Definitions.

As used in this Chapter:

Chair. "Chair" shall mean the Chair of the Civilian Complaint **Review Board** appointed by the Mayor.

Civilian Complaint Review Board. "Civilian Complaint **Review Board**" or "**Board**" shall mean the entity established by this Ordinance.

Investigation Reviews. "Investigation Reviews" shall mean the **review** by the **Board** of the findings and recommendations and investigation process of the Division of **Police** at the conclusion of an investigation of a complaint or behavior conducted by the Division of **Police**.

Mediation. "Mediation" shall mean an informal process, voluntarily agreed to by a complainant and the subject officer and conducted with the assistance of a neutral third party, engaged in for the purpose of fully and frankly discussing alleged misconduct and attempting to arrive at a mutually agreeable resolution of a complaint.

Public Safety Director and/or Director. "Public Safety Director" shall mean the Director of the City of Newark Department of Public Safety.

Public Safety Department, Division of Police or NPD. "Division of **Police**," "Newark **Police** Division" or "NPD" shall mean the City of Newark Department of Public Safety, Division of **Police**.

§1-02 Jurisdiction.

(a) The **Board** shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by any member of the public (including, but not limited to complaints made by other **police** officers or personnel) against uniform and sworn members of the NPD that allege misconduct involving

inappropriate behavior or actions, including, but not limited to, excessive use of force, abuse of authority, unlawful arrest, unlawful stop, unlawful searches, discourtesy or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, age, sexual orientation, gender identity or expression and disability and theft. Any member of the public is intended to have the broadest possible meaning and interpretation.

(b) The findings and recommendations of the **Board**, and the basis therefore, regarding case investigations and recommendations, including those that may relate to suggested general policies and procedures not specific to any particular investigation or complaint, shall be submitted in writing to the Public Safety Director.

(c) It is the express intent of this Ordinance codified as Section 2:2-86, to give the **Board** the power and authority to consider and make recommendations to the Public Safety Director with regard to policies and procedures concerning the general investigation of complaints by the Division of **Police** as well as its internal affairs procedures, and with regard to evidence of practices or patterns of behavior or practice that is problematic with regard to the interaction of the Division of **Police** with the public at large, as well as any failures of communication with regard thereto.

(d) At the conclusion of the Newark **Police** Division's investigation of a Complaint or behavior, the **Board** shall have the power to conduct a **review** of the findings, conclusions and recommendations of the Division of **Police** (Investigation **Review**). The **Board** shall report its findings of the Investigation **Review** to the Public Safety Director. A semi-annual report of the Investigation Reviews shall be submitted to the Mayor, Public Safety Director and the Municipal Council. The **Board** may utilize all the powers set forth in this Ordinance to carry out the Investigation Reviews.

SUBCHAPTER B - INITIAL PROCEDURES

§1-03 Filing Complaints.

Written complaints may be sent to the **Board's** offices by mail, email or submitted in person at that office during operating hours. The **Board** shall schedule evening and weekend hours as it deems appropriate. Written complaints may be completed and filed on forms furnished by the **Board**. The **Board** will accept written complaints filed at local precincts and forwarded by the Division of **Police**. The **Board** will also accept complaints submitted through the CCRB's website and by such other methods as the **Board** may determine.

§1-04 Telephone or In-Person Complaints.

Telephone complaints will be received during normal business hours at the **Board** office. Complainants may also report complaints in person at the **Board** office during operating hours. Complaints may also be filed at public locations to be designated by the **Board**. The **Board** shall also schedule evening and weekend hours as it deems appropriate. The **Board** will also accept complaints submitted through its voicemail system or by such other methods as the **Board** may determine.

§1-05 Referrals of Complaints.

Where the **Board** receives allegations about persons or matters falling within the sole jurisdiction of another City Department (and not that of the **Board**), the **Board** or the Chair shall immediately refer such allegations to such other City Department.

§1-06 Notification to the Department of Public Safety, Division of **Police**.

With respect to complaints about officers and matters within the **Board's** jurisdiction, the **Board** shall notify the Division of **Police** of the actions complained of within a reasonable period of time after receipt of the complaint. The **Board's** notice to the Division of **Police** shall indicate that: (1) the **Board** will contemporaneously initiate a parallel investigation of the Complaint or behavior with the Division of **Police**; and/or (2) the **Board** will not investigate the Complaint

or behavior but will conduct an Investigation **Review** upon the Division of **Police's** conclusion of its investigation as provided for in subsection 2:2-86.3b.

§1-07 Complainant Confidentiality.

During the investigatory process, neither the identity of, nor personally-identifiable information about, complainants or witnesses shall be released beyond the CCRB staff, **Board** members, and NPD staff engaged in the specific investigation of the complainant's allegation. If the complaint is substantiated and is referred to a CCRB hearing, the complainant's identity may be released in the course of any public hearing about the alleged misconduct.

SUBCHAPTER C - FACT-FINDING PROCESS

§1-08 Statement of Policy.

The procedures to be followed in investigating complaints shall be such as in the opinion of the **Board** will best facilitate accurate, orderly and thorough fact-finding.

§1-09 Method of Investigation of Complaints.

In investigating a complaint, **Board** investigatory personnel may utilize one or more of the methods set forth in this subchapter, and any other techniques not enumerated here, as may be useful in conducting an investigation.

§1-10 Obtaining Documentary and Other Evidence.

(a) The **Board** may make written or oral requests for information or documents.

(b) A panel established pursuant to §1-13, may interview the complainant, the subject officer or witnesses.

- (c) The panel may make field visits for purposes such as examining the site of alleged misconduct and interviewing witnesses.
- (d) Upon a majority vote of members of the **Board**, the **Board** may issue subpoenas ad testificandum and duces tecum, which may be served, to the extent permitted by law.
- (e) The panel may obtain records and other materials from the Division of **Police** which are necessary for the investigation of complaints submitted to the **Board**, except such records and materials that cannot be disclosed by law. In the event that requests for records or other evidence are not complied with, the panel may request issuance of a subpoena duces tecum or a subpoena ad testificandum.
- (f) All of the foregoing, excluding requests for subpoenas, may be undertaken by **Board** investigators.

§1-11 Conduct of Interviews.

- (a) It is the intent of these Rules not to alter the rights afforded to **police** officers by the NPD in standing orders or other rules and procedures or in collective negotiation contracts with respect to interviews so as to diminish such rights, if any, including but not limited to any existing right to notice of an interview, the right to counsel, and the right not to be compelled to incriminate oneself.
- (b) A member of the Division of **Police** who is the subject of a complaint shall be given two business days' notice prior to the date of an interview, to obtain and consult with representatives. A member of the Division of **Police** who is a witness in an investigation of a complaint shall be given a period of time, up to two business days, to confer with their representatives.
- (c) All persons interviewed may be accompanied by up to two (2) individuals to act as their representative, inclusive of their chosen counsel. Such counsel or representative may advise the person interviewed as circumstances may warrant, but may not otherwise participate in the proceeding.
- (d) Prior to the commencement of the interviewing of a **police** officer, the following statement shall be read to such officer:

You are being questioned as part of an official investigation of the Civilian Complaint **Review Board**. You will be asked questions specifically directed and narrowly related to the performance of your duties. You are entitled to all the rights and privileges guaranteed by the laws of the State of New Jersey, the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself and the right to have legal counsel or such other representative present at each and every stage of this investigation, however that person may not unduly interfere or disrupt the proceedings.

(e) Interviews shall be scheduled at a reasonable hour, and reasonable requests for interview scheduling or rescheduling shall be accommodated. If possible, an interview with a **police** officer shall be scheduled when such officer is on duty and during daytime hours. Interviews may be conducted at the **Board's** offices or other locations designated by the **Board**.

(f) The interviewer shall inform the interviewee of the name and position of the person in charge of the investigation, name and position of the interviewer, the identity of all persons present at the interview, whether the interviewee is a subject or witness in the investigation, the nature of the complaint and information concerning all allegations, and the identity of witnesses and complainants, except that addresses need not be disclosed and confidential sources need not be identified unless they are witnesses to the alleged incident.

(g) The interviewer shall not use off-the-record questions, offensive language or threats, or promise of reward for answering questions.

(h) The interviewer shall regulate the duration of question periods with breaks for such purpose as meals, personal necessity and telephone calls. The interviewer shall record all recesses.

(i) Interviews shall be recorded by the CCRB. No other recordings are permitted.

(j) If an interviewee needs an interpreter, he or she shall advise the interviewer of such need as soon as possible after being notified of the date and time of the interview. A qualified interpreter will be obtained from an official registry of interpreters or another reliable source.

(k) Reasonable accommodations shall be made for persons with disabilities who are participating in an interview. Persons requiring such accommodations shall advise the **Board** of such need as soon as possible after being notified of the date and time of the interview.

SUBCHAPTER D - DISPOSITION OF CASES

§1-12 Assignment of Cases.

The Chair shall assign to a panel consisting of at least three **Board** members, or may assign to the full **Board** for **review**, all cases which must be fully investigated. Panel membership shall be determined by the Chair, but no such panel shall consist exclusively of members designated by the Municipal Council.

§1-13 Panel or Board Review of Cases.

(a) The panel or the **Board** shall **review** the investigatory materials for each assigned case, and prepare a report of its findings and recommendations.

(b) The panel or the **Board** may, if it deems appropriate, return a case to investigative staff for further investigation or a panel may, upon approval of the **Board**, conduct additional fact-finding interviews in accordance with the provisions of §1-10.

(c) Panel findings and recommendations shall be referred to the full **Board** for its consideration.

§1-14 Case Dispositions.

(a) No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints filed with the **Board**, be the basis for any such finding or recommendation with regard to an individual complaint. This rule shall not be an impediment to any recommendations or findings made with regard to overall

patterns or practice of inappropriate behavior, policies or procedures, which may in part rely on complaints, no matter their disposition, filed with the Division of **Police**, the **Board** or both.

(b) Panels or the **Board** shall employ a "preponderance of the evidence" standard of proof in evaluating cases, and their findings shall be grounded in and by competent support or evidence.

(c) A report of the findings and recommendations with respect to each case investigation reviewed shall be prepared and transmitted to the Public Safety Director. Where the disposition of one or more allegations is "Substantiated," as defined in subdivision (d) of this section, such report shall be forwarded in writing within five business days of such substantiation and shall include appropriate pedigree information regarding the subject officer, the case number and any other control or serial number assigned to the case, and a summary of the pertinent facts.

(d) The following categories of case investigation dispositions shall be used in reports to the Public Safety Director:

- (1) Substantiated: the acts alleged did occur and did constitute misconduct.
- (2) Unsubstantiated: there was insufficient evidence to establish whether or not there was an act of misconduct.
- (3) Exonerated: the acts alleged did occur but did not constitute misconduct.
- (4) Unfounded: the acts alleged did not occur.
- (5) Complaint Withdrawn: the complainant voluntarily withdrew the complaint.
- (6) Complainant Unavailable: the complainant could not be located following at least four attempts to contact the complainant by telephone, certified mail, in-person visit, and electronic communication, respectively.
- (7) Complainant Uncooperative: the participation of the complainant was insufficient to enable the **Board** to conduct a full investigation.
- (8) Officer Unidentified: the **Board** was unable to identify the officer who was the subject of the allegation.
- (9) Referral: the complaint was referred to another City Department.

- (10) No Jurisdiction: the complaint does not fall within the jurisdiction of the **Board**.
- (11) No Prima Facie Case: the complaint does not state a prima facie case.
- (12) Mediated: the parties to the mediation agreed that the complaint should be considered as having been resolved through mediation.
- (13) NPD Disciplinary Action Accepted as Sufficient.
- (14) Other articulated reasons: as from time to time determined by the **Board**.

§1-15 Cases Closed without a Full Investigation.

- (a) The **Board** may close without conducting a full investigation any case falling within categories (5) through (14) of §1-14(d); provided, however, a justification for the action is stated on the record (for example, what are the circumstances relating to the withdrawal of the Complaint).
- (b) Prior to the closure of any case under § 1-14(a), **Board** members must be afforded an opportunity to **review** such case and vote in a public session.
- (c) The **Board** at the outset of its operation shall adopt guidelines to handle requests for withdrawal.

SUBCHAPTER E - ADMINISTRATIVE PROSECUTION

§1-16 Division of **Police** Procedures and Disciplinary Practices.

- (a) The Public Safety Director shall retain in all respects the authority and discretion to make final disciplinary determinations.
- (b) The Division of **Police** shall provide all reasonable assistance requested by the CCRB, including training and guidance in both legal and administrative matters.
- (c) The CCRB may during the course of an investigation, contact the Division of **Police**, Office of Professional Standards or such equivalent department or office to request the assistance of employees of the Division of **Police** in the evaluation,

preparation and investigation of the complaint. In such instances, the Division of **Police**, Office of Professional Standards or such equivalent department or office shall arrange for the Division of **Police** to provide reasonable assistance to the CCRB.

(d) Nothing concerning the authority and/or process of the CCRB shall constrain or change in any way the obligations of the Division of **Police** to conduct appropriate and timely investigations of NPD uniform and sworn members of NPD and to be compliant and consistent with the requirements of N.J.S.A. 40A:14-147.

§1-17 Other Matters Relating to Administrative Prosecutions.

(a) The CCRB shall forward to the Public Safety Director a report of the CCRB reflecting the results of its **review** of every complaint. The CCRB shall include all relevant forms, memoranda and background information to assist the Public Safety Director in making a final disciplinary determination.

(b) The CCRB shall provide its findings of fact to the Public Safety Director and, absent clear error, the Public Safety Director shall accept those findings of fact and consider the CCRB's recommended discipline. Clear error exists when the CCRB's findings of fact are based upon obvious and indisputable errors and cannot be supported by any reasonable interpretation of the evidence. The Public Safety Director may ask the CCRB for additional investigative or background information in its possession. The Public Safety Director may also request further investigation or development of the record to enable him or her to make a final disciplinary determination.

(c) Based on the CCRB's findings of fact, absent clear error, the Public Safety Director shall make all disciplinary decisions, consistent with the matrix and guidelines. In any case substantiated by the **Board** in which the Public Safety Director finds clear error in the findings of fact or intends to impose discipline that is of a lower level than that recommended by the **Board** or by the **Police Trial Board**, the Public Safety Director shall notify the CCRB prior to the imposition of such discipline. Such notification shall be in writing and shall include a detailed explanation of the reasons for deviating from the **Board's** or, as the case may be, the **Police Trial Board's**, recommendation or findings of fact,

including but not limited to each factor the Public Safety Director considered in making his or her decision. The **Board** may then request that the Public Safety Director appear in person before the **Board** for further explanation or to address questions from the **Board**. The Public Safety Director shall cooperate with requests to appear before the **Board**.

(d) The **Board** shall publish on its publicly-accessible website and shall submit to the Mayor and the Municipal Council a quarterly report identifying each instance in which the Public Safety Director finds clear error in the findings of fact or imposes discipline that is of a lower level than recommended by the **Board** or the **Police Trial Board**, and include a copy of the Public Safety Director's written, detailed explanations with redaction of any personally identifiable information.

SUBCHAPTER F - MISCELLANEOUS MATTERS

§1-18 Meetings of the Board.

(a) The full **Board** shall meet at least one time each month, at which meeting it shall consider cases referred to it and conduct any other business.

(b) If a case has been referred to the **Board**, the **Board** may take such action as it deems appropriate, including, but not limited to, making its own findings and recommendations, remanding the case to a referring panel for further consideration or action, and remanding the case for further investigation.

§1-19 Panel and Board Meetings: General Matters.

(a) If a **Board** member has a personal, business or other relationship or association with a party to or a witness in a case before a panel to which such member has been assigned, the member shall disclose this situation to the Chair, and shall request that the case be transferred to another panel. If a **Board** member has such relationship in a case before the full **Board**, the member should recuse himself or herself from deliberations or action in connection with that case.

(b) **Board** members must be present at a meeting of the **Board** or a panel in person or, subject to such limitations as the **Board** may by resolution from time to time determine, by videoconference in order to register their votes.

§1-20 Public Meetings.

(a) The **Board** shall hold meetings open to the public no less than once every other month. At such meetings, the **Board** shall provide a public report on **Board** activities, without disclosing personally identifiable information about a complainant prior to a CCRB hearing, including but not limited to:

- a. The disposition of cases referred to it by CCRB staff in the prior month;
- b. The disposition of cases in which the CCRB recommended discipline to the Public Safety Director, and what discipline, if any, the Public Safety Director issued to the officer found to have committed misconduct in the prior month;
- c. The number of complaints received in the prior month, the type of misconduct alleged in those complaints, and the investigatory status of those complaints;
- d. Any practices or policy investigations ongoing or completed, as well as any policy recommendations made pursuant to the **Board's** authority to investigate practices or patterns of behavior and NPD policies;
- e. Efforts to promote the CCRB's function, availability, and processes to the public during the prior month.

(b) The **Board** shall have the authority to conduct public hearings related to issues of public concern with NPD policies, patterns, or practices. The **Board** may choose to summon the Public Safety Director or other employees of the NPD to testify at such hearing.

(c) At each monthly public meeting, the **Board** shall include a public comment period during which members of the public may address the **Board** on issues germane to the **Board's** jurisdiction.

(d) The minutes of each public **Board** meeting shall be posted on the CCRB's website within a reasonable time following the meeting.

§1-21 Public Reporting.

(a) The **Board** shall publish on its public website on a quarterly basis:

- a. The number of complaints it receives;
- b. The race, ethnicity, gender, and age of the complainant;
- c. The precinct(s) in which the misconduct is alleged to have taken place;
- d. The basic facts of the complaints (with personally identifiable information redacted);
- e. The disposition of each complaint;
- f. The recommended discipline, if any, for each complaint;
- g. The discipline issued by the Public Safety Director, if any, for each complaint;
- h. Any other information the **Board** shall determine is relevant to carry out the **Board's** duties and responsibilities.

(b) The **Board** shall request from the NPD and publish on a quarterly basis:

- a. The number of stops made by NPD officers during the previous quarter, including data disaggregated by:
 - i. the date, time, location and **police** district of the pedestrian or vehicle stop;
 - ii. the perceived race, ethnicity, gender, and age of the person stopped, and whether the person stopped was of limited English proficiency, and if so, whether interpretive services were offered, provided that the identification of these characteristics shall be based on the observations and perceptions of the NPD officer making the stop and the information shall not be requested of the person stopped, unless otherwise required by law;
 - iii. an explanation of the reason for the stop;
 - iv. whether a frisk of the individual took place as a result of the stop, and an explanation of the legal justification for the frisk;

- v. whether a search (beyond a frisk) of the individual or, if applicable, the vehicle, took place as a result of the stop, and an explanation of the legal justification for the search;
- vi. the scope of any search conducted;
- vii. whether any contraband was discovered or seized in the course of the search, and if so, the nature of the contraband;
- viii. the disposition of the stop, such as a warning, a summons, or an arrest;
- ix. if a summons was issued or an arrest made, the violations, offenses, or crimes charged (including Criminal Code section or other section of law);
- x. whether any force was used during the stop, frisk or search, and the type of force used;

b. The number of use of force incidents by the NPD, including data disaggregated by:

- i. the race, gender, ethnicity, and age of the civilian;
- ii. the type/brief description of force used
- iii. the reason for use of force
- iv. the civilian injuries that took place during incident involving use of force, if any;
- v. the officer injuries that took place during incident involving use of force, if any.

c. Any reporting request of and to be provided by the NPD's Internal Affairs Unit shall be in accordance with New Jersey Attorney General Guidelines and in conformance with all applicable governing laws, rules and regulations.

d. The number of arrests made during the previous quarter by the NPD, including data disaggregated by:

- i. The date, time, location, and **police** district of the arrest;
- ii. the race, ethnicity, gender, and age of the arrestee;

- iii. the offense charged (including Criminal Code section, or other section of law); and
 - iv. whether the arrest came in response to a specific report or complaint made by a person to the NPD or 911 system.
 - e. The amount of money the City of Newark expended in settlements or judgments to resolve tort, civil rights, or other legal claims filed against the NPD, as well as the basic facts associated with those claims to the extent permitted by law or not otherwise restricted from disclosure.
- (c) The **Board** shall publish an annual report, available on its public website, compiling the aforementioned statistics for each calendar year and identify any significant trends, patterns, areas of concern, or areas of excellence, within the NPD's practices.

§1-22 Communications with and Notifications to Complainants Regarding Status of Complaints.

- (a) Within seven business days of the receipt of a complaint, the **Board** shall notify a complainant by telephone or letter that the **Board** has received his/her complaint, and shall identify the case number.
- (b) The **Board** shall, within seven business days of sending to the Public Safety Director its findings and recommendations in a case, write to the Complainant with such findings and recommendations.

§1-23 Training.

The **Board** and such employees as it may retain shall obtain such training necessary to fulfill its responsibilities set forth herein. Such training shall be predominately obtained from such independent, third party bodies or institutions that have experience with regard to internal affairs and civilian **review** investigations and audits. A policy as to training shall be adopted by the **Board** at the outset of its operation and updated annually. The cost of such training shall be set forth in the **Board**'s budget proposal as required by Section II.

§1-24 Conflicts.

If a **Board** member has a personal, business or other relationship or association with a party to or a witness in a case before the panel to which such member has been assigned, the member shall disclose this situation to the Chair, and shall request that the case be transferred to another panel. If a **Board** member has such relationship in a case before the full **Board**, the member shall recuse herself or himself from deliberations or action in connection with that case.

Any **Board** member shall recuse herself or himself from a case that involves an individual, association, corporation or other entity from which the member received a campaign contribution, individually, or in the aggregate, in an amount required to be reported pursuant to N.J.A.C. 19:25-10.



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1286**

An ordinance to establish the Ypsilanti Community Policing Action Council

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 2, Article IV of the Ypsilanti City Code of Ordinances is hereby amended to add a new Division 6, as follows:

DIVISION 6. COMMUNITY POLICING ACTION COUNCIL

Section 2.200. Created.

Pursuant to Ypsilanti City Charter section 9.03, there is hereby created a commission known as the "Ypsilanti Community Policing Action Council."

Section 2.201. Purpose.

The purpose of the Ypsilanti Community Policing Action Council is:

- a. To strengthen the relationship between the citizens of the City of Ypsilanti and the Ypsilanti Police Department.
- b. To make recommendations to the Chief of Police with regard to organizational matters and procedures.
- c. To serve as a liaison to enhance community and police relations and serve as an advocate for programs, ideas, and methods to improve the relations between the police and the community.
- d. To participate in annual review of the Ypsilanti Police Department's Citizen Police Academy.
- e. To collect, review, and audit summary data and compile aggregate statistics relating to individual or community complaints and other issues of importance.
- f. To consult and advise the Chief of Police on the Ypsilanti Police Department's strategic plan.
- g. To review complaints of alleged police misconduct

Section 2.202. Appointment and Terms.

The Ypsilanti Community Policing Action Council shall consist of ~~18~~ 5 members. All members to the Ypsilanti Community Policing Action Council shall be appointed by the Mayor, with the approval and confirmation of a majority of City Council. ~~There shall be at least one member from each Ward. The following organizations and neighborhood associations may make a recommendation to the Mayor for appointment to the Ypsilanti Community Policing~~

~~Action Council from within its membership if the organization or neighborhood association is active and has membership in good standing:~~

- ~~1. Stadium Meadows Condominium Association.~~
- ~~2. Gerganoff Neighborhood Association.~~
- ~~3. College Heights Neighborhood Association.~~
- ~~4. Normal Park Neighborhood Association.~~
- ~~5. Woods Road Neighborhood Association.~~
- ~~6. Worden Gardens Neighborhood Association.~~
- ~~7. Heritage Park Neighborhood Association.~~
- ~~8. Historic South Side Neighborhood Association.~~
- ~~9. Downtown Association of Ypsilanti.~~
- ~~10. Midtown Neighborhood Association.~~
- ~~11. Riverside Neighborhood Association.~~
- ~~12. Depot Town Association.~~
- ~~13. Prospect Park Neighborhood Association.~~
- ~~14. East Prospect Park Neighborhood Association.~~
- ~~15. Historic East Side Neighborhood Association.~~
- ~~16. Miles Neighborhood Association.~~
- ~~17. Prospect Gardens Neighborhood Association.~~
- ~~18. Eastern Michigan University.~~

The term of members of the Ypsilanti Community Policing Action Council shall be three years, except that of the members first appointed. Terms shall be staggered so that as far as practicable. ~~at least six member's terms expire each year.~~

~~There shall be no more than three non-resident members of the Ypsilanti Community Policing Action Council. Such non-resident members may only serve upon the recommendation of the Depot Town Association, the Downtown Association of Ypsilanti, and Eastern Michigan University. Non-resident members shall require a finding of the best interest of the city and approval and confirmation of not less than five affirmative votes of city council members.~~

Section 2.203. Duties.

The duties of the Ypsilanti Community Policing Action Council shall be to:

- a. Establish and update rules by-laws for the transaction of its business, subject to the approval of the City Council. Such rules and by-laws shall be in a manner not inconsistent with this Article, other City ordinances, the City Charter, or laws of the state and federal government.
- b. Elect officers, including a president.
- c. Establish and maintain a meeting schedule and meet at least quarterly.
- d. Take all necessary action to fulfill the purpose for the Ypsilanti Community Policing Action Council, as stated in this Division.

- e. To file a written report of its activities, findings, and recommendations, if any, to City Council at least annually.

Section 2.204. Procedure.

Procedure for the operation of the Ypsilanti Community Policing Action Council shall be as follows:

- a. A majority of the Ypsilanti Community Policing Action Council members appointed shall constitute a quorum.
- b. No meeting of the Ypsilanti Community Policing Action Council shall commence or continue in the absence of a quorum.
- c. A majority vote of those forming a quorum shall be required for any action by the Ypsilanti Community Policing Action Council, except where otherwise specified in this Article, other City ordinances, or the City Charter.
- d. Regular meetings of the Ypsilanti Community Policing Action Council shall be held no less than quarterly. Any scheduled meeting may be rescheduled at the preceding regular meeting.
- e. The records of the Ypsilanti Community Policing Action Council shall be public and subject to the Freedom of Information Act, Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.), as amended.
- f. All meetings of the Ypsilanti Community Policing Action Council shall be public and subject to the Open Meetings Act, Act No. 267 of the Public Acts of Michigan of 1967 (MCL 15.261 et seq.), as amended.
- g. The Ypsilanti Community Policing Action Council shall provide an opportunity for public comment as to the business being conducted by the Ypsilanti Community Policing Action Council, pursuant to its established rules and by-laws.

Sections 2.205 – 2.225 - Reserved.

2 Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3 Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2017.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1286 was published according to Section 11.13 of the City Charter on the _____ day of _____, 2017.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2017.

Frances McMullan, City Clerk

Notice Published: March 16, 2017

First Reading: April 4, 2017

Second Reading: _____

Published: _____

Effective Date: _____



Resolution No. 2017-195
August 22, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That the Special Meeting and Work Session be adjourned, on call, by the Mayor or two (2) members of Council.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: