

## **TITLE XX COMMUNITY POLICE REVIEW BOARD**

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### **CHAPTER 1 – DEFINITIONS**

**Definition of Terms.** The following terms, whenever used or referred to herein, shall have the following and respective meanings, unless a different meaning is clearly made apparent by the context:

- A. "Action Item" shall mean any motion or recommendation requiring official vote and approval of the Community Police Review Board to be effective.
- B. "Ad Hoc Committee" shall comport with its definition under California state law
- C. "Board Member" shall mean a member of the Board
- D. "Agenda" shall mean the monthly agenda of the Community Police Review Board.
- E. "Board" shall mean the Community Police Review Board.
- F. "Chair" shall mean the Chairperson of the Community Police Review Board.
- G. "Complaint" shall refer to any complaint received from a member of the public regarding the conduct of any San Leandro Police Department personnel under Penal Code Section 832.5.
- H. "Vice Chair" shall mean the Vice Chairperson of the Community Police Review Board of the City of San Leandro.
- I. "City" shall mean the City of San Leandro.
- J. "City Council" shall mean the San Leandro City Council.
- K. "Department" shall mean the San Leandro Police Department.
- L. "Majority" shall mean five members of the Board, consistent with SLMC Section 1-3-220
- M. "Municipal Code" shall mean the San Leandro Municipal Code (or "SLMC").
- N. "NACOLE" shall mean the National Association for Civilian Oversight of Law Enforcement
- O. "Rules" shall mean the Rules of Order of the Board;
- P. "Secretary" shall mean the City staff member designated by the City Manager as the Executive Secretary to the Board.

- Q. "Police Chief" shall mean the Chief of Police of the San Leandro Police Department.
- R. "Presiding Officer" shall mean the Chair, Vice Chair, Chair Pro Tem, or whomever else has been designated by the Board from among its membership to preserve order and decorum during a Board meeting.
- S. "Quorum" shall be as defined by SLMC Section 1-3-215

## **CHAPTER 2 – PURPOSE**

The purpose of the Board is to increase public trust, increase accountability, ensure that police operations reflect community values, and, in cooperation with the Independent Police Auditor, ensure prompt, impartial, and fair investigations of complaints brought by members of the public against San Leandro Police Department employees, including but not limited to complaints under California Penal Code section 832.5.

## **CHAPTER 3 – RULES OF PROCEDURE**

### **ARTICLE 1 MEETINGS**

#### **§XX.X.XXX: REGULAR MEETINGS.**

Regular meetings of the Community Police Review Board shall be held on the third Wednesday of each month, convening at the hour of 6:00 p.m. Regular meetings shall end at 7:30 p.m. If the Board's business agenda cannot be concluded at the meeting upon which it's been scheduled, the duration of Board meetings may be extended by up to 30 minutes when authorized by a majority vote of the Board. When the day or the day following the day fixed for such regular meeting falls on a legal holiday, such meetings may be held at such time as agreed upon by the Board in coordination with the City Clerk's office and/or the Board Secretary.

#### **§XX.X.XXX: SPECIAL MEETINGS.**

Under extraordinary circumstances, the Chair of the Board may request special meetings of the Board when the business of the Board cannot otherwise be completed during any of its regular monthly meetings, or when special circumstances prevent unfinished agenda items from being continued to the next regular Board meeting. Such requests shall require the concurrence of any five (5) members of the Board with findings made that due to extraordinary circumstances, it would be infeasible or impossible for the proposed agenda topics for the special meeting to be discussed during an upcoming regular meeting. Written notice of the time and place and the business to be transacted at such special meeting shall be delivered by personal delivery, by mail, or by e-mail at least twenty-four (24) hours in advance of such meeting to each member of the Board, to the City Manager, to the City Clerk and to each local newspaper of general circulation, radio or television station requesting notice in writing. No other business shall be considered at such special meeting. Any staff support for any such special meetings must be expressly authorized by the City Manager.

#### **§XX.X.XXX: MEETING PLACE.**

All meetings of the Board shall be held in a location at the Civic Center, City of San Leandro, unless, in the opinion of the Board, the interests of the City and Board could be best served by holding such meetings elsewhere.

#### **§XX.X.XXX: AGENDA.**

The Secretary or City Clerk in their absence shall prepare an agenda for all matters to be submitted to the Board in consultation with the Chair or Vice Chair and shall distribute the agenda and related materials to all interested parties not less than seventy-two (72) hours prior to the date of a regular meeting and not less than twenty-four (24) hours prior to the date of a special meeting.

Copies of the agenda, or the Notice of Cancellation if a meeting has been cancelled, shall be delivered to each member of the Committee, each member of the City Council, to the City Manager, and to the City Clerk.

### **ARTICLE 2 COMPOSITION OF THE BOARD**

#### **§XX.X.XXX: BOARD MEMBERS.**

The Board shall consist of nine (9) members. The membership shall include one member from each of the six (6) Council Member Districts, an at large member appointed by the Mayor pursuant to Section 1-3-110 of this Code and two Student Members (18-22), as defined by San Leandro Municipal Code section 1-3-110. The City shall provide membership for the Board in the National Association for Civilian Oversight of Law Enforcement (NACOLE), subject to budgetary approval from the City Council.

#### **§XX.X.XXX: AD HOC COMMITTEE.**

Ad Hoc Committees may be formed as needed by the Chair or by a majority vote of the Board for an assigned specific task and for a specifically identified duration of time. Unless extended by a vote of the Board, each Ad Hoc Committee is disbanded at the completion of the assigned task. Ad Hoc Committees are limited to no more than four (4) members.

### **ARTICLE 3 OFFICERS**

#### **§XX.X.XXX: CHAIR.**

The presiding officer of the Board shall be the Chair who shall be elected at the first regular meeting in January of every year or as soon thereafter as the Board deems appropriate. The Chair shall preserve order and decorum at regular and special meetings of the Board; shall state each question; shall announce decisions; shall decide all questions of order subject to an appeal to the Board; shall vote on all questions; and shall generally perform the duties of a presiding officer.

#### **§XX.X.XXX: VICE CHAIR.**

The Vice Chair of the Board shall be elected annually at the first regular meeting in January of every year or as soon thereafter as the Board deems appropriate. The Vice Chair shall

preside in the absence of the Chair or upon the request of the Chair, and may assist the Chair in carrying out the Chair's responsibilities. In the event the Chair shall arrive late, the Vice Chair shall relinquish the chair upon conclusion of the business then pending before the Board. The Vice Chair shall automatically become the Chair if the existing Chair resigns or is removed.

#### **§XX.X.XXX: CHAIR PRO TEM.**

In the event of the absence of the Chair and Vice Chair or their inability to act, the Board Members present shall elect from their membership a Chair Pro Tem to serve during such temporary absence. In the event the Chair or Vice Chair shall arrive late, the Chair Pro Tem shall relinquish the chair upon conclusion of the business then pending before the Board.

#### **§XX.X.XXX: LIMIT OF TERM.**

No member of the Board shall serve a successive full term of one (1) year as Chair or Vice Chair of the Board provided that this limitation may be waived upon a finding of good cause, by an affirmative vote of a majority of the members of the Board.

#### **§XX.X.XXX: CITY CLERK.**

The City Clerk shall keep all minutes, prepare the agenda and furnish all members of the Board with a copy of the agenda, plus copies of all correspondence and other papers relating to items appearing on the agenda; and shall follow all legal noticing requirements.

#### **§XX.X.XXX: QUORUM.**

A majority of the members of the Board shall constitute a quorum for the transaction of business.

### **ARTICLE 4 ORDER OF BUSINESS**

#### **§XX.X.XXX: CALL TO ORDER.**

Upon opening the meeting and after determining that a quorum is present, the Chair shall call the meeting to order. The call to order may be immediately followed by the Pledge of Allegiance or other opening ceremonies.

#### **§XX.X.XXX: AGENDA.**

The following shall be the ordinary order of business for meetings of the Board:

1. Call to Order.
2. Roll Call.
3. Public Comments on Non-Agenda Items.
4. Approval of Minutes.

5. Police Department's Report.
6. Independent Police Auditor's Report (IPA Report).
7. Board Secretary's Report.
8. Action Items and Discussion Items.
9. Board Member Comments and Requests for Future Meeting Agenda Topics.
10. Adjourn.

#### **§XX.X.XXX: ALTERATION OF ORDER.**

The Chair, with the approval of the Board, may move items out of prepared agenda order or otherwise modify the standard order.

### **ARTICLE 5 CONDUCT OF BUSINESS**

#### **§XX.X.XXX: RULES.**

The current edition of Robert's Rules of Order Newly Revised, except where inconsistent with the express provisions of law or these Rules of Procedure or other resolutions of the Board, shall govern the conduct of meetings of the Board.

#### **§XX.X.XXX: ROLL CALL.**

Before proceeding with the business of the Board, the Secretary shall call the roll of the membership, and the names of those present shall be entered in the minutes. If a Board Member is unable to attend a meeting the Chair must be notified before the meeting. The Chair shall notify the Board Secretary and City Clerk of any such absences.

#### **§XX.X.XXX: ADDRESSING THE BOARD DURING PUBLIC COMMENTS.**

Each person addressing the Board during public comments shall direct their comments to the Board. Unless additional time is granted by the Chair, all remarks shall be limited to two (2) minutes. The Chair may adjust the time for remarks for all speakers at the Chair's discretion. All remarks shall be addressed to the Board as a body and not to any individual member thereof. No person, other than members of the Board and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Board, except through the Chair.

#### **§XX.X.XXX: ANNUAL REPORT.**

The Board shall submit an annual report and workplan to the City Council via the City Manager no later than June 30 of each year. The IPA shall be responsible for assisting the board in preparation of the annual report and workplan. The annual report shall contain a

description of the Board activities for the preceding year, status and outcome of policy review and recommendations, any observed trends or data, community outreach efforts, and attendance records of members.

#### **§XXX.X.XXX: RELATIONSHIP WITH IPA.**

The IPA serves as the law enforcement subject matter expert to the Board. The Board may receive Penal Code Section 832.5 complaints and shall refer them for further review to the IPA or the internal affairs/professional standards function of the Police Department. The standard method by which such referrals shall be conducted is by directing the complainant to the relevant website, email address or other identified contact information of the Board, the IPA or the Professional Standards division of the Police Department. The IPA shall, if appropriate, with the Police Chief's and the specifically affected Police Department personnel's written consent, provide referrals for voluntary and confidential mediation of specific complaints to community-based mediation services provided by trained or certified mediators. The Independent Police Auditor shall assist the board with classifying Penal Code Section 832.5 complaints; analyze local, State, and national police data and trends; make expert recommendations. At the City Manager's discretion, the IPA may further assist the Board in developing its workplan and annual report, including providing aggregated data related to IPA actions and police personnel complaints, or may refer policy matters to the Board with a recommendation for review when in the IPA's judgement such review is warranted. The IPA will also, in collaboration with the City Manager, support the Board's public outreach activities.

#### **§XXX.X.XXX: POLICY REVIEW OR REQUESTS FOR DATA OR INFORMATION.**

**Access to Records, Information and Data:** The Board may initiate requests to the City Manager or Police Chief for any records, information, or data needed to conduct its policy review function. Such requests shall be made during a public meeting and submitted in writing, with the approval of the majority vote of the Board. Responses to such information requests shall be provided consistent with the City's standard practices for California Public Records Act requests.

**Policy Review and Recommendations:** The Board or the IPA may monitor, review, and provide input on Police Department policies, and receive reports from the Police Department on policies that indicate a need for review based on trends and data or that are, in the judgment of the majority of the Board, of compelling community-wide concern. The Board shall present recommendations regarding police policies in writing to the Police Chief. The Police Chief or their designee will respond in writing, with reasons stated if modified or not accepted. During the first two years since the Board's initial formation, such responses will be provided within 90 days following receipt of the request, and the Police Chief will respond sooner when practicable. This 90-day timeline shall be revisited to determine if a shorter review period is feasible after the conclusion of the initial two-year period. The City Manager shall receive recommendations modified or not approved by the Chief. Any responses shall be included in the Board's annual report to the City Council. The Board may submit a written response to any denied or modified recommendations to the City Manager for their consideration and response. The City Manager will respond to such requests within the next two subsequent regular meetings of the Board. The records of all

recommendations and responses shall be treated consistent with the California Public Records Act and may be included in the Board's annual report. The timelines set forth in this section are advisory and every effort will be made to comply with them in good faith, and may be adjusted at the discretion of the City Manager.

#### **Process for Complaint Handling and Policy Review Requests Received from the Public:**

The CPRB shall establish and publish clear procedures for handling public complaints and policy review requests. Complaints or review requests may be submitted in writing, online, in person at public meetings, or through other practical means. Anonymous complaints are allowed but may limit the Board's and IPA's ability to conduct a thorough investigation. Personnel complaints will be forwarded to the IPA, who will keep the complainant informed of the investigation's progress. Policy review requests will be considered if approved by the majority of the Board and included in its annual work plan. The Board will keep the requesting party updated on the status of policy matters accepted for review and report any actions taken in its annual report.

#### **Police Department Budget**

At the City Manager's discretion and as part of the City Council's normal citywide biennial budget development process, the CPRB may provide input into the Police Department budget.

#### **§XX.X.XXX: POLICE CHIEF VACANCY.**

Upon notice of vacancy for the position of Chief of Police, the City Manager shall provide a report on the job requirements, application process, and evaluation criteria of candidates for the Chief of Police. The Board shall receive the report and may make recommendations to the City Manager regarding the job requirements, application process, and evaluation criteria.

### **ARTICLE 6 VOTING**

#### **§XX.X.XXX: MANNER OF TAKING VOTE.**

The vote shall be taken by show of hands, voice vote, roll call, or electronic voting.

#### **§XX.X.XXX: MAJORITY VOTE.**

All Board actions shall require the affirmative votes of a majority of the members of the Board. Board members shall recuse themselves if they have a conflict of interest, as defined by the California Political Reform Act.

### **ARTICLE 7 NACOLE CODE OF ETHICS**

Adoption of these administrative procedures shall concurrently represent the Board's adoption of the NACOLE Code of Ethics. The spirit of these ethical and professional standards should guide the members of the Board as they conduct the business of the Board.

## **ARTICLE 8 AMENDMENTS**

### **§XX.X.XXX: ADOPTION AND AMENDMENTS.**

In order to be effective, these Rules of Procedure must be adopted by way of Resolution by the City Council. The Board may make recommendations to the City Council for amendments to these Rules of Procedure. Any proposed amendments shall be included in the annual report and workplan.