



CHARLOTTE SCHOOL of LAW CIVIL RIGHTS CLINIC

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Charlotte School of Law: Civil Rights Clinic Citizens Review Board: Research and Proposed Reform June 4, 2013¹

This report is the result of a three year study conducted by Charlotte School of Law's Civil Rights Clinic. Research began with a comprehensive public records request in which clinic members identified sixty former complainants who had filed appeals with the Citizens Review Board ("Board"). Since that original document request, further investigation revealed that over the Board's fifteen year history it received a total of seventy-eight appeals, held only four hearings and never ruled against the police department. When the feedback from former complainants revealed an overall dissatisfaction with the complaint review process, and local papers touted eerily bleak statistics of the Citizens Review Board's history of never ruling for a citizen complainant, the Clinic took an in-depth look at the ordinance creating the Citizen's Review Board to identify problems. Discovering structural issues within the ordinance, receiving internal concerns from former board members, and researching over sixty models of civilian oversight throughout the nation, the Clinic drafted a model ordinance that fits within the municipal powers granted by the state legislature and compliments the current community relations structure set up within the city.

Part I of this memo outlines the development and purpose of civilian oversight commissions in the United States. Recognizing the value of various community stakeholders including – discrete geographic communities, individual citizens, law enforcement personnel and management, and municipal interests – the changes proposed in this memo build on strengths of the current structure while refocusing the Citizens Review Board on the main goal of civilian oversight of law enforcement – establishing community trust and transparency. Part II provides brief descriptions of the strengths and weaknesses of each general model of civilian oversight, emphasizing that particular components such as external review, independent investigatory power, subpoena power, and an audit function are well-suited to enhance the necessary reform of Charlotte's Citizens Review Board. Oversight models of different jurisdictions throughout the United States are included to illustrate that no two models are alike and that each form of oversight develops and adapts as a result of the specific needs of the community where it is located. Within North Carolina, Charlotte has the opportunity to implement an exemplary model of oversight function for others in the state to follow. Drawing on the current structure of Charlotte's municipal accountability scheme, Part III identifies the inconsistencies and weaknesses within the Citizens Review Board, and suggests four primary changes: 1) lowering the pre-hearing standard from preponderance of the evidence to probable cause; 2) shifting the focus of the standard of review from abuse of discretion to whether actual misconduct occurred; 3) providing independent investigatory, subpoena, and audit powers to the Citizens Review Board; and 4) establishing stronger lines of communication and accessibility between the city

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and its residents. The Addendum attached is a proposed ordinance with underlined changes from the original ordinance creating the Citizens Review Board.

I. Development and Purpose of Civilian-Oversight of Law Enforcement

As the most visible representation of the municipal government, due to its frequent interaction with citizens, law enforcement agencies have a vested interest in establishing stable and enduring community trust. Before the 20th century, the main form of oversight of law enforcement agencies came in the form of political control. Mayors were often the sole arbiter of police oversight, and law enforcement became intertwined with political agendas.² The national trend, shifting away from political oversight, has been to delegate quality assurance oversight to public servant citizen commissions.³ In 2005, the Bureau of Justice Statistics found that 79% of police agencies across the country with 1,000 or more officers have some form of police oversight or complaint review process in place.⁴

This trend towards civilian oversight is illustrated in Charlotte through the statutory creation of various commissions including the Community Relations Commission, the Civil Service Board, and the Citizens Review Board.⁵ While the Civil Service Board provides a forum for police officers to appeal internal disciplinary actions, and has the power to overturn the disciplinary decisions of the Chief of Police, the powers and authority delegated to the Citizens Review Board does not establish an equivalent forum for citizens voicing their complaints of alleged police misconduct. Procedural barriers and limited investigatory powers have prohibited

² Review of National Police Oversight Models for the Eugene Police Commission, Police Assessment Resource Center (“PARC”), at 7. (February 2005) <[http://www.parc.info/client_files/Eugene/Review%20of%20National%20Police%20Oversight%20Models%20\(Feb.%202005\).pdf](http://www.parc.info/client_files/Eugene/Review%20of%20National%20Police%20Oversight%20Models%20(Feb.%202005).pdf)>

³ Id. at 8.

⁴ Bureau of Justice Statistics (2005)

⁵ Community Relations Committee, Charlotte Charter, Art. II §12-26-31 ; Civil Service Board, Charlotte Charter, Art III § 4.61, Citizens Review Board, Charlotte Charter, Art II

the CRB, in its sixteen years of existence, from ever resolving complaints favorably to the citizen complainant.

The goal of a civilian oversight committee is to establish a neutral intermediary between citizens and the police department in order to ensure that police practices and policies are responsive to the needs of the community. One of the main benefits to the community of an efficient oversight body is its ability to defuse tense community conflicts. This can be achieved through: 1) affording complainants an opportunity to be heard in a formal hearing, 2) assessing and evaluating general public grievances of police practices, 3) increasing the public understanding of police policies, procedures, and behaviors, and 4) reassuring the community that police officers are appropriately disciplined when misconduct occurs.

When the complaint review process provides citizens with an adequate forum to air grievances and a realistic avenue to resolve conflicts with the law enforcement agency, civilian oversight may significantly reduce the risk of municipal liability and §1983 claims burdening the courts. If the city can develop a process that adequately addresses not only individual complaints, but also community concerns about general police policies (including acts and omissions), it can greatly deter the *Monell*⁶ claims of municipal liability involving: 1) a municipal “custom,” (2) a municipal “policy,”⁷ (3) failure to train, discipline, investigate, supervise, etc.,⁸ or 4) the decision of a “final decision-maker.”⁹

In order for the review process to continue to be effective – structural, procedural and managerial safeguards must be in place. Just recently, in Virginia Beach, it was discovered that the Investigation Review Panel (IRP) created in 1991 had not met in over seven years due to lack

⁶ *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

⁷ *Id.* at 690-91.

⁸ *See, e.g., City of Canton v. Harris*, 489 U.S. 378 (1989).

⁹ *See Pembaur v. City of Cincinnati*, 475 U.S. 469, 480-81 (1986).

of diligent and accountable management.¹⁰ As a result of “gross negligence, mismanagement, and lack of oversight,” the IRP had violated the community’s trust and two city employees were forced to retire. To avoid the potential liabilities that accompany such a situation, and to ensure the effective and efficient communication of Charlotte’s CRB with citizens, the police department, and the City Council, it is essential to place Charlotte’s current model within the context of what options are available and what changes would best serve this community. A comprehensive review of civilian oversight agencies throughout the United States makes clear that no two agencies are alike. Each jurisdiction adopts a model of oversight that adapts to its community needs, conforms to municipal authority, and compliments the civil services already available in the community. Highlighted in each sample jurisdiction are the components that would benefit Charlotte’s CRB.

II. Comparative Models and Components of Oversight Committees

A. Review and Appellate

The Charlotte CRB currently falls into this category of civilian oversight. Generally, review and appellate oversight models hear complaints only after they have been investigated and decided by the police department. Rather than reviewing the police department as a whole, assessing broad patterns and practices of police misconduct, review and appellate models deal exclusively with citizen complaints on an individual basis. Without a broader perspective on general police practices and the police department’s relationship with discrete populations, this limited nature of review hinders the CRB from providing effective oversight.

Review and appellate models are an external mechanism of oversight, separate and distinct from Internal Affairs. The benefit of establishing an oversight agency as a completely

¹⁰ Aaron Applegate, The Virginia Pilot “Va. Beach police review board hasn't met in 7 years” (July 28, 2012) <<http://hamptonroads.com/2012/07/va-beach-police-review-board-hasnt-met-7-years>>

separate entity from Internal Affairs and the police department is providing the appearance of neutrality and impartiality. Citizen complainants are not deterred from filing appeals, and the review process becomes a form of “democratic accountability” for resolving conflicts. While this model is often utilized because of its inexpensive administrative needs, a major drawback of this form of oversight is the lack of power afforded to the review committee. Without the investigative and subpoena powers necessary to engage in fully independent fact-finding, review boards such as the CRB in Charlotte must rely on the investigative reports developed by Internal Affairs and the goal of independent neutrality is compromised.

1. St. Paul, Minnesota

The Police-Civilian Internal Affairs Review Commission (PCIARC) in St. Paul, Minnesota consists of seven voting members who are charged with reviewing each complaint filed and subsequent investigation by Internal Affairs.¹¹ Rather than awaiting the Chief of Police’s initial disciplinary action, the PCIARC reviews each complaint and investigation, may hire an independent investigator and subpoena additional witnesses, and makes a disciplinary recommendation to the Chief of Police. When the PCIARC holds that a complaint is “sustained” and recommends disciplinary action, the standard for the ruling is “the allegation is supported by sufficient evidence to justify a reasonable conclusion of guilt.”¹²

This process is far different from Charlotte’s CRB in many ways. First, in Charlotte, citizen complaints are always initially investigated and determined by Internal Affairs and the Chief of Police. Our study does not propose changing that chain of command – as the Charlotte Police Department (CPD) has given adequate statistics to show that it effectively handles and

¹¹ St. Paul Minnesota, Code of Ordinances, Part III, Tit. V, Ch. 102 <http://library.municode.com/HTML/10061/level3/PTIIIADCO_TITVCOCO_CH102POVIINAFRECO.html#TOPTITLE>

¹² City of St. Paul, Police-Civilian Internal Affairs Review Commission: 2009 Annual Report. at 16. <<http://www.stpaul.gov/DocumentCenter/Home/View/13234>>

disposes of the majority of citizen complaints. However, the investigative and subpoena power afforded to PCIARC, and the lower procedural burden under a finding of “sustained” are positive tools that can aid Charlotte’s CRB in appearing independent and neutral from Internal Affairs and the CPD¹³.

St. Paul’s PCIARC’s active involvement in the case from the initial filing of the complaint is something we would like to mirror in Charlotte as a way to review and assess the internal investigations procedures of CPD. An important function of civilian oversight is the review and recommendations for broader policy and procedure reform. As stated in PCIARC’s annual report, the commission reviews complaints for excessive force, discrimination, poor public relations, improper procedures, and identifies patterns in summary data from complaint investigations.¹⁴ The PCIARC also has community meetings to educate the public about the review process and hear general public grievances and suggestions for policy reform. Additionally, PCIARC’s annual report provides easily accessible and readily understood information about the nature and number of complaints filed against the police, the dispositions of all complaints, and the instances when the Chief of Police disagreed with or changed the disciplinary recommendation.¹⁵

An interesting statistic, and one that reassures citizens of police accountability, is that the Chief of Police changed the disciplinary order from the PCIARC nine times in 2009 – eight of those nine instances were to change the PCIARC’s finding from “not sustained” to “sustained.” The accessibility of this information creates transparency that holds both the oversight committee and the police force accountable.

¹³ Addendum at 16-38(b), 16-39(b)

¹⁴ *Id.* at 10.

¹⁵ *Id.* at 17.

2. North Carolina Models

Durham's Civilian Police Review Board's (CPRB) sole function is to hear appeals from citizens who are dissatisfied with the initial determination by the Chief of Police.¹⁶ Although the CPRB has the power to issue recommendations to the Police Department regardless of a determination to hear a citizen appeal, the lack of information available to the public makes it virtually impossible for citizens to know if the Board actually reviews police policies and procedures. Similar to Charlotte, the CPRB is required to create annual reports on its activity, but this information is not readily accessible or visible to the public eye. Unlike Charlotte, Durham explicitly lays out what should be included in these annual reports: the nature and number of complaints, dispositions, information about board members, and any other information the Board deems relevant.

Similar to Charlotte, citizens in Durham must meet an unreasonably high procedural barrier before receiving a full hearing; the CPRB must find by a preponderance of the evidence that the police chief abused his discretion in making a disciplinary determination. In making this threshold determination, the CPRB reviews only a summary report of the case from the police department and the appeal request filled out by the complainant. The lack of in-depth information available to the CPRB at this stage, and lack of independent investigatory power coupled with the extremely high procedural burden make this threshold determination almost a mirror to the process of Charlotte's CRB.

The Winston-Salem Citizen Police Review Board is charged with hearing appeals of citizen complaints after an initial determination by the police.¹⁷ However, unlike Charlotte and Durham, the Winston-Salem Board receives a copy of each complaint filed regardless of a

¹⁶ Durham City Council, City of Durgam: Civilian Police Review Board Procedure Manual
<http://www.durhampolice.com/news/commendation_complaint.cfm>

¹⁷ Winston-Salem, North Carolina, Code of Ordinances, Pt III, Ch. 2, Art. III, Div. 3, Sec 2-101 – 2-113.

request for appeal.¹⁸ Though the ordinance outlining the procedures of the Board does not indicate any action taken upon receipt of the complaint, our proposed reform in Charlotte seeks to implement and extend this process for the CRB in order to allow the CRB to oversee Internal Affairs investigations and provide feedback on patterns and protocols of Internal Affairs.¹⁹ Upon notification of each complaint filed, a representative of the CRB should be actively involved in the entire investigation process.

A distinguishing characteristic of Winston-Salem's Citizen Police Review Board is that, upon completion of a full hearing of a citizen appeal, all findings of fact are sent directly to the City Manager who then makes the final disciplinary determination – taking the decision making process out of the hands of the Board. There is no indication that the Chief of Police will make the final disciplinary decision. While our proposed reform does not suggest taking the decision making power out of the hands of the Chief of Police or the CRB, we do propose that the City Manager have the authority to issue binding disciplinary orders on the Chief of Police in cases where disagreement arises between the recommendation of the CRB and the ultimate disciplinary decision of the Chief of Police.²⁰

The role of the Winston-Salem's Citizen Police Review Board is to act as an advisory committee to both the City Manager and the Public Safety Committee. The Board issues all of its findings of fact to the Public Safety Committee for informational purposes, assisting the committee in its duty to provide for the effective civil services of citizens in the community. This role as advisor to a policy-making body is an important addition that we seek to implement in Charlotte both by increasing communication between the CRB and City Council, and by

¹⁸ *Id.* at Sec 2-108(a)

¹⁹ Addendum at 16-37(a)

²⁰ Addendum at 16-39(l)-(m)

expanding the oversight function to include not only individual case-by-case complaints, but also broader policy and practice issues within the CPD.

Lastly, Greensboro's Complaint Review Committee (CRC) is composed of five appointed members, representing each of the five council districts, and two city residents selected by the Human Relations Commission (HRC).²¹ The HRC, Police Department, and City Attorney's Office provide specific trainings to ensure members have the core knowledge required for case review. Where the CRC differs from other Review and Appellate models in North Carolina is that citizens may file appeals directly with the CRC. The CRC will send the complaint to the Division of Professional Standards for investigation, and make a determination based on the results of the investigation.

If the CRC is satisfied with the investigation and determination of the complaint, it will close the case. If the CRC is not satisfied with the investigation it may request additional investigation to be performed by the Division of Professional Standards, meet with the complainant, or hold a conference with the Chief of Police. If the CRC and Chief of Police fail to resolve the conflict, the CRC can appeal to the City Manager for a final resolution.

B. Investigative and Quality Assurance

Because the review and appellate model can often be seen as inherently biased to the internal operations of the police force, many jurisdictions throughout the nation have adopted civilian oversight models that either entirely displace the investigative process of Internal Affairs²² or afford significant power to the oversight agency over Internal Affairs investigations.²³ Granting powers to the external agency to conduct investigations and subpoena

²¹ <http://www.greensboro-nc.gov/index.aspx?page=721#process>

²² Office of Citizen Complaints ("OCC") in San Francisco, CA, "Complaint Procedures" page. <<http://www.sfgov3.org/index.aspx?page=435>>; San Fran. Munic. Code § 4.127 (2011).

²³ Office of Professional Accountability ("OPA") of Seattle, Washington <<http://seattle.gov/police/OPA/about.htm>>

witnesses supports a community perception that the oversight agency is engaging in independent judgment on the merits of a complaint. The core responsibility of these types of oversight agencies is to assure the quality and integrity of individual investigations of citizen complaints.²⁴

While it is important to afford the CRB with investigatory and subpoena powers in order to ensure an even-handed forum for citizen complainants, there are two drawbacks to models focused solely on independent investigations; they require larger pools of resources and the focus on case-by-case investigations eclipses broader policy concerns. For these reasons, we do not propose that Charlotte create an independent investigatory agency to replace the CRB, rather to hire a single Investigations Manager to oversee investigations as they are completed by IA and to conduct independent investigation of complaints on appeal as requested by the CRB.²⁵

Seattle has taken a “Director” Approach to external investigatory powers and hired a civilian lawyer to head up oversight within the Internal Affairs unit called the Office of Professional Accountability (“OPA”).²⁶ This civilian OPA director reviews and classifies complaints into four general categories, and reviews weekly investigation reports to determine the sufficiency and completeness of investigations – requiring further investigation if deemed necessary. Upon a finding that investigations are complete, the Director of the OPA makes disciplinary recommendations to the Chief of Police. If a citizen complainant is unhappy with the outcome of his/her investigation, he/she may request further action, but no adversarial hearing or appeals process takes place. A response to a citizen request for appeal consists of the OPA director either refusing or granting further investigation into the complaint.

²⁴ See *Review of National Police Oversight Models for the Eugene Police Commission*, Police Assessment Resource Center, 14-17 (February 2005)
[http://www.parc.info/client_files/Eugene/Review%20of%20National%20Police%20Oversight%20Models%20\(Feb.%202005\).pdf](http://www.parc.info/client_files/Eugene/Review%20of%20National%20Police%20Oversight%20Models%20(Feb.%202005).pdf)

²⁵ Addendum at 16-34(a),(e) & 16-37(a)

²⁶ Seattle’s OPA homepage: <http://www.seattle.gov/police/OPA/process.htm>

While our proposed reform does establish a permanent position outside of the police department to oversee Internal Affairs investigations, we do not seek to displace the current CRB adversarial hearing opportunity for civilian complainants. Our proposed model follows the Review and Appellate model, grants independent investigatory and subpoena powers, and creates an oversight/auditor function within the CRB to review Internal Affairs investigations protocol.

C. Civilian Auditor Model

The Civilian Auditor model allows for a broader advisory role in citizen oversight committees. These models require low staff and thus are an efficient and low cost way to ensure effective police practices and policies. Rather than focusing solely on the content of each individual complaint, the auditor or “professional monitor” looks at the overarching complaint process, and serves to identify systemic failures in police procedures as a whole. Often called an “ombudsperson,” the auditor has access to all internal documentation, evidence, and investigative materials of Internal Affairs, and the end goal is more of an evaluative and performance based quality assurance. In addition to the broad perspective afforded through the auditor’s function, this model does not displace the internal processes of the police force. Rather, it reviews the procedures over time and identifies patterns and policies that can be altered to better serve the community and deter misconduct.

One drawback of this model is the public perception that auditors are working for the police and not for bridging the gap between law enforcement and the community. Because auditors’ primary interaction is with the police department and Internal Affairs, there is a lack of community outreach and participation. For this reason, we recommend that Charlotte create a position, as representative of the CRB, to engage in the Internal Affairs investigative process

from the initiation of a complaint, and to conduct independent investigation as needed in order to both identify patterns within IA, and to directly serve citizens in the complaint process.

Sacramento, CA, has established the Office of Public Safety and Accountability (OPSA) that monitors investigations of civilian complaints, evaluates the quality of internal procedures and protocols, and may conduct independent investigations to supplement inadequate internal investigations.²⁷ The primary role of the Director of the OPSA is to advise the police department and City Council of systemic failures and ideas for policy reform, and to closely track serious allegations of misconduct against the police department. The City of Sacramento avoids the perception of the Director working in cohorts with the Police Department by requiring the Director to act as a liaison with the community, and to publish annual findings of deficiencies and complaint results in order to promote accountability. Establishing open lines of communication between the oversight function and citizens is important to preserving the appearance of neutrality.

Portland, OR, has established an Independent Police Review (IPR) that can choose between referring citizen complaints to the Internal Affairs investigation process or taking on the investigation of complaints on its own.²⁸ The Director of the IPR is charged with independently reviewing the complaint process, investigation practices, and other data in order to advise the Chief of Police on how to improve procedures and prevent future issues.²⁹ Portland expands this auditing function with a Citizen Review Committee designed to establish workgroups that study particular policy reform recommendations from the Director of IPR and to communicate in the policy research phase with community stakeholders. This model closely resembles the audit

²⁷ http://www.cityofsacramento.org/opsa/documents/Purpose_Authority_Proceedures.pdf

²⁸ Administrative Rules Adopted by Bureau Pursuant to Rule-Making Authority: ARB-PSF-5.01
<http://www.portlandonline.com/auditor/index.cfm?c=27455&a=9030>

²⁹ Administrative Rule Adopted by Auditor's Office Pursuant to Rule-Making Authority: ARB-PSF-5.18 <
<http://www.portlandonline.com/auditor/index.cfm?c=27455&a=62444>>

function of the Investigations Manager and the broader policy recommendation function of the CRB that we seek to implement in reforming the Charlotte CRB.

III. Suggested Changes for Charlotte's Citizens Review Board

A fundamental concern in reforming the CRB should be to ensure adequate representation of Charlotte's communities, and require specific and thorough training of each member before serving on the Board.³⁰ Reducing the number of appointed Board members to seven, and requiring a representative from each district in Charlotte would ensure geographic representation, but other qualities such as profession, socio-economic status, and community involvement should be considered when electing members for the CRB. Additionally, sufficient legal, policy, and community sensitivity training should be required before service on the Board. Through our review of public records of past board members, there were many instances where the Citizens' Academy training was either not completed or not recorded – and no indication that other relevant legal training had been provided.

In order to ensure that Board members feel well-equipped to effectively hear citizen complaints and host public forums, unbiased legal training (from both prosecutors and defense attorneys) should be provided. Many complainants going through the appeals process are victims, and from our research it was apparent that the communications between citizens, police officers, and the Board did not provide an open, neutral, or receptive forum for complainants. In 2008, the Public Safety Committee set up a Criminal Justice Task Force and one of the many

³⁰ Addendum at 16-34(a)

problems that Task Force identified was the inadequate treatment of victims in criminal justice matters.³¹

In addition to the duties of the seven volunteer members of the CRB, our proposed reform adds two paid and permanent positions to the Board: an Investigations Manager and an Administrative Manager.³² To ensure the longevity of the oversight function, each of these positions is charged with ongoing review and assessment of both the CRB's activities and the internal procedures of the police department. The Investigations Manager serves both as an auditor of Internal Affairs Investigations and as an independent investigator to supplement the information about each complaint appealed to the CRB.³³ The Administrative Manager is charged with scheduling, securing locations, creating agendas, and taking minutes for CRB case-hearings and community forums.³⁴ Additionally, the Administrative Manager serves as the primary contact point between the community and the CRB, and the City Council/City Manager and the CRB, and maintains the CRB website, ensuring regular up-dates and accurate accounts of the CRB's activities. While these two positions ensure effective supervision for the longevity of the CRB, four specific procedural and substantive changes serve to build the community trust in both oversight and police polices.

A. Community Involvement

Community outreach is an important component of civilian oversight that ensures an oversight agency is responding to the concerns of citizens, not just in a closed adversarial hearing, but in an open forum where community interest groups, civic associations, tenant

³¹ Justice and Public Safety Task Force, November 2008
<http://www.centerforcommunitytransitions.org/images/Justice_and_Public_Safety_Task_Force_-_Final_Report.pdf>

³² Addendum at 16-34(a)

³³ Addendum at 16-37(a),(d) & 16-39(b)

³⁴ Addendum at 16-36(a)(2) & 16-41

organizations, businesses, churches, and other issue-oriented groups can educate and be educated about police policies and procedures.³⁵ Initiatives to increase citizen involvement can be used as a tool that fosters continuous dialog between residents of a community and its police force.

The Administrative Manager would be a paid position charged with acting as liaison between citizens, the police, the Board members, and the City Council. Scheduling open forum meetings where community organizations can attend and voice general grievances or concerns arising from CPD's interactions with the community is an important component to maintaining community trust.³⁶ Additionally, if CRB members have more exposure to citizen complainants on a broader spectrum of policy concerns then they are better able to spot recurring and legitimate complaints. Over time these open forums can be a valuable asset by keeping the city informed of community-police relations.

B. Independent Investigatory and Subpoena Power

While many models throughout the United States have adopted a complaint review process that bypasses the police department and is handled exclusively, from the initial filing of the complaint to the appeal process, by the oversight agency, we recognize Charlotte Mecklenburg Police Department's notable reputation for handling and resolving citizen complaints effectively. To implement and reinforce the mission of the CRB as a committee dedicated to the maintenance and continuing longevity of quality law enforcement practices, the method of oversight used should involve both proactive and reactive mechanisms that ensure thoroughness in investigations of individual complaints and constant reinforcement of accountability. The role of an Investigations Manager would serve both as an auditor of the Internal Affairs investigation procedures and as an independent investigator when appeals are

³⁵ Stephen Clarke, *Arrested Oversight: A comparative analysis and case study of how civilian oversight of police should function and how it fails*, 43 COLUM. J.L. & SOC. PROBS. 1, 35 (2009). Kim, *supra* note 1, at 483.

³⁶ Addendum at 16-41

actually filed with the CRB.³⁷ As an auditor overseeing the general process of IA investigations for each complaint, the Investigations Manager can proactively identify negative patterns and inconsistencies and make recommendations to improve broader policies.

Independent investigatory powers, such as those granted to the Civil Service Board³⁸, are vital to creating the public perception that a civilian oversight committee is neutral and independent from law enforcement. This appearance of neutrality is central to assuring that citizens are not hindered from seeking recourse for alleged misconduct, and to providing thorough feedback and assessments to the law enforcement agency of its policies and procedures. Citizens should not fear that the reviewers of important social issues will not operate independently from the police department. One complainant interviewed during our research stated that she felt the Board members were not interested in making any decision against the police, that she was unsure of whether the Board was actually working *with the police* and that if a citizen wants an impartial hearing they are better off “bringing in somebody from out of town.” This perception can be corrected by giving the CRB the power to compel discovery, subpoena witnesses, and investigate independently from the Internal Affairs office. With this necessary authority, supported by the command of law, members of the CRB will be empowered to conduct more thorough and impartial hearings.

C. Lowering the Procedural Burden

The changes that must come in reforming the CRB’s general procedures is to 1) lower the threshold burden that complainants must meet before receiving a full hearing before the board, and 2) refocusing the standard from the actions (or abuse of discretion) of the Chief of Police to

³⁷ Addendum at 16-37(a) & 16-39(b)

³⁸ Charlotte Charter, Ch. 4, Art III § 4.61 (j)

whether or not actual misconduct was likely to have occurred.³⁹ As the ordinance currently stands, complainants will not and cannot receive a full hearing on the merits of their complaint unless they prove “by a preponderance of the evidence” that the Police Chief “abused his discretion” in applying the contested disciplinary action.

1. From Preponderance of the Evidence to “Reasonable Cause to Believe”

At the initial hearing phase of the Complaint Appeal process, the information available to the CRB is limited, and complainants have not been afforded the opportunity to engage in discovery or present a fully developed array of evidence to support their complaint. Under the ordinance, the CRB looks at a summary of the investigative report from the Chief of Police and the complaint to make this initial determination. In practice, the CRB may hear testimony from all involved actors representing the Police force and from the complainant before making this initial determination. The imbalance of evidence presented to the Board at this stage, and the significantly greater weight of representation for the police force creates an adversarial atmosphere that is inherently biased – and makes the burden of “preponderance of the evidence” an unlikely one for the complainant to meet.

The Community Relations Committee (“CRC”) makes final determinations of citizen complaints based on this same standard.⁴⁰ Additionally, the Civil Service Board (“CSB”) (a Board designed to hear appeals made by police officers of internal disciplinary decisions) does not require a preponderance of the evidence.⁴¹ By lowering the threshold burden to reasonable cause to believe the CRB can ensure that citizens are afforded an adequate and equal opportunity to receive a full adversarial hearing on the merits of the complaint.

³⁹ Addendum at 16-36(a)4, 16-38(b), 16-39(k)

⁴⁰ Charlotte Code of Ordinances Art II Sec. 12-30 “Complaint Procedure”: (“whether reasonable cause to believe that the respondent violated...”)

⁴¹ Charlotte Code of Ordinances Art III Sec. 4.61

2. Shift Focus from “Abuse of Discretion” to “Whether Misconduct Occurred”

The current focus of the CRB’s initial and final disposition of complaints is on the disciplinary decision of the Chief of Police. This misplaced standard of “abuse of discretion” prohibits the effective function of the CRB for two reasons: 1) an abuse of discretion standard is an unreasonably high standard for citizens to meet and is rarely met even in a court of law, and 2) the decision by the CRB should be an independent review of the merits of the complaint rather than an assessment of the discretionary authority of the Chief of Police. The standard must be changed from “abuse of discretion” to “whether actual misconduct occurred.”⁴²

By focusing on the alleged conduct of the subject officer, the CRB is more likely to focus on the underlying merits (the conduct in question) of the complaint. Many oversight commissions (including the CRC and CSB in Charlotte) focus on the reasonableness of the evidence in support of the underlying conduct or allegations in question.⁴³ The Chief’s discretionary authority should only become relevant once the CRB has made a final disposition of the complaint and a conflict arises between the recommendation made by the CRB and the disciplinary action taken by the Chief of Police. At this point the City Manager may resolve the conflict on his own or by a request from the CRB (by majority vote).⁴⁴ The City Manager may either compel the Chief of Police to follow the disciplinary recommendation or agree with the disciplinary action taken by the Chief.

D. Transparency and Accessibility Lead to Accountability

The city should make three changes. First, As indicated by the public outcry at the City Council meeting on April 1st and through our discussions with former complainants and

⁴² Addendum at 16-36(a)4, 16-38(b) & 16-39(k)

⁴³ R U L E S of the BOARD OF FIRE AND POLICE COMMISSIONERS CITY OF MILWAUKEE, XVI-4 <<http://city.milwaukee.gov/ImageLibrary/Groups/cityFPC/Rules/FPCRrules.pdf>>; Charter of New York, Sec, 440 (c) < http://72.0.151.116/nyc/Charter/Charter_Chapter18-aSection%20440.asp>

⁴⁴ Addendum at 16-39(l),(m) & 16-40

members of the community, there is not enough information readily available about the CRB. Currently, the website consists of a short paragraph stating how many members are on the Board (not by name) and the general duties of the board.⁴⁵ On the Charlotte Police Department website, entirely separate from the city website where the paragraph about the CRB is located, a Q & A describes the general process of filing a complaint and how the appeals process with the CRB works. All information pertaining to the CRB and complaint and appeals process should be located together on a separately maintained webpage.⁴⁶ Information should include and not be limited to plain language illustrations of how the process works, expectations of what amount of detail should be included in a complaint in order to receive a full hearing, statistical and historical data about the nature, number, disposition, and final disciplinary action of complaints, and the names and occupations of all CRB members as well as the point of contact for community members.⁴⁷

Second, in order to assist the Board and the public in evaluating this information, it is important that the Board maintain sufficiently detailed records of its hearings. After reviewing the Board's meeting minutes obtained from the Clinic's public records request, it is apparent that the Board's boiler plate language used to document hearings violates North Carolina State law for two reasons. First, the Board must make a public motion to enter the closed session, and must cite the specific statute or law that protects the information from public disclosure. The limited purposes for entering into a closed meeting are set forth in N.C. Gen. Stat. § 143-318.11(a)(1)-

⁴⁵ <http://charmeck.org/city/charlotte/CityClerk/BoardsandCommissions/Pages/Boards.aspx>

⁴⁶ Addendum at 16-42

⁴⁷ New York City < <http://www.nyc.gov/html/ccrb/html/history.html>>; Miami, FL < <http://www.ci.miami.fl.us/cip/pages/>>; Portland, OR < <http://www.portlandonline.com/auditor/index.cfm?c=26646>>; Milwaukee, WI < <http://city.milwaukee.gov/fpc>>; Boise, ID < <http://www.boiseombudsman.org/>>; D.C. < <http://policecomplaints.dc.gov>>

(9). The current meeting minutes do not demonstrate that the Board strictly complies with this mandate.

Second, the closed meeting minutes fail to adequately document the business discussed during the closed session. Pursuant to N.C. Gen. Stat §143-318.10(e), even closed session meetings must be recorded fully and accurately so that a “person not in attendance would have a reasonable understanding of what transpired.” The language used in the documented minutes of the Board’s closed hearings do not illustrate the nature of the complaint, the number of parties involved, the degree of deliberation amongst Board members, or the specific statute allowing for a closed session. To ensure the accurate record-keeping, compliance with the open meetings law and to create useful data for assessing the effectiveness of the Board it is important that all minutes, including closed session meeting minutes, maintained contain the requisite degree of detail.

Third, annual reports which the CRB compiles should be comprehensive and readily available to the public – as well as used by the Public Safety Committee when assessing and reforming policy. By outlining the specific reporting requirements of the CRB to include more detailed and expansive information about the complaint process, and increasing accessibility of the information to the general public, the city can create transparency of official practices that leads to a public perception of municipal accountability and an increase in public trust and respect for city officials.

IV. Conclusion

With the review and stakeholder process, Charlotte has the opportunity change the structure of the Board in a meaningful manner by lowering the pre-hearing burden from

preponderance of evidence to probable cause, shifting the focus of the Board's inquiry to whether the complained of conduct occurred, providing the Board with investigatory powers complete with compulsory process and taking concrete steps to increase the Board's transparency. Making these changes balances the stakeholders' interests, fosters community trust in the police department, provides residents an appropriate forum to air grievances, and assures independent oversight of the police department.

Attached is the Clinic's proposed amended ordinance with changes underlined. The Clinic appreciates the opportunity to participate in this process and looks forward to working with all interested parties in the future.

ADDENDUM: REFORMED ORDINANCE

Revision to Ordinance No. 849

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF THE CITY OF CHARLOTTE BY THE REVISION TO AN ORDINANCE CREATING A CITIZENS REVIEW BOARD.

WHEREAS, City Council finds that the citizens of the City of Charlotte have an interest in ensuring the thoroughness and fairness of the Charlotte-Mecklenburg Police Department disciplinary process through an official oversight committee dedicated to transparency and community participation; and

WHEREAS, City Counsel finds that the City had broad authority to adopt such an ordinance pursuant to the powers granted under Chapter 160A of the North Carolina General Statutes and confirmed and extended by the Supreme Court of North Carolina in Homebuilders Association of Charlotte v. City of Charlotte, 336 N.C. 37 (1994); and

WHEREAS, City Council finds that under the authority of N.C.G.S. 160A-168(c)(7), the City Manager may, with the concurrence of the City Council, release information concerning the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action provided that before releasing the information, the City Manager or Council shall determine in writing that the release is essential to the maintaining of public confidence in the administration of city services or to maintaining the quality and level of city services.

Section 16-34: Creation; composition; terms; training; compensation; appointments; vacancies; removal.

- a. The Citizens Review Board shall be composed of nine (9) members; three (3) members to be appointed by City Council, two (2) members by the Mayor, three (2) to be appointed by the City Manager, and two (2) shall be hired: one (1) to act as Administrative Manager and one (1) to act as Investigations Manager for the Committee.
 1. The appointing authorities shall ensure that each of the seven (7) districts in Charlotte are represented
 2. Seven (7) appointed members shall serve without compensation for a three year term, with no member serving more than two (2) consecutive terms.
 3. Two (2) paid members (Investigations Manager and Administrative Manager) will serve on salary basis with no limitation on the term served.
 4. All nine (9) members must remain domiciled within Mecklenburg County and must be registered to vote in the County during the entirety of their term.
 5. The Board shall select a Chairperson and a Vice-Chairperson from membership. When a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.
- b. Training Required:
 1. All members shall successfully complete the Charlotte-Mecklenburg Police Department's Citizen's Academy and participate in one ride-along before serving on the Board.
 2. All members shall receive relevant legal training including:
 - N.C. public record and meeting laws
 - Confidentiality requirements
 - State & Local peace officer laws
 - Victim sensitivity training
 - Case law regarding 4th amendment search and seizure, rights of arrested, etc.

- Criminal Justice System and process: including standards of proof and review
- 3. Trainings must be provided by both public defenders and city attorneys or prosecutors, and may be provided by public interest organizations.
- 4. Every three (3) years the Board will either attend the National Association for Civilian Oversight of Law Enforcement's (NACOLE) annual Conference, or schedule a training for a NACOLE officer to travel to Charlotte.
- c. Disqualifying Factors:
 1. No person with a Class A1 misdemeanor conviction shall be eligible to serve.
 2. Individuals with a Class 1 or Class 2 misdemeanor conviction within three (3) years of their nomination for appointment shall be ineligible.
 3. Conviction of or plea of nolo contendere, to a felony, a Class A1, Class 1, or Class 2 misdemeanor during term of office shall automatically terminate membership on the Board, irrespective of any appeals. Board members charged with a felony, a Class A1 misdemeanor, or a Class 2 misdemeanor during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership.
 4. No spouse of a current police officer shall serve on the Board
- d. Qualifications for Administrative Manager
 1. Five years experience in administrative duties with information technology expertise. Strong organizational skills and management experience.
 2. Strong written and oral communication skills. Ability to communicate regularly with diverse populations throughout community, initiate community outreach efforts, compile written reports and summaries in language easily understood by the average citizen.
- e. Qualifications for Investigations Manager
 1. Bachelor of Arts/Science or equivalent degree
 2. Five years experience conducting civil, criminal or factual investigations. Knowledge of relevant criminal justice procedures, legal rules, and Internal Affairs protocols. Ability to oversee, review, and independently conduct investigations.
 3. Strong written and oral communication skills. Ability to communicate with individuals from a variety of cultural and socio economic backgrounds, and to provide clear, concise and well-organized written reports

Section 16-35 Meetings; quorum

The Citizens Review Board shall hold regular meetings no less than once every two months. Members are required to attend all hearings, business meetings and community forums in accordance with the attendance policies promulgated by the City Council. The affirmative vote of a majority, a quorum of five (5) members being present, shall be required before any recommendation is made on any matter considered. A majority vote shall be required for any decision made by the board. Special meetings may be called by the Chairperson, the Investigations Manager, or the Administrative Manager to carry out any duties described in Section 16-36 by giving each member notice in writing or by providing personal notice, or by leaving notice at the members residence not more than 72 hours prior to the time set for the meeting.

Section 16-36. Duties and Responsibilities

- a. The board's responsibilities are as follows

1. Serve as an advisory board for the Chief of Police, City Manager, and the City Council on matters relating to general police practices and community relations with the criminal justice system.
2. Review public grievances and establish community forums for discussion of general law enforcement policies and protocols.
3. Review appeals filed by citizens who filed complaints with Internal Affairs and are unsatisfied with the Chief of Police's disciplinary action relating to the allegations of misconduct against a sworn police officer. The Board may hear appeals of complaints regarding alleged violations of the following rules: use of force, unbecoming conduct, arrest, search and seizure. In addition, the disposition of the review of any discharge of a firearm by an officer which results in the death or injury of a person may be appealed to this Board by the person injured or the next of kin in the event of a death. When a death results and there is no next of kin, any member of City Council or the Chairman of the Community Relations Committee may file an appeal pursuant to Section 16-37. The disciplinary actions that may be reviewed shall include the findings of the Chief of Police that an allegation has been categorized as: sustained, not sustained, exonerated, unfounded, or information file. The dispositions that may be reviewed for discharges of firearms shall include: justified, not justified, or accidental. The Board may not review appeals of decisions of the City Manager or Civil Service Board. Alternatively, the Civil Service Board may not hear appeals from disciplinary actions taken as a result of findings of the Citizen's Review Board
4. Determines whether to hold an appeals hearing. Each appeal shall be assigned to 2-3 members of the CRB, and if those members determine by reviewing the allegations in the complaint, and a complete file of Internal Investigations that it **is reasonable to believe that misconduct may have occurred**, then those members will present to the Board for a vote. If the majority agrees, the Board will hold a full appeals hearing. If majority determines more information is required, the Board may conduct independent investigation pursuant to the powers granted in section 16-37. If majority finds no reason to believe that misconduct occurred, it must provide written notice to the complainant and the Police Department stating reasons for refusal to afford a hearing. A copy of this written notice shall be filed with the rest of the case information by the Administrative Manager within the CRB's records.
5. Conduct Appeals hearings, which include receiving and evaluating the complete investigation files from Internal Affairs, independent investigation of all relevant documents, witnesses, and reports, and issuing findings of fact regarding the alleged misconduct of the subject police officer. The duty and power of the Board is to conduct a full adversarial appeals hearing and to determine whether by a preponderance of the evidence, it is apparent that the misconduct occurred.
6. Upon a disposition by the CRB that misconduct has occurred, the Board has the duty and power to advise the Chief of Police of recommended disciplinary action, and upon failure of the Chief of Police to abide by that recommendation, the Board may, by majority vote, request for the City Manager to issue a final disciplinary order.
7. As required by state law, board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. Pursuant to N.C.G.S. 160A-168(c)(7), the City Manager may permit release of personnel files if determines essential to maintaining public confidence in administration of city services. Board members shall be required to execute and adhere to a Confidentiality Agreement that is satisfactory to the City.

8. An annual report of the number of complaints in city, number of appeals filed, number of appeals turned away at initial hearing, number of appeals afforded a full hearing, disposition of those full hearings, the nature of each complaint (involving use of force, unbecoming conduct, arrest, search and seizure, or discharge of a firearm) will be published on the CRB website.
- b. The Citizens Review Board shall promulgate rules and regulations to effect its exercise of authority under this division, and shall keep such rules and regulations in its own records and on file with the City Clerk.

Section 16-37 Initiation of Appeal Procedure

- a. All complaints will be initially filed and investigated by the Police Department. The Citizens Review Board will be notified of each complaint filed with the police department, and the Investigations Manager will oversee and review the Investigation Conducted by Internal Affairs.
- b. Upon completion of an investigation, the Chief of Police shall, consistent with state law, notify the complainant by certified letter of the disposition of the complaint. This letter shall, in specific and plain language, inform the complainant of his or her right to appeal to the Citizens Review Board, explain the appeals process in full including what is required in order for an appeal to receive a full hearing, provide current contact information of the Administrative Manager, inform the citizen of his or her ability to seek the assistance of the Community Relations Committee in drafting and filing his or her appeal, and inform the citizen of his or her right to an attorney.
- c. All appeals to the Citizens Review Board must be mailed in writing to the Administrative Manager of the CRB, stating the reason for the appeal and the nature of the incident within fourteen (14) business days of receiving written notice of the Chief of Police's disposition of the complaint. The appeal must contain sufficient detail and factual allegations to establish probable cause that misconduct occurred in order to receive a full appeals hearing. The citizen must provide a valid current address and phone number for the purpose of all notifications required to be made pursuant to this ordinance. The Administrative Manager shall keep one copy of the appeal for the Board's recordkeeping, and file another copy of the appeal with the City Clerk.
- d. Upon receiving a request for an appeals hearing, the Investigations Manager shall request the Chief of Police to prepare a summary of the case, and shall compel disclosure of any Internal Investigations files relevant to the subject of the appeal as requested by the members of the Board.

Section 16-38. Necessity for a Hearing

- a. Upon receiving request for an appeals hearing, a meeting of the Board will be held in fourteen (14) calendar days.
- b. Three members of the Board will be assigned the appeal, will review the complaint, appeal form, and summary of investigation in closed session, and request further investigation as deemed necessary. If the three members determine there is sufficient evidence to support **reasonable cause to believe that the alleged misconduct occurred**, they shall submit the appeal to the entire Board and, only if a majority of the Board agrees, will the Board afford a full hearing. If the majority finds no reasonable cause, it must provide written notice to the complainant and the Police Department within seven (7) business days stating specific reasons for refusal to afford a hearing. A copy of this written notice shall be filed with the rest of the case information by the Administrative Manager within the CRB's records.
- c. In a public session, the Chairperson shall indicate whether the Board has decided to hold a hearing and if so, shall announce the date, time and place of the hearing. The Chairperson shall

notify the complainant and other involved parties in writing of the decision and, if a hearing is to be held, also shall advise all parties in writing of the reasons for the decision to hold a hearing.

Section 16-39. Hearing Procedures.

- a. If the Board decides to conduct a full hearing, it shall be concluded within sixty (60) calendar days of the decision to hold a hearing. Should the complainant or Department desire a hearing date other than that set by the Board, they shall submit a written request for a change of hearing date, stating the reason for the request. The Administrative Manager shall approve or disapprove of the request provided that such request is received by the Board at least seven (7) days prior to the date of the hearing. For good cause, the Administrative Manager, Investigations Manager, or Chairperson may continue the hearing from time to time, but all appeals must be concluded within no more than 90 days of the decision to hold an appeals hearing.
- b. The Investigations Manager shall compel discovery of all relevant documentation developed by Internal Affairs and the police department during the investigation process, and shall conduct independent investigation as needed during the appeals process. The Investigations Manager shall have the power and authority to subpoena witnesses, officers, or complainants for depositions and interviews.
- c. All witnesses must testify under oath.
- d. All parties involved have the right, and shall be informed of that right to be represented by counsel.
- e. The complainant shall have the right to compel discovery, subject to the limitations set out in the public records laws (160A-168(c)(7)).
- f. All hearings shall be conducted in closed session, but shall be recorded. Minutes of each hearing shall describe the nature of the complaint, the number of witnesses presented, a general description of the proceedings, the vote-count of the disposition, and the recommended disciplinary action or lack thereof that results. All minutes shall be filed in the Board's records by the Administrative Manager.
- g. The complainant shall offer evidence first in support of his or her appeal. The Department and officers shall have the right to cross-examine the complainant and his or her witnesses.
- h. The Department shall then offer its evidence and the complainant shall have the right to cross-examine its witnesses. In addition, the complainant shall have the right to cross-examine the subject officer of the complaint.
- i. Members of the Board may question witnesses or request additional information or further investigation at any point in the process.
- j. Members, who in a particular case have a conflict of interest, shall not attend nor participate in the hearing and decision-making process.
- k. Within ten (10) calendar days after the conclusion of the hearing, the Board shall issue its written findings of fact along with its recommendation for disciplinary action to the Chief of Police, the City Manager and the Complainant. The Board must find that a preponderance of the evidence supports that the alleged misconduct did occur in order to find for the complainant.
- l. The Board shall have the power, by majority vote, to request the City Manager to issue a final disciplinary order that is binding if the Chief of Police refuses to comply with the Board's initial disciplinary recommendation.
- m. The City Manager shall have the authority and power to issue a final disciplinary order on the Chief of Police on his own, without the request of the Board.

Section 16-40 Action by the Chief of Police and City Manager

- a. The Chief of Police shall review the findings of fact of the Citizens Review Board and any other information at his or her disposal. The Chief of Police shall, in accordance with the recommendation of the CRB and consistent with state law and city policy, take such action as he or she deems appropriate. Within seven (7) calendar days of the receipt of the Board's recommendations, the Chief of Police shall report his or her decision to the City Manager and the CRB.
- b. The City Manager shall review the decision of the Chief of Police and within ten (10) calendar days of the receipt of the decision of the Chief of Police, take such action as he or she deems appropriate, consistent with state law, and shall advise the Chief of Police and the CRB of any intended action.
- c. The Citizens Review Board shall review the decision of the Chief of Police and shall have the power, by majority vote, to request that the City Manager issue a final disciplinary order on the Chief of Police. The Board must notify the City Manager and the Chief of Police of its decision or intended action within ten (10) days of receipt of the Chief of Police's decision. A copy of this notice shall be recorded by the Administrative Manager within the CRB records.
- d. The City Manager shall notify all parties, including the CRB, Chief of Police, citizen complainant, and the members of City Council, of the ultimate disciplinary decision of the Chief of Police. Notification to all parties must take place within seven (7) calendar days of the receipt of either the City Manager's decision or the CRB's decision to compel or accept a disciplinary decision of the Chief of Police.

Section 16-41 Administrative Manager Duties;

- a. The Administrative Manager shall act as Secretary to the Board, shall keep the minutes of its meetings, shall be custodian of all papers and records pertaining to the business of the Board, and shall perform such other duties as the Board may require.
- b. The Administrative Manager shall file all appeals, dispositions, and ultimate disciplinary decisions with the City Clerk as well as retaining a copy within the CRB records.
- c. The Administrative Manager shall schedule, keep track of, and participate in annual trainings, public forum meetings, business meetings, and stakeholder meetings.
- d. The Administrative Manager shall maintain the CRB's website, ensuring annual reports are compiled and published, graphical statistics of the types of complaints heard and their dispositions are displayed, information about Board members including name, profession, district, and year of term are accessible to the public, current contact information for the Administrative Manager and Investigations Manager is accurate and accessible, plain language and accessible description of the Appeals process is accessible in both English and Spanish, and the requirements for an appeal to receive a full hearing are plainly spelled out.
- e. The City Council and City Clerk shall provide sufficient and reasonable rooms and use of public buildings for meetings and hearings of the Board as may be necessary.
- f. The Board will not conduct hearings or meetings in any venue where law enforcement business is conducted. In addition, the Board and Administrative Manager will employ reasonable efforts to hold meetings in a variety of geographic areas in Mecklenburg County so as to make a forum accessible to a wider public audience.
- g. The Administrative Manager shall post upcoming meeting times and locations, agendas, and invitation for community stakeholder participation on the CRB's website.

Section 16-42 Reports.

- a. The Board shall make a semi-annual and annual report of its actions for each preceding year. The content of these reports shall include

1. The number of complaints filed with the Police Department.
 2. The number of appeals made to the Citizens Review Board.
 3. The nature of each complaint that was appealed.
 4. The number of appeals afforded a full hearing before the Board.
 5. The disposition, including the vote-count, of the complaint accompanied by the Board's disciplinary recommendation.
 6. The number of instances when the Chief of Police did not follow the disciplinary recommendation of the CRB.
 7. The number of instances when the CRB requested for the City Manager to make a binding disciplinary action on the Chief of Police.
 8. The number of instances where the City Manager had to compel disciplinary action of the Chief of Police.
 9. The number and nature of general police policy and protocol grievances filed with the board.
 10. The identified community stakeholders who participate in community forums with the Board.
- b. These reports shall be published on the Board's website and kept in the files of the Board, and the Administrative Manager shall deliver a copy to the Chief of Police, the City Manager, City Council, Community Relations Committee, and filed with the City Clerk.