

# **Local Law No. 3 of 2021 Establishing Community Police Review Board**

## **Chapter 6**

**[HISTORY; Adopted by the Village Board of Trustees of Village of Bainbridge as indicated in article histories. Amendments noted where applicable.]**

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#### **§ 6-1 Purpose.**

- A. The Village of Bainbridge Board of Trustees declares that any abuse of authority toward any person, has no place in the actions, customs, practices, policies or procedures of the Village of Bainbridge.
- B. The purpose of this chapter is to create an independent review body with respect to complaints of misconduct by officers of the Bainbridge Police Department, to improve communication between the Police Department and the community, increase police accountability and credibility with the public and to create a complaint review process that is free from bias and informed of actual police practices.

## **§ 6-2 Definitions.**

BPD—Bainbridge Police Department

CHIEF – the Chief of Police of the Bainbridge Police Department.

COMPLAINT—a written statement concerning police conduct which is filed with the Bainbridge Police Department.

CPRB—The Civilian Police Review Board.

OFFICER – any sworn police officer of the Bainbridge Police Department.

VILLAGE BOARD – the Village Board of Trustees

## **§ 6-3 Establishment and Jurisdiction**

- A. There is hereby established an independent office of the municipal government to be known as the Village of Bainbridge Civilian Police Review Board (CPRB).
- B. The CPRB shall be independent of the BPD and the Village Board and separate from other local, state, and federal law enforcement agencies.
- C. The CPRB shall have the power to review and recommend changes to BPD policies and procedures. The Chief of Police shall have the immediate direction and control of the BPD in the administration of the rules, bylaws and regulations of the Department.
- D. The CPRB shall act as community liaison to the BPD, actively fostering positive communication between police and all segments of the community. It shall make provisions for resolving complaints by citizens related to the delivery of police services.
- E. **Community Outreach.** The CPRB shall inform the public about its duties. It shall develop and administer an ongoing program for the education of the public as to the mission and purposes of the CPRB, including but not limited to the use social media and pamphlets.

## **§ 6-4 Board Composition, Appointment, Vacancy, and Removal**

- A. The CPRB shall consist of three (3) members appointed by the Mayor and confirmed by resolution of the Village Board.

- B. Members of the CPRB shall reflect the Village's diverse community, including, but not limited to: age, race, creed, color, national origin, gender, gender identity or expression, sexual orientation, disability, marital status and source of income.
- C. CPRB appointment restriction: A CPRB member may not be a former law enforcement employee unless retired more than 3 years from such employment.
- D. CPRB members will serve staggered terms of 3 years, provided, however, that of members initially appointed, one shall be for a term of one year; one shall be for a term of two years; and one shall be for a term of three years.
- E. CPRB members must be residents of the Village at the time of appointment, unless waived by request of the Mayor and approved by the Village Board.
- F. The CPRB members shall serve without salary.
- G. Appointment of Members shall begin no later than 60 days following Board approval and filing of this legislation.
- H. The first term of the initial CPRB commences when all 3 CPRB members are appointed and ends on the following June 30<sup>th</sup>.
- I. Except for the initial CPRB, terms for newly appointed CPRB Members shall begin on July 1<sup>st</sup> and end on June 30<sup>th</sup>.
- J. Annually, the Members of the CPRB shall elect from their membership a member to serve as Chairperson.

### **§ 6-5 Removal of CPRB members; filling of Vacancies.**

- A. CPRB Members may be removed from the CPRB at any time for cause, by resolution of the Village Board. Any vacancy occasioned by resignation, death or removal of a member shall be filled within 60 days by appointment of the Mayor, subject to Village Board approval, to complete the remainder of the term.
- B. One member of the Village Board shall be appointed by the Mayor to serve as liaison to the CPRB.

### **§ 6-6 Quorum**

- A. Two members of the CPRB shall constitute a quorum. Two affirmative votes shall be required for any action.

## **§ 6-7 Meetings**

- A. The initial meeting of the CPRB will be held no later than 30 days of the completion of the initial CPRB appointments. The initial CPRB will establish the manner of calling and giving notice of its meetings.
- B. The CPRB will meet at least annually by notice of the Chairperson not later than Dec 31<sup>st</sup> of each year.
- C. The CPRB shall conduct its meetings in accordance with the Open Meetings law.

## **§ 6-8 Member Responsibilities**

CPRB member shall:

- A. Maintain absolute confidentiality with respect to confidential or privileged information it receives.
- B. Obey all laws respecting individuals' rights of privacy and confidentiality of records.
- C. Not remove any Police Department records or files from the Village offices.
- D. Excuse themselves from participating in the review of any complaint in which they have a personal, professional or financial conflict of interest.
- E. Conduct themselves at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of the CPRB.

## **§ 6-9 Filing of Complaints**

Complaints concerning police conduct shall be filed with the BPD as provided in this section.

- A. Complaints shall be lodged in writing using the Bainbridge Police Department (BPD) Complaint Form. Complaint forms shall be available at the BPD office, the Village Clerk's Office, and on the Village's website.
- B. A confidential copy of each complaint submitted to the BPD shall be provided to the CPRB within five working days of receipt by the BPD.

## **§ 6-10 Review of Complaints**

CPRB review of complaints shall proceed as provided in this section:

- A. The Chief shall investigate every complaint filed and notify the CPRB the status of the investigation of each complaint on a timely basis.
- B. The Chief shall begin its investigation of each complaint immediately upon receipt of the complaint. If the Chief fails to conclude its investigation within 60 days of receipt of the complaint, the Chief shall advise the CPRB in writing of the status of the investigation and the estimated time for the conclusion of the investigation.
- C. Within 10 working days of the conclusion of the investigation, the Chief of Police shall submit a preliminary report of the Department's findings to the CPRB.
- D. After review and deliberation of the preliminary report of the BPD, the CPRB shall render its recommendations to the Village Board of Trustees pursuant to § 6-11 of this local law.

### **§ 6-11 Recommendations of the CPRB.**

- A. The CPRB, after review and deliberation of a preliminary report of the BPD, shall, by majority vote, make one of the following recommendations:
  - (1) Where the preliminary report discloses sufficient facts to support the allegations made in the complaint, the CPRB shall recommend to the Village Board of Trustees that further action be taken on the complaint, by the Village Board of Trustees; or
  - (2) Where the preliminary report fails to disclose sufficient facts to support the allegation made in the complaint, the CPRB shall recommend to the Village Board of Trustees that the complaint be dismissed, by the Village Board of Trustees.
- B. If the CPRB fails to render its recommendations within 60 days of its receipt of the preliminary report of the BPD, then the matter shall be returned to the Chief for disposition.

### **§ 6-12 Suspension of Proceedings**

The Village Board of Trustees may suspend the CPRB review of any complaint where a separate criminal investigation is underway or where a civil action against the Village is underway or pending.