

FILE A COMPLAINT WITH THE COMMUNITY POLICE ADVISORY REVIEW BOARD

PROCEDURES FOR REVIEW OF CITIZEN COMPLAINTS

Introduction

The Community Police Advisory Review Board was established by Mayor and Council by ordinance on March 24, 1997. A major goal of the Board is to promote public confidence in the fairness and integrity of the Tucson Police Department's investigation of citizen complaints by opening such investigations to public review and comment. The following are procedures for reviewing police investigations conducted in response to citizen complaints. These policies and procedures state how the Board will govern itself with respect to fulfilling its duties under the ordinance and in accordance with Tucson Code Section 10A-136.

Section 1 – Board Authority Related to Citizen Complaints

1.1. The Board is authorized to:

- 1.1.1. Refer citizens who wish to file complaints against the Tucson Police Department to the Office of Internal Affairs or to the Independent Police Auditor.
- 1.1.2. Review investigations conducted by the Office of Internal Affairs in response to citizen complaints.
- 1.1.3. Comment on the fairness and thoroughness of investigations conducted by the Office of Internal Affairs.
- 1.1.4. Request the Independent Police Auditor to monitor particular citizen complaints that have been filed with the Office of Internal Affairs.
- 1.1.5. Request a review of actions taken by the Independent Police Auditor on citizen complaints.
- 1.1.6. Provide comment and recommendations on the citizen complaint review process.
- 1.1.7. Provide comment and recommendations on Tucson Police Department policy, procedure, and practice.

1.2. The Board is not authorized to:

- 1.2.1. Review or comment on the investigation of a citizen complaint where criminal charges are under investigation or pending until the case has reached a final disposition, except in those instances where the police department has determined that the citizen complaint is not related to the investigation or prosecution of the criminal charge against the citizen and has completed action on the citizen complaint.
- 1.2.2. Conduct any activity that could be construed as quasi-judicial review of police actions.
- 1.2.3. Conduct independent investigations of citizen complaints.
- 1.2.4. Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal investigations.
- 1.2.5. Disseminate records, investigations, or other information it has obtained from the Tucson Police Department.

Section 2 – Complaint Referral

- 2.1. A citizen who has a complaint against the Tucson Police Department shall be referred to either the Office of Internal Affairs or to the Independent Police Auditor to initiate a complaint.
- 2.2. The Board's Chair shall keep a log of the name, address, and telephone number of persons referred to the Office of Internal Affairs or to the Independent Police Auditor.
- 2.3. Board members shall notify the Board, at its regular monthly meeting, when making referrals.
- 2.4. When making referrals, Board members shall advise citizens of the Board's review process.
- 2.5. Within thirty days of initial contact, the Board will inform the citizen of the Board's action.

Section 3 – Case Review

- 3.1. The Board may review completed investigation of citizen complaints.

- 3.2. Only the citizen who filed the original complaint may request review by the Board. If the citizen is a minor or lacks legal capacity, the parent or guardian may make the request.
- 3.3. The Board shall keep a record of all requests for review it receives.
- 3.4. The Board will gather the review request information by utilizing a standard form (Attachment 1).
- 3.5. Citizens shall be advised that the Board cannot review or comment on the investigation of their complaints if criminal charges are under investigation or pending except in those instances where the police department has determined that the citizen complaint is not related to the investigation or prosecution of the criminal charge against the citizen and has completed action on the citizen complaint. In such cases, citizens shall be asked to contact the Board once their criminal charges are adjudicated.
 - 3.5.1 The Board shall ask the Tucson Police Department if the citizen requesting review by the Board has any pending criminal charges relating to the case.
- 3.6. The citizen may at any time withdraw his or her request for the Board's review. The Board may still at its discretion continue the review.
- 3.7. To review an investigation, the Board shall notify the Office of Internal Affairs that a copy of the completed investigation is needed by the Board.
- 3.8. The case shall be placed on the Board's agenda for purposes of discussion and entry of findings. The citizen shall be notified that the matter is on the agenda.
- 3.9. Board members shall not comment publicly on cases reviewed by the Board other than during Board meetings. Only the Chairperson, acting as spokesperson for the Board, may comment publicly on cases that have been reviewed by the Board.
- 3.10. At its discretion, the Board may review completed Tucson Police Department citizen complaint investigations whether or not requested by the citizen.

Section 4 – Board Findings

- 4.1. Upon completing its review, the Board shall, in writing (Attachment 2), enter one of the following findings:

- 4.1.1. The Tucson Police Department's investigation of the citizen complaint alleging officer misconduct was fair and thorough and the Board has no concerns about the investigation to report.
- 4.1.2. The Tucson Police Department's investigation of the citizen complaint alleging officer misconduct was fair and thorough, but the Board has the following concerns regarding the investigation:
_____.
- 4.1.3. The Tucson Police Department's investigation of the citizen complaint was unfair, incomplete, or both. Specifically, the Board finds: _____.
- 4.1.4. The Board cannot complete its review at this time due to insufficient information or other reason. The Board will continue to review this complaint at a later time. Information that is necessary to complete the review includes:
_____.
- 4.1.5. The Board may also offer additional relevant comments which may further clarify its findings.

Section 5 – Report of Findings in Individual Cases

- 5.1. Where the Board's review was conducted at the request of a citizen, the Board's findings shall be given to the citizen, Chief of Police, Office of Internal Affairs, Independent Police Auditor, City Manager, and Mayor and Council.
- 5.2. Where the Board's review was discretionary, the Board's findings shall be given to the Office of Internal Affairs and the Independent Police Auditor.

Section 6 – Annual Report by the Board

- 6.1. The Board shall file an annual report that may include the following information:
 - 6.1.1. Number of cases reviewed at the request of citizens.
 - 6.1.2. Number of complaints reviewed at the discretion of the Board.
 - 6.1.3. Trends and patterns observed.
 - 6.1.4. Comments and recommendations on how the Office of Internal Affairs and/or the Independent Police Auditor handle citizen complaints.
 - 6.1.5. Comments and recommendations on police department policy, practice and procedure.

Section 7 – Release of Records

- 7.1. Documents acquired from the police department will not be given to any member of the public and will be returned to the police department for disposal at the conclusion of the Board's review. Requests for public records shall be referred to the Tucson Police Department or the City Clerk's Office, as appropriate.

Section 8 – Conflict of Interest or Bias

- 8.1. A Board member who has a bias or other conflict of interest shall not participate in the review of a case. Examples of bias or conflict of interest include, but are not limited to:
 - 8.1.1. Familial relationship or close friendship with any of the individuals involved in the case or in the investigation of the complaint.
 - 8.1.2. Witnessing the events that led to the complaint.
 - 8.1.3. Holding a bias against a particular individual that is sufficient to impair one's impartiality.