

Proposed  
Rules of Procedure for the  
Interim Civilian Police Review Committee  
of  
Greensboro, North Carolina

Interim Committee Members

Dr. Barbara Lawrence, Esquire - ICPRC Chair  
Mr. James P. Mayes, Esquire - Vice Chair  
Mr. David Allen  
Dr. Kathleen Casey  
The Reverend Randall Keeney  
Mr. Derick Smith

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**RULES OF PROCEDURE FOR**  
**THE INTERIM CIVILIAN POLICE REVIEW COMMITTEE**

**I. GENERAL PROVISIONS**

**A. AUTHORITY**

The Interim Civilian Police Review Committee was established by the Community to address the urgent complaints of persons about the alleged misconduct and performance of Greensboro Police Department officers, and

WHEREAS: The Interim Civilian Police Review Committee was established by the Community with the support of many community based and faith based organizations, community advocates, law enforcement professionals, neighborhood organizations, academics and elected officials, and

WHEREAS: The Interim Civilian Police Review Committee was established to investigate alleged police misconduct, to monitor the complaint process and response of the Greensboro Police Department, the Human Relations Commission and the City Manager of Greensboro to individual complaints and to facilitate the creation of an independent government agency for the proper redress of the abuse and excessive use of executive police power.

**B. Purpose**

In its function of reviewing complaints against police officers, the ICPRC is charged with review and investigation of all complaints involving discrimination based on race, color, religion, sex, gender, handicap, familial status, national origin or use of excessive force, abuse of authority and constitutional rights. This consists of:

1. Review the disposition of disciplinary charges against a police officer involving complaints and the facts relied by the Police Department for impartiality, thoroughness, and an adequate determination;
2. Advise the aggrieved party or estate representative, the public, the Chief of Police and the City Manager of its determination; and,
3. Keep a record of its determinations, provide statistical reports of its determinations and make recommendations related to the disposition of disciplinary charges or improvement of city policy based upon its determinations.
4. To refer complaints for appellate administrative and or judicial action.

## **II. ORGANIZATION**

### **A. MEMBERS**

The number of members of the ICPRC is seven chosen by the Police Accountability and Community Healing Reconciliation Initiative.

#### **1. Conduct of Members**

No member of the ICPRC shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the CRC in which such member has a separate, private or monetary interest either direct or indirect. In applying this rule the following procedure shall govern:

Any ICPRC member who determines that a conflict of interest exists shall declare the existence and nature of such conflict. The remaining regular members of the ICPRC present, by majority vote, may then excuse said member from participating in deliberations on said matter. If such member is excused by a majority vote of the remaining members, an alternate shall be called by the Chair to replace him/her. If no alternate is available, the seat shall be declared vacant for the purposes of the vote of the particular matter at issue.

No ICPRC member shall vote on any complaint reviewed under these Rules unless such member shall have attended the review of the disposition and the facts relied upon in determining that disposition by the Police Department for said complaint.

### **B. TERM**

The terms of office of the Committee members of the ICPRC shall be two (2) years unless otherwise specified.

Members shall not succeed themselves after serving a second full term without an intervening period of one (1) year, and an initial appointment for more than one-half of an unexpired portion of a term shall be considered as appointment for a full term.

### **C. Resignation and Removal**

A member of the ICPRC shall automatically be removed from office if such member shall miss all of the meetings held during any period of ninety (90) days without excuse granted by the ICPRC based on written medical justification signed by a duly authorized doctor of medicine or because of a family death, emergency or illness. The Chair shall inform the member by letter of the basis for removal and the effective date thereof. In addition, the ICPRC may remove a member for any other cause.

#### **D. Vacancies**

All members of the ICPRC shall hold office until successors are appointed a qualified. Any vacancies resulting during the term of office of any member shall be filled only for the unexpired portion of the term. The time herein fixed for appointment is directory and not mandatory.

#### **E. Training**

Members of the ICPRC shall receive an orientation and training (possibly by the larger community initiative), and legal and statutory considerations. The training is specific to the knowledge base required for case review and analysis.

#### **F. Offices of the ICPRC**

The following offices of the ICPRC are established:

##### **1. Chairperson**

The Chairperson of the ICPRC shall be selected by the Committee. The term of office as Chairperson of the ICPRC is one year and appointment or reappointment shall be made by the Chairperson of the Committee at its discretion.

##### **2. Executive Secretary**

The Executive Secretary, subject to the direction of the Chair of the ICPRC, shall keep or cause to have kept, all records, shall prepare all correspondence of the ICPRC for the signature of the Chair, shall arrange for all required public notices, shall notify ICPRC members of pending meetings and their agenda, shall notify parties to cases before the ICPRC of its decision on such cases, and shall generally supervise the clerical work of the ICPRC.

The Executive Secretary shall keep in a permanent volume the minutes of every meeting of the ICPRC. The minutes shall record all important facts pertaining to each meeting and complaint, every determination of the ICPRC and the votes of all ICPRC members on every determination or action of the ICPRC and the votes of all ICPRC members on every determination or action of the ICPRC brought for a vote, indicating the names of members absent or failing to vote. Minutes containing private personnel information shall be subject to the confidentiality provisions of these Rules and applicable law.

Copies of all correspondence and other documents pertaining to the ICPRC shall be maintained in chronological order by the Executive Secretary in a separate file.

### **3. Counsel to the ICPRC**

The role of Counsel to the ICPRC is to provide advice and interpretation of applicable laws, regulations, City policies, Directives and Standard Operating Procedures of the Police Department, and these Rules as necessary for the ICPRC to discharge its duties.

## **III. MEETINGS**

### **A. Regular Meetings**

Regular meetings of the ICPRC shall be held on the first . . . A motion for the purpose of preventing the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning Chapter 132 of the General Statutes, shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. For purposes of reviewing complaints against police officers, the citation of law that renders information being discussed as privileged and confidential is Section 160A-168 of the North Carolina General Statutes.

### **B. Special Meetings**

Special meetings of the ICPRC may only be called by the Chairperson of the ICPRC. At least forty-eight (48) hours notice of the time, place and agenda of special meetings shall be given by the Chairperson to each member of the ICPRC.

### **C. Cancellation of Meetings**

Whenever there are no complaints for review or other business for the ICPRC, or whenever so many regular and alternate members notify the Executive Secretary of their inability to attend, that a quorum will not be available, the Chairperson of the ICPRC may dispense with a regular meeting and continue all matters to the next regular meeting or, if otherwise appropriate, a special meeting.

### **D. Quorum**

All meetings shall be duly convened only when a quorum is present. A quorum shall consist of four (4) members of the ICPRC. The ICPRC shall not review any complaint when there are less than four (4) voting members present. The ICPRC shall not move for a closed session of the ICPRC if a quorum of its members is not present.

## **E. Conduct of Meetings**

All meetings shall be open to the public. Meetings shall be closed to the public as required by law where any matter before the ICPRC shall involve or relate to confidential information. The order of business at regular meetings, unless otherwise approved by ICPRC, shall be as follows:

1. Determination of Quorum
  2. Closure of meeting (if required)
  3. Approval of minutes of previous meetings and determinations
  4. Review of cases
    - a. Cases continued from earlier meetings
    - b. New cases
- Other items of business from ICPRC or Staff  
Adjournment

## **F. Continued Cases**

The ICPRC may continue a review or delay voting on any matter to a subsequent meeting upon showing of good cause.

## **G. Confidentiality**

Committee members shall maintain as confidential all personnel information released to them under this subdivision that is not a matter of public record under this section, and any member who violates that confidentiality is guilty of the violations set forth in subsections (e) and (f) Section 160A-168 of the North Carolina General Statutes. At any meeting at which any confidential information of City employees or criminal investigative information is disclosed, the ICPRC shall move to enter a closed session under the authority granted in Section 143-318.11 of the North Carolina General Statutes and as required by Session Law 2001-20. When confidential information is not being disclosed during any meeting, that portion of the meeting shall be held in open session.

## **IV. COMPLAINT REVIEW PROCESS**

### **A. Receiving Complaints**

Any complaint concerning disciplinary charges against a police officer involving any violation of law, regulation, City ordinance, City or departmental policy may be filed with the ICPRC orally or in writing.

Where information is received orally, the Executive Secretary shall record or produce a written transcript of all information provided by the complaining party.



## **B. Processing Complaints**

The ICPRC is authorized to review complaints appealing a decision of the Police Department concerning the disposition of disciplinary charges against a police officer. The ICPRC shall accept original complaints and appeals from the disposition of complaints by the Greensboro Police Department.

The Executive Secretary will record all complaints concerning disciplinary charges against a police officer for further processing by the ICPRC. The Executive Secretary will inform the ICPRC of all complaints received, regardless of status of disposition by the Police Department.

In cases where a complaint has been filed with the Greensboro Police Department and the complaint has not been investigated and/or no determination letter has been issued by the Police Department, the Executive Secretary will record the complaint as "pending" and no further action will be taken on such complaint by the ICPRC until thirty days after the complaint has been filed with the Police Department.

If a complaint has been filed with the Greensboro Police Department the Executive Secretary will request a copy of the Determination Letter for the disposition of the disciplinary charges. Upon receiving the Determination Letter, the Executive Secretary will allow the time permitted by law for the complaining party to appeal the disposition. When a complaint concerns disciplinary charges and the complaining party fails to provide information after being requested in writing by the ICPRC to provide information, the ICPRC may order the complaint dismissed for failure to cooperate. The Executive Secretary will record as "dismissed for failure to appeal" complaints where an appeal is not filed.

For timely appeals filed with the ICPRC, the Executive Secretary will place the complaint on the agenda for review by the ICPRC within sixty days of the date the appeal was received. The Executive Secretary will request the Division of the Professional Standards to provide the ICPRC with a copy of the facts relied upon in determining that disposition by the Police Department.

Where the ICPRC issues a written determination which disagrees with the Police Department, the ICPRC may hold a conference with the Chief of Police to resolve any matter in which the ICPRC disagrees with the Police Department. In the event the ICPRC and Chief of Police cannot resolve any matter of disagreement, the ICPRC may issue a written notice of continued appeal to the City Manager and provide all information related to the case to the City Manager for further action. After review, the City Manager will provide a written decision concerning the matter in writing, which shall be final.

If the ICPRC disagrees with the decision of the City Manager, the ICPRC may issue a written notice of the basis of its disagreement to the City Manager and the Chief of Police.

### **C. Review and voting**

#### **1. Scope of Review**

The ICPRC may review all information provided by the complaining party, the disposition of charges and the facts provided by the Police Department in order to determine if the Police Department conducted a thorough investigation of the disciplinary charges, whether the Police Department reached its determination with impartiality, and whether the disposition of the Police Department is an adequate determination of the complaint in light of the available facts.

In reviewing a complaint, the ICPRC may consider all information it receives from the complaining party and the Police Department, and all reasonable inferences from the facts it may find to be true. The ICPRC may choose to believe or disbelieve information from either source and may give any fact whatever weight of credibility the members think it deserves.

The ICPRC may not assume any fact where other information does not permit the ICPRC to infer the assumed fact is more likely to be true.

#### **2. Process of Review**

The Executive Secretary of the ICPRC shall provide a complete copy of all documents and information concerning a complaint to each member of the ICPRC when the complaint is before the ICPRC for review. The ICPRC is not authorized to conduct an investigation of charges against a police officer.

After reviewing the information, the ICPRC will deliberate on the investigation and determination by the Police Department. If the ICPRC determines that the information provided by either the complainant or the Police Department is not sufficient to reach a decision, the ICPRC may request additional information. If a request is made for additional information to the Police Department, the ICPRC may permit a member of the Division of Professional Standards to attend its meeting to provide such information.

#### **3. Voting**

Any member may propose and move to adopt a decision by the ICPRC which agrees or disagrees with the determination of the Police Department. If, after reviewing all available information, the ICPRC does not have sufficient facts to reach a decision, a member may propose a decision that the ICPRC has insufficient facts to agree or disagree with the determination of the Police Department.

Every proposed decision must be supported by a second, and every decision supported by a second must be put to a vote of the ICPRC. A simple majority of the members present is required to pass any proposed decision.

A decision of the ICPRC may include a recommendation to the Chief of Police and the City Manager for the revision or adoption of a policy or disposition of disciplinary charges.

Proposed decisions not adopted by the ICPRC shall be recorded as a motion failing for lack of a second or failure of majority vote.

#### **D. Written Determination**

Every decision adopted by the ICPRC concerning a complaint shall be reduced to writing by the Executive Secretary and reviewed by the ICPRC. Upon approval by the ICPRC, the Chairperson shall sign the written determination as the decision of the ICPRC in the case.

Every decision of the ICPRC must be supported by stated findings of fact and legal conclusions adequate to explain the bases of the decision.

#### **E. Response to Complainant and Aggrieved Party**

Any person making a complaint of disciplinary charges against a police officer to the ICPRC shall be referred to as a "complainant." A complainant may be a person other than the person who was involved with the conduct of the police officer. A person involved in the matter is referred to as an "aggrieved party."

The ICPRC shall provide both complainants and aggrieved parties with a written notice of the determination of the ICPRC. The notice shall be sent to the complainant and aggrieved party by first-class U.S. Mail to the last known address of the complainant and aggrieved party.

The response sent by the ICPRC to a complainant or aggrieved party shall not include information forbidden from disclosure under these Rules or applicable law.

#### **F. Reports**

The Executive Secretary will prepare, and the ICPRC will approve, an annual report to the Chief of Police and the City Manager which describes the number of complaints received, a description of the nature of each reviewable complaint, the disposition or status of all complaints, statistical information which identifies matters of concern and recommendations concerning City policies related to matters of discrimination.

A copy of the report shall be provided to the Chief of Police and information from the report may be used by the police Department, subject to all requirements of confidentiality, for the purposes of providing information to the public, statistical reporting, formulation or revision of policy or preparation of materials from training, as the Chief of Police and City Manager may deem appropriate.

The Executive Secretary will provide a summary of the status of all complaints at each meeting of the ICPRC. A copy of this summary shall be provided to the Division of Professional Standards.

## **V. OPERATION OF RULES**

### **A. Construction and Interpretation**

The operation and intent of these Rules shall be governed by the rules of construction specified by the Greensboro Code of Ordinances and other applicable law. Paragraph headings and captions are for convenience and reference only and shall not be interpreted to alter or amend the substance of a paragraph.

### **B. Amendment**

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of a majority of the Committee, provided that such amendments be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

## **VI. INVESTIGATIONS**

The ICPRC will select and assign persons to serve as investigators. Investigators shall be selected from a list of persons who have met the following criteria: a) have registered with the ICPRC and been approved to be investigators, b) have successfully completed training for investigation, and c) are not a current complainant before the ICPRC and/or the Greensboro PSD.

## **VII. HEARINGS**

### **A. Monitoring Police Complaints**

In its function of reviewing complaints against police officers, The ICPRC is charged with review and investigation of all complaints involving discrimination based on race, color, religion, sex, handicap, familial status, national origin or use of excessive force, abuse of authority and constitutional rights. If the Greensboro Police Department and/or the City of Greensboro do not reach resolution of a citizen's complaint the citizen may commence proceedings with the ICPRC to determine the person's rights, duties or privileges.

## **B. Commencement; Hearing Officers; hearing required; notice**

### **1. Hearings and Hearing Officers**

All complainants initiating investigations with the ICPRC are entitled to hearings. Hearings will be conducted by the ICPRC as a panel, en banc. ICPRC members shall serve as hearing officers for all hearings except a committee member may recuse himself/herself from an investigation or hearing due to conflicts of interest.

### **2. Required Hearing**

Each submitted complaint shall involve an investigation and a hearing. The hearing will commence after an investigation has been completed. It will serve as an opportunity for the complainant and the police officer to support and/or challenge allegations forming the basis of the complaint. The ICPRC will render a determination based on the testimony and evidence presented at the hearing. No determination shall issue forth from the ICPRC without a hearing.

### **3. Hearing Notice**

Notice of a right to a hearing shall be given by the Executive Secretary to a complainant at the time a complaint is filed. Parties to a complaint shall be given notice of a hearing not less than 15 days before a hearing. The notice shall state the date, hour and place and nature of the hearing, and shall give a short plain statement of the factual allegations. Notice shall be given by one of the following methods: 1) registered or certified mail; 2) by signature confirmation as provided by the United States Postal Service; 3) designated delivery service. Notice shall be deemed to have been given on the delivery date appearing on the return receipt, copy of the proof of delivery provided by the United States Postal Service or delivery receipt.

### **4. Open to the Public**

All hearings under this article shall be open to the public unless otherwise provided for in these rules and procedures. Hearings shall be conducted in an impartial manner. Hearings shall be conducted according to the procedures set out in this article.

## **C. Venue of Hearing**

The venue for all ICPRC hearings shall be at a place previously ascertained by the committee and/or arranged by the Executive Secretary. Any person whose rights are the subject matter of the hearing waives his/her objection to venue by proceeding in the hearing.

## **D. Conduct of Hearing; Answer**

### **1. Failure to Appear**

If a party fails to appear for a hearing after proper service of notice, and if no adjournment or continuance is granted, the committee may proceed with the hearing in absence of the party.

### **2. Compulsory Process**

The parties shall be given an opportunity to present arguments on issues of law and policy and an opportunity to present evidence on issues of fact. A party may cross examine any witness and may present rebuttal evidence.

### **3. Subpoena**

After the commencement of a complaint, parties may request subpoenas in accordance with G.S. 1A-1, Rule 45.

## **E. Depositions and Discovery**

A deposition may be used in lieu of other evidence. Parties may engage in discovery as provided by applicable law.

## **F. Rules of Evidence**

(1) In all hearings irrelevant, immaterial and unduly repetitious evidence shall be excluded. When evidence is not reasonably available then the most reliable and substantial evidence available shall admitted. The committee on its own motion may rule evidence inadmissible.

(2) The complainant has the burden of proof. The complainant must establish the facts by a preponderance of the evidence. It shall not be necessary for a party or his attorney to object at a hearing to evidence in order to preserve the right under judicial review.

(3) Evidence presented during a hearing, including records and documents, shall be offered and made a part of the record. Factual information or evidence not made part of the record shall not be considered in the determination of the complainant, except as permitted by law. Documentary materials so incorporated are available for examination by the parties. Upon timely request, a party shall be given the opportunity to compare the copy with the original if available.

#### **G. Official Notice**

Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the ICPRC. The noticed fact and its source shall be stated and made known to affected parties at the earliest practical time and any party shall on timely request be afforded an opportunity to dispute the noticed fact through submission of evidence and argument.

#### **H. Stipulations**

The parties to the complaint may, by stipulation in writing filed with the ICPRC agree upon any fact involved in the controversy, which stipulation shall be used as evidence at the hearing and be binding on the parties thereto.

#### **I. No ex parte communication; exception**

Unless required for disposition of an ex parte matter authorized by law, the ICPRC shall not communicate, directly or indirectly, in connection with any issue of fact, or question of law, with any person or party or his representative, except on notice and opportunity for all parties to participate.

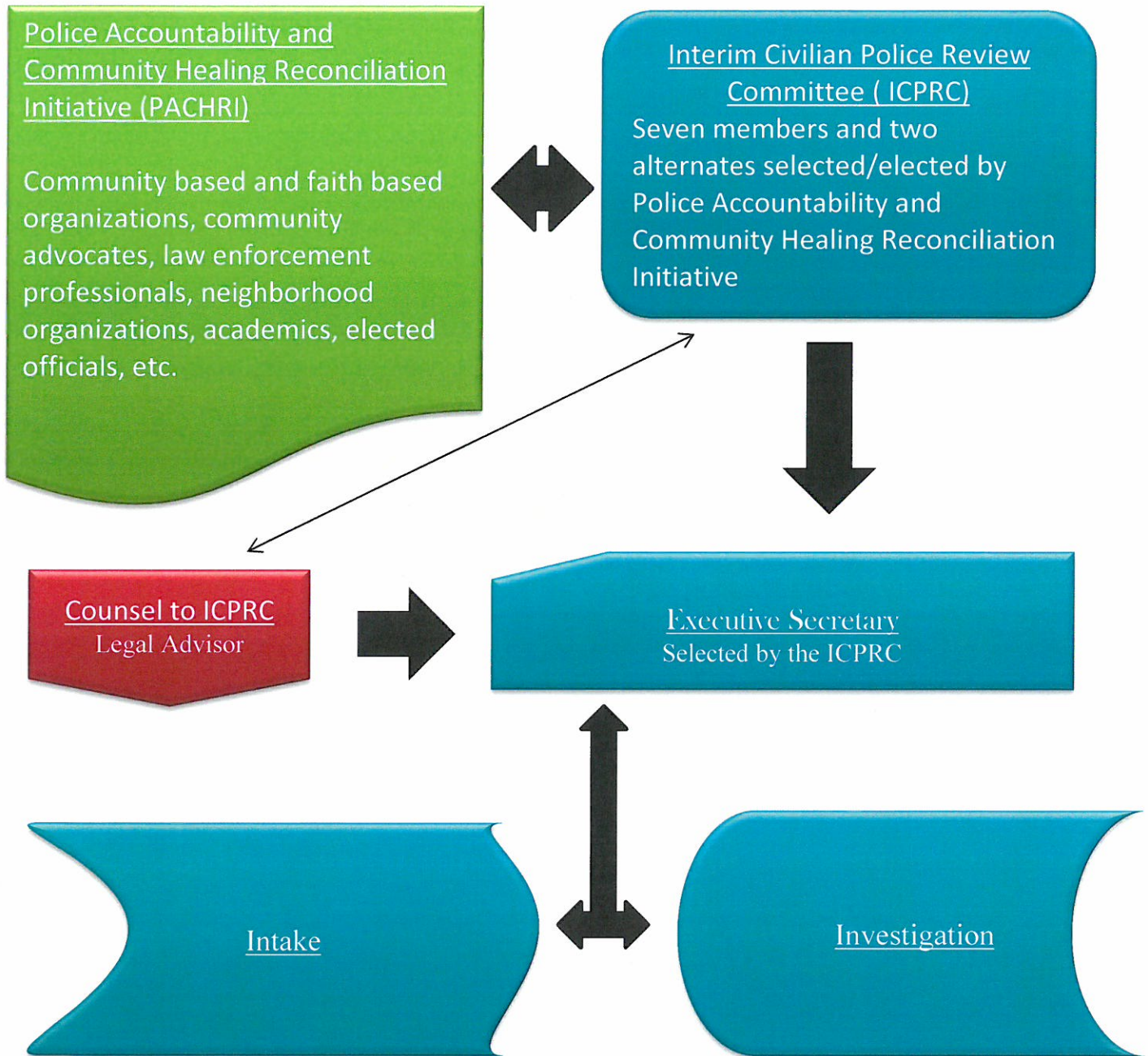
#### **J. Official Record**

In all complaints the ICPRC shall prepare official records. Proceedings at which oral evidence is presented shall be recorded, but need not be transcribed unless requested by a party. Each party shall bear the cost of the transcript or part thereof or copy of said transcript or part thereof which said party requests and said transcript or part thereof shall be added to the official record as an exhibit.

#### **K. Legal Recourse**

No action, decision or determination of the ICPRC shall preclude the complainant from pursuing any legal remedy, administratively or in a court of law.

### ORGANIZATIONAL CHART





APPENDIX B - ICPRC COMPLAINT FLOW CHART

