



July 6, 2016

To: Citizen Review Committee members Kristin Malone, Julie Ramos, Mae Wilson, Julie Falk, Kiosha Ford, Michael Luna, Roberto Rivera, Vanessa Yarie, and James Young

From: Mary Hull Caballero

Subj.: Potential changes to the appeal process

Council met in executive session Friday to discuss areas of concern regarding the City's compliance with its settlement agreement with the U.S. Department of Justice, one of which was appeals heard by the Citizen Review Committee.

The purpose of the executive session was to understand the potential for the federal judge to find that the City is in breach of the agreement and consider options to ensure compliance in the coming weeks. The Department of Justice will weigh in with a written progress report in September. The parties are scheduled to go before U.S. District Judge Michael Simon in October for the second annual status conference.

The discussion focused primarily on the need to streamline the police accountability process so that cases are decided within 180 days. While internal efficiencies have been gained in the intake and investigation phases, Council heard that it also will need to adopt code changes that affect the Police Bureau and the Auditor's Independent Police Review. It is clear that the appeal process also must be changed to comply with the requirement that a hearing be held within 21 days of receiving a request. In the last six months, the median number of days for a complaint to move through the appeal process was 149.

Council considered three options to improve the length of time it takes an appeal to be heard. The same options had been discussed by an accountability work group, which was made up of community members and representatives of the Police Bureau, Independent Police Review, and the Mayor's Office. The options were:

1. Have the Citizen Review Committee hear appeals on a rotating basis as subcommittees of the whole;
2. Have appeals heard by an administrative law judge or hearings officer; or
3. Consolidate the Citizen Review Committee and the Police Review Board into one entity.



Council found the first option less desirable because it likely would not achieve the time savings required by the agreement. The appeal workload is expected to increase as fewer cases are dismissed at the intake stage. Council did not embrace the second option, because, while expedient, it lacks the perspective of the community.

The third approach received the most positive response. Council asked the Police Bureau and the Auditor's Office to draft a plan for a consolidated model that keeps the best of the Citizen Review Committee and the Police Review Board.

In preparation for the executive session, I read the minutes of the accountability work group meetings and empathized with its struggle to come up with a system that works for the community and officers. I also reviewed recommendations that have been made by community groups in prior years to improve the process. It was encouraging to see that many of them have already been implemented. A consolidated model has the potential to add even more, such as increasing the number of community members at the fact-finding stage using the "preponderance of the evidence" standard and enabling them to make recommendations about discipline. The tradeoff is that appeal hearings would not be public, though work groups and other Citizen Review Committee activities would remain so.

While Council embraced the concept of the consolidated model, the details are yet to be decided. As the City Auditor, my goals for the new entity are that it:

- Strikes a reasonable balance between employee confidentiality and transparency;
- Convenes at locations other than the Police Bureau, even though meetings will be non-public;
- Provides a meaningful role for community members, including Citizen Review Committee members;
- Emphasizes community input by granting civilians (IPR and community members) more votes than police personnel, given that the Chief makes the ultimate decisions about discipline;
- Hears all cases, including appeals and reviews of officer-involved shootings and in-custody deaths;
- Provides a mechanism for members to disclose any concerns they have about the integrity of the process so long as they do not compromise an employee's right to confidentiality.

If you have suggestions you would like to be considered during the drafting of the new entity, please email [IPR](#) or [me](#). You also can find contact information for the Mayor and Council members [here](#). If you prefer to meet, you can schedule time with me or Constantin Severe. Opportunities to provide oral testimony also will be scheduled once a draft is completed.