



CIVILIAN POLICE REVIEW BOARD

101 City Hall Plaza, Durham, NC 27701

Agenda

Community-Police Relations Forum - October 14, 2020

1. Call to Order
2. Introductions
3. Presentation on Civilian Police Review Board & Complaint Process
4. Public Comments
5. Discussion
6. Announcements
7. Adjourn



Civilian Police Review Board & Complaint Process

DeWarren K. Langley, JD, MPA, MHFA, Chair

Authority

- The City of Durham was authorized to implement the Civilian Police Review Board under Session Law 1998-142, Senate Bill 1509.

Eligibility of Appointment

- Appointed by the City Manager and confirmed by the City Council
- Be at least 21 years old
- Reside within corporate City limits for at least three years prior to appointment
- Be current on local property taxes at the time of application and throughout term

Current Members

1. DeWarren K. Langley, JD, MPA, Chair
2. Cassandra R. Johnson, Vice Chair
3. Cecile I. Bradshaw, PhD
4. Kelli A. Dugan, Esq.
5. Myra L. Griffin, Esq.
6. Kendra J. Pressley
7. Donald B. Salmon, Jr.
8. David A. Smith
9. Jeffrey L. Thomas

Officers

→Officers are Chair and Vice Chair elected by a majority vote of all members present at the first meeting on or after July.

→Chair

→Presides at all meetings and hearings, excuses members from meetings and hearings, makes other decisions provided for and determines all issues or a process for deciding issues not govern by the Procedure Manual.

→Vice Chair

→Serves as Chair in the Chair's absence or incapacity.

Training

- Satisfactorily complete the Durham Police Department's Citizens Police Academy within one year of appointment for new members and once during new term for re-appointed members unless they demonstrate proof of having completed the Academy within the last five years.
- Each new member must complete sixteen hours in a patrol car ride-a-long program during first term and at least four hours of ride-along during each subsequent year of term.
- Comprehensive training program which includes:
 - Civilian Police Review Board Rules of Procedure
 - Investigative Stops

Training, cont.

- Arrest, Search and Seizure and Use of Force/Deadly Force Continuum
- Review of City Ordinances
- Internal Affairs Investigation Protocol
- Media Policies and Relationships
- Police/Community Relations Perspectives
- History and Philosophy of Law Enforcement and Police Ethics
- Cultural sensitivity
- Interviewing and Listening Skills

Purpose

- The purpose of the Board is to hear cases of persons claiming to be aggrieved by the results of investigations of one or more officers or employees of the Police Department conducted by the Professional Standards Division.
- The Board's mandate is to determine whether or not the investigation was conducted in an appropriate manner, specifically, whether the Police Department abused its discretion in the conduct of the investigation.

Duties & Responsibilities

- Meet at least once per quarter.
- Review appeals submitted by complainants not satisfied with the conclusions of the Police Department's Professional Standards Division.
- Determine the necessity for a hearing.
- Conduct hearings.
- Make findings of fact.
- Make written policy and procedure recommendations to the City Manager and Chief of Police.

Civilian Police Review Board - City of Durham
Presents



**Community Police
Relations Forum**

LET YOUR VOICE BE HEARD

**WEDNESDAY, OCTOBER 14, 2020
6:00PM**
Dial-in Number: 929-205-6099
Zoom Meeting ID: 997 7924 2087
Passcode: 016856

Public feedback on the Durham Police Department
complaint process and community-police
relations.

For more information:
DeWarren K. Langley, JD, MPA, MHFA
Chair, Civilian Police Review Board - City of Durham
dewarrenkangley@outlook.com | 919-423-8089

Meetings

- Regular meetings once per quarter.
- Host one (1) community forum per fiscal year to receive feedback from the public on the Durham Police Department complaint process and community-police relations.
- Present to at least two (2) community/civic/neighborhood groups per fiscal year to explain the role of the Civilian Police Review Board and the complaint appeal process.

Jurisdiction

- The Board may consider appeals of the results of investigations of the following actions taken by Police Officers or employees:
1. Use of Force
 2. Unethical conduct and/or conduct unbecoming Police Department personnel
 3. Arrest, search and seizure

Police Department Findings

- Unfounded: Incident did not occur or officers not involved.
- Exonerated: Incident occurred but officer acted lawfully and properly.
- Not sustained: Insufficient evidence to prove or disprove the allegation.
- Sustained: Allegation is supported by sufficient evidence.
- Policy Failure: The allegation is true; actions of the agency or officer were not inconsistent with agency policy.

Complaint Process

1. Individual files complaint with Police Department by telephone, mail, online or in person
2. Internal Affairs investigates complaint
3. Internal Affairs sends “determination letter” to complainant; Letter also explains the appeal process

Appeals Process

1. Complainant files appeal with the Office of the City Clerk (within 30 business days of receiving determination letter from Police Department)
2. The Board is without authority to hear appeals if the complainant has not filed a formal complaint with the Police Department or otherwise requested disclosure of the result of the relevant Professional Standards Division investigation within 90 days of the date of the incident absent exigent circumstances as determine by discretion of the Board.
3. Complaint is forwarded to the Office of the City Attorney and Office of the City Manager
4. Complete investigation information is distributed to CPRB
5. CPRB discusses appeal during Board meeting to determine whether to hold a hearing

Determination of the Board

- If the Board decides **NOT** to grant a hearing, the case is closed and the Complainant is notified in writing
- If the Board decides **TO** grant the Complainant a hearing:
 1. The hearing is scheduled (within 3 months after the Board's decision to hold hearing)
 2. After hearing the testimony presented by the Police Department and complainant, the Board will make the following determinations:

Determination of the Board, cont.

1. Was the investigation conducted by the Police Department deficient because of an abuse of its discretion.
2. Was (were) the finding(s) of the investigation deficient because of an abuse of discretion.
3. Based on the issues presented in the complaint or upon general trends based upon multiple complaints, recommendations are made to the City Manager and the Chief of Police

Hearing

- A hearing may be held when, based on a preponderance of the evidence, the conclusions reached by the Professional Standards Division and the Chief of Police in a specific case of alleged violations may have been an abuse of discretion by the Police Department.
- Pursuant to state personnel privacy laws and the open meetings law, hearings are closed to the public and the media.

Confidentiality

- “Citizen review board members and other persons shall keep confidential all information released to them under this subsection that is not a matter of public record under G.S. 160A-168 or subsection (a) of this section and any person who violates the confidentiality shall be prosecuted as prescribed in G.S. 160A-168(e) and (f).”
- Adhere to strict confidentiality guidelines and sign a confidentiality agreement.

Annual Report

- At the end of each fiscal year (June 30), the Chair submits a report to the City Manager which includes:
- ✓ Summary of the number and types of cases heard, and their disposition
 - ✓ Number of hearings held by the Board
 - ✓ Number of meetings held by the Board
 - ✓ Names of members and the dates their terms started
 - ✓ Dates that any Board position became vacant
 - ✓ Officers for the year
 - ✓ Attendance record

Caseload

- July 1, 2011 - June 30, 2012:
4 Appeals Received & 0 Hearings Granted
- July 1, 2012 - June 30, 2013:
3 Appeals Received & 0 Hearings Granted
- July 1, 2013 - June 30, 2014:
6 Appeals Received & 0 Hearings Granted
- July 1, 2014 - June 30, 2015:
7 Appeals Received & 2 Hearings Granted

Caseload, cont.

- July 1, 2015 - June 30, 2016
2 Appeals Received & 0 Hearings Granted
- July 1, 2016 - June 30, 2017
2 Appeals Received & 0 Hearings Granted
- July 1, 2017 - June 30, 2018
1 Appeals Received & 0 Hearings Granted
- July 1, 2018 - June 30, 2019
0 Appeals Received & 0 Hearings Granted

Caseload, cont.

→ July 1, 2019 - June 30, 2020

1 Appeals Received & 0 Hearings Granted

Additional Information

- For the Civilian Police Review Board Procedure Manual; Civilian Police Review Board Q&A; and Request for Appeal Hearing Form
<http://durhamnc.gov/277/Civilian-Police-Review-Board>
- Internal Affairs Website:
<http://durhamnc.gov/180/Internal-Affairs-Unit>

Questions ?