



**The City of Kalamazoo
Citizens Public Safety Review and Appeal Board**

POLICIES AND PROCEDURES OF OPERATION

I. CREATION

Pursuant to the administrative authority granted by the Kalamazoo City Charter, the City Manager creates the Citizens Public Safety Review and Appeal Board ("Board").

II. PURPOSE

A. The purpose of the Board is to provide an opportunity for the City Manager to receive input from a citizen board prior to deciding appeals filed with him/her pursuant to Kalamazoo Department of Public Safety (KDPS) General Order 16 and to request that the City Manager inquire into any conduct of a public safety officer in the absence of a complaint. The Board will also have the following roles:

1. Build more credibility, community trust, and confidence by participation in a process that will respond appropriately to allegations of misconduct by the Kalamazoo Department of Public Safety sworn personnel.
2. Respond to requests from the City Manager on the disposition of inquiries and complaints, as well as the complaint process.
3. Serve in an advisory role to the City Manager regarding possible improvements to policies and procedures regarding the complaint process or which are implicated in the complaint process, and to the Department of Public Safety regarding methods to improve the communication and outreach to citizens.

III. ORGANIZATION AND MEMBERSHIP

A. Membership and Terms

1. There will be twelve (12) members appointed to the Citizens Public Safety Review and Appeal Board (the Board) by the City Manager for terms of two (2) years. No member will serve on the Board for more than two (2) consecutive full or partial terms. The initial appointments will require the six (6) members representing diverse organizations to serve a one (1) year term and the six (6) at-large members to serve a two (2) year term to facilitate staggered replacement of members. Beginning with the appointments of members in 2017, the terms of at large members will be three (3) years and beginning in 2018 the terms of members representing organizations will be three (3) years. The composition of the Board will be as follows.
2. Six (6) members from diverse organizations, representing diverse populations. Interested organizations should submit an application of their prospective nominee(s) with a cover letter indicating their support of the applicant to the City Manager. Examples of various diverse organizations include, but are not intended to be limited to, the following:
 - a. Family Health Center
 - b. Mothers of Hope
 - c. Hispanic American Council
 - d. National Association for the Advancement of Colored People
 - e. North Side Ministerial Alliance
 - f. OutFront Kalamazoo
 - g. Michigan United

3. Six (6) at-large members. Interested persons should submit a written request for consideration to the City Manager. Examples of members at large include, but are not intended to be limited, to: individuals, representatives of neighborhood and business organizations, and representatives of student organizations.

B. Membership Qualifiers

1. U. S. Citizen or legal U.S. Resident.
2. Residency:
 - a. Full-time residents of the City of Kalamazoo have first priority for all appointments.
 - b. Second priority will be given to non-residents having identifiable interests located in the City of Kalamazoo.
3. Willingness to spend approximately four or five hours a calendar quarter reviewing cases and attending meetings.
4. Willingness to make a three-year commitment.
5. Willingness to attend orientation session.

C. Membership Disqualifiers

1. Serving a sentence for a criminal conviction or while on probation or parole.
2. Subject to an active personal protection order
3. Holding any political office or an announced candidate for political office.
4. Working for another law enforcement agency.
5. A current City of Kalamazoo employee.
6. An immediate family member of any Kalamazoo Department of Public Safety personnel.
7. A retired or former law enforcement officer.

D. Membership Selection Process

1. Candidates interested in serving on the Board will submit an application along with a letter of interest including a statement of their background, reason for consideration, and other information deemed appropriate for consideration.
2. The City Manager may schedule an interview with selected candidates to assist him/her in finalizing the membership list for the Board.
3. The City Manager will make the final selection of the Board.
4. The City Manager will annually name the Chair of the Board from the list of Board members.

E. Staff Support

1. The City Manager will assign a staff member to assist the Board and act as a liaison, but who will not participate in deliberations of the Board.
2. The Public Safety Chief or the Chief's designee will attend all appeal hearings, when requested by the Board or City Manager, but will not participate in the deliberations of the Board.
3. The City Attorney or his/her designee will be available to act as the legal advisor to the Board, but in the event of an ethical conflict will be recused and separate legal counsel will be arranged for the Board.

F. Member Responsibilities

1. Members will maintain confidentiality with respect to records and information to which they have access, respecting the rights of privacy of both complainants and public safety personnel.
2. Members will excuse themselves from participating in the review of any complaint which they have a personal, professional, or financial conflict of interest.

3. Members will conduct themselves at all times in a manner that maintains public confidence in the fairness, impartiality and integrity of the Appeal and Review process, and will refrain from making any prejudicial comments with respect to complainants or Public Safety officers.
4. Members will participate in required orientation and training programs.

IV. ORIENTATION FOR MEMBERS

Prior to serving, Board members will attend an orientation session on public safety policies, procedures, complaint process, police authority, use of force, and effects of the job on public safety employees; and other topics identified by the City Manager.

V. REMOVAL FROM BOARD

Any member of the Board may be removed or suspended by the City Manager for misfeasance, malfeasance, failure to attend meetings (missing three unexcused and/or consecutive meetings in a twelve month period), upon conviction of a criminal offence after appointment to the Board, change in circumstances that would have disqualified membership identified in Article II, Section C, the establishment of any disqualifiers identified in Article III, Section C, violation of the responsibilities identified in Article III, Section F, or for the inability/failure to otherwise adequately perform the duties of membership, including demonstrated bias or prejudice that preclude objective consideration of appeals cases on their merit.

VI. ABSTENTION

- A. Should a member of the Board become the focus of any criminal proceeding or otherwise have a conflict of interest in any matter before the Board such that his/her ability to impartially participate in deliberations of the Board may be compromised, the Board member will notify the City Manager and Chairperson of the Board of the potential conflict of interest and will be excused from such deliberations or other participation. Any potential conflict of interest coming to the attention of the Board will be resolved by majority vote after consultation with the City Attorney.
- B. A Board member will abstain from any consideration of a complaint if she or he has a demonstrated personal bias or prejudice, or the appearance thereof, in the outcome of the complaint. This does not include holding or manifesting any political or social attitude or belief that does not preclude objective consideration of a case on its merits. Examples of personal bias or prejudice include, but are not limited to:
 1. Having a familial relationship, close friendship, or close working relationship with any party material to the complaint.
 2. Witnessing events material to the complaint.
 3. Being a party to the complaint.
 4. Holding a bias for or against a particular party that is sufficient to impair the Board member's impartiality.
 5. Having a financial interest in the outcome of the complaint.

VII. CONFIDENTIALITY

- A. In order to ensure the integrity of the appeal process, Board members will maintain complete confidentiality concerning all appeals pending before the Board until such time as a final written report is presented to the City Manager. No member will discuss any pending appeal with anyone, including other Board members, except at regularly scheduled meetings of the Board. No Board member will undertake an independent investigation of any matter pending before the Board. Documents examined during the appeal process will be reviewed only during regularly scheduled meetings of the Board and will be returned to City staff at the conclusion of

each Board meeting. Board members will not take or keep any record generated or examined during the pendency of any appeal without the express approval of the City Manager or the Chief of Public Safety. The release of Board records to individuals who are not members of the Board will be governed by the Michigan Freedom of Information Act. Any request for release of records will be handled by appropriate City staff.

VIII. COMPLAINT PROCESS

A. Filing a Complaint

1. An allegation that the conduct of a public safety officer constituted a violation of law, a KDPS Rule or General Order will be documented on a department-issued form as a Public Safety Community Relations (PCR) Complaint and forwarded to the Director of the Office of Professional Standards (OPS) for investigation and tracking purposes. A copy of the Complaint will be provided to members of the Board.
2. PCR Complaints may be filed online, in person, by mail, facsimile, by telephone or email with the KDPS, with the Board, and such other agencies or organizations as may be designated by the City Manager. Complaints may be filed by the complainant themselves, or complainant's designated representative, or by another individual who witnessed the conduct. Regardless of how a complaint is received, KDPS employees will provide assistance to persons seeking to avail themselves of the complaint process
3. An individual making a complaint will fill out the Department-issued PCR Complaint Form. If the Complaint Form is completed on the complainant's behalf by their representative or if the complaint was received online, by mail, facsimile, telephone or email, the Form may be returned to the complainant to check for accuracy and whether it reflects the complainant's intentions. Although signing of the Complaint Form is desirable, such is not mandatory; the matter will be reviewed regardless of whether the Complaint is signed or not,
4. A complaint may be withdrawn at any time; however, a withdrawal will not preclude the continuation of an investigation and the imposition of discipline if deemed appropriate by the Chief.

B. Investigation of a Complaint

1. Investigation of complaints will normally be completed within 45 days of their receipt. In the event that the investigation is not completed within 45 calendar days, the complainant will be provided with a progress report summarizing the status of the investigation. Such periodic updates will be provided at least every 45 calendar days until the investigation is complete.
2. Upon completion of the investigation, the complainant will be notified of the disposition within 10 business days of the date that the Chief has closed the investigation. This notification will be done by personal telephone contact and certified mail.
3. Within 5 business days of the complainant being notified of the final disposition, the Director of the Office of Professional Standards will send the complainant a follow-up evaluation form and advise them of their right to seek an appeal and review of the disposition with the Board in a self-addressed, stamped envelope that can be returned to the KDPS.

E. Advocates

1. The City will recruit and provide training to community members, whose names will be maintained on a roster, to serve as advocates for complainants during any mediation or appeal of a complaint.
2. Any individual who files a complaint will be offered the advocate service. An individual who requests mediation will be encouraged to be assisted by an advocate. However, an individual may select any person to serve as his or her advocate, including but not limited to, an advocate on the list maintained by the City.

F. Disposition of Complaints

1. The Chief or his/her designee makes the final adjudication of PCR complaints.
2. The Chief or his/her designee will review all complaints adhering to the following:
 - a. If the complaint is a criticism of operating polices or procedures and a change is justified, the Chief, in conjunction with staff, will develop and implement the necessary changes.
 - b. Non-criminal policy violations will be reviewed for progressive discipline.
 - c. If criminal sanctions are indicated, an offense report will be written and submitted to the County Prosecutor or City Attorney for review.

IX. APPEALS

A. Appeal of Findings by the Chief of Public Safety

1. Following the conclusion of a complaint investigation and a final finding by the Chief, the complainant may appeal the Chief's findings to the City Manager. An appeal must be filed with the office of the City Manager within 15 business days of the date that the complainant received notification of the Chief's decision. The United States Postal Service (USPS) Certified Mail tracking date will serve as the parameter. Should the USPS Certified Mail be unclaimed, the date the letter was sent by the USPS, will serve as the default parameter. An appeal may be filed online, in person, by mail, facsimile, by telephone or email. The City Manager will promptly refer the matter to the Citizens Public Safety Review and Appeal Board. For purposes of this section, the term 'complainant' will mean a person who has made a Public Safety Community Relations (PCR) complaint, or a person who has made a complaint on behalf of another person with that person's written permission.
2. The Board's scope of authority when considering an appeal will be limited to reviewing decisions made by the Chief of Public Safety at the conclusion of the PCR complaint process. The Board will have the authority to hear an appeal from any PCR finding in which the Chief has made a finding of exonerated, unfounded, misconduct not based on the complaint, or not sustained, and to recommend to the City Manager that the Chief's finding be changed to sustained under Department of Public Safety General Order 16. The Board will not have the authority to hear an appeal when the Chief has sustained the complaint. The Board will not have the authority either to impose discipline on any employee or to recommend that discipline be imposed or increased in a particular instance.
3. An appeal hearing before the Board will be scheduled within 30 business days. The hearing will be conducted no later than 60 business days after an appeal is filed.

4. An appeal hearing by the Board will consist of an examination of the file, including interview transcripts, police reports, and all other relevant documents. The complainant may request that personal information not germane to the appeal be deleted from any document. The complainant may appear in person before the Board, but the Board will not hear from other witnesses or from City employees other than the Chief or his/her designee. The Board may request that the Chief appear before the Board to answer questions related to the Chief's findings. The Board also may make a written request for further investigation by the Chief of Public Safety, or his/her designee, or the City staff member assigned to work with the Board.
5. The appeal hearing will be closed to the public if requested by the complainant. If a closed hearing is not requested by the complainant, the hearing will be open to the public. All hearings will be conducted pursuant to the Board's by-laws. The Board's deliberations will be closed to the public. If the Board finds that the investigation by the Office of Professional Standards is insufficient, the Board may recommend that the City Manager appoint an independent investigator to review the investigation.
6. At the conclusion of its deliberations, the Board will prepare a written report for submission to the City Manager setting forth its findings and conclusions, and, based on its findings and conclusions, will recommend that the City Manager either sustain or reverse the Chief's finding. The Board's report will contain such comments and criticisms of the Chief's finding as a majority of the Board feels are appropriate. The report may also recommend training related to the complaint that, in the opinion of the Board, would improve the relationship between the KDPS and the community. This report should be submitted to the City Manager no later than 14 business days after the conclusion of the hearing. The City Manager may ask the Board in writing to clarify its conclusion.
7. The City Manager will have the final authority to sustain or reverse a finding of the Chief which has been appealed to the Citizens Public Safety Review and Appeal Board.

X. OTHER ROLES AND DUTIES OF THE BOARD

A. Review

1. Copies of Complaints, with personal information redacted, will be provided to the Board within 30 calendar days of their receipt by the Department of Public Safety.
2. The Board will be updated monthly on the progress by the Office of Professional Standards of all active complaint investigations.
3. In the absence of an appeal, the Board may inquire about any investigation of a complaint regardless of the finding by the Chief.
4. The Board may from time to time review the complaint reporting process and provide recommendations for its improvement to the Chief and City Manager.

B. Reporting

The Citizens Public Safety Review and Appeal Board will have responsibility, no less than annually, for preparing a review concerning the number and types of inquiries and complaints reported and concluded through the complaint process, and to assess the thoroughness, accountability, effectiveness, accessibility, and responsiveness of the complaint process.

The Board may also issue reports about police/community relations, racial profiling, and other concerns that relate to the community climate. The Board will report its findings promptly to the City Manager.

C. Advisory

1. The Board will monitor the overall fairness of the complaint process for both the citizen and Public Safety employees.
2. The Board may make recommendations to the City Manager regarding improvements to policies and procedures that are implicated in the complaint process or that are perceived by the Board to have a negative impact on the community, as well as communication and outreach to the community regarding the complaint process.
3. The Board may be requested by the Department of Public Safety to assist in preparing brochures and in other community outreach activities that describe and explain the Public Safety Department's complaint policies, procedures, and process.

D. Community Outreach

A major goal of the Board is to have an interactive role within the Kalamazoo community. Specifically, the Board is committed to outreach activities that influence behaviors, attitudes, and actions with the goal of improving the relationship between the KDPS and the community. To this end the Board is empowered as follows:

1. A brochure explaining Citizens Public Safety Review and Appeal Board procedures and the rights of complainants will be developed by the Board and KDPS to be widely distributed throughout the community, including, but not limited to, the Public Safety Department offices, City Clerk's office, Kalamazoo Public Library branches, and the offices of neighborhood associations and other community organizations.
2. The content of the brochure and the PCR Complaint Form will also be available on the City of Kalamazoo Department of Public Safety website and social media outlets.
3. The Board is empowered to hold meetings, at least annually, and additionally as needed, with community leaders and representatives of neighborhood associations and civic organizations to discuss concerns about police procedures.
4. The Board is empowered to organize public forums to discuss the community climate and develop an action agenda to work with the Public Safety Chief or his or her designee to address community concerns regarding Public Safety policies and procedures.
5. The Board will work with the KDPS, neighborhood associations and community organizations to anticipate and prevent problems, including analyzing data and making recommendations to the City Manager about matters that may require special attention.

SIGNED AND APPROVED BY:



City Manager

07/1/2022

Date

EFFECTIVE DATE: 7/2022