

# **COMMUNITY POLICE REVIEW BOARD BYLAWS**

## **ARTICLE I**

### **ORGANIZATION**

#### Section 1.1 Establishment

The Community Police Review Board of the City of Modesto is established by Modesto City Council Ordinance No. XX, as recommended by the Forward Together working group. Pursuant to Council Resolution No. 2022-358 on August 23, 2022 the Forward Together working group report was accepted by the Council. Included in the report was the recommendation to establish a community oversight board and independent police auditor for the City of Modesto.

#### Section 1.2 Background

The Forward Together initiative was catalyzed as a response to calls for police reform intensifying across the country and at our local level. Its formation was also a reflection of a commitment to strong relationships and trust between the community and law enforcement. On May 22, 2021, Council conducted a listening session to collect community input. As a result of the listening session, the following themes emerged and were confirmed by Council:

- Policies and Practices – that support safety, fairness and equity throughout the department and the community.
- Alternate Response Models – that ensure the right type of response and resources are applied to a situation.
- Accountability – for police conduct, decisions and how they impact the Modesto community.

Pursuant to Council Resolution No. 2021-216 on June 8, 2021, the Forward Together working group was created by the City Council and tasked with researching these specific themes relative to policing, engaging the broader community in the process and ultimately returned to Council with a set of recommendations to improve the police-community relations in the City of Modesto. The creation of a hybrid accountability model involving a Community Police Review Board and Independent Auditor were among these recommendations.

#### Section 1.3 Membership

- A. Members interested in serving on the CPRB shall complete the City's application process. Applications will be screened for completeness before being presented to the Appointments Committee for consideration.
- B. The CPRB shall be comprised of nine (9) members who reside within the city limits with preference provided to residents representing diverse ethnicity, gender, sexual orientation, professional experience, organizational affiliations and neighborhoods/districts in Modesto.
- C. CPRB members shall be registered electors of the City and each will have involvement or interest in improving the relationship between MPD and the Modesto community.
- D. As part of the selection process, the Appointments Committee will conduct interviews of all CPRB applicants.
- E. All appointments to the CPRB shall be recommended by the City's Appointments Committee and approved by the City Council.
- F. No Member of the CPRB shall be an employee of the City, nor of any bargaining unit for employees of the City, nor a person who receives compensation from the City.
- G. No Member of the CPRB shall be a relative, by blood or marriage within the third degree of the Mayor, a Councilmember, a Charter Officer, or any Department Director.
- H. CPRB service is entirely voluntary and without compensation. Members may receive reimbursement for necessary training and travel incurred as a part of their official duty when such expenditures have been approved in advance by the City Manager.
- I. All Members must complete a Statement of Economic Interest (Form 700) by April 1st of each year and when assuming or leaving CPRB membership.
- J. Members must reside in the City of Modesto for at least one year prior at the time of appointment and must reside in the City of Modesto during the entire tenure of service and be at least 18 years of age at the time of the application submittal.
- K. Members will be expected to be fair, impartial and committed to community service, ability to build working relations, and communicate effectively with diverse groups.

- L. All applicants for the CPRB will be subject to background checks. No person who illustrates behavior or conduct not consistent with the purpose of the CPRB, as determined by the City Manager, shall be eligible to serve on the CPRB.
- M. CPRB members shall not hold a current sworn officer position or be an employee of any law enforcement agency.
- N. Retired or former Modesto Police Department personnel shall not be eligible to serve on the CPRB.
- O. No person who has a pending claim or litigation against the City of Modesto shall be eligible to serve on the CPRB.

Section 1.4 Terms of Office

- A. The CPRB shall consist of nine qualified persons, comprised of the following:

<b>Seat Designation</b>	<b>Term</b>
Chairperson	One year, voted by simple majority of CPRB.
Vice Chairperson	One year, voted by simple majority of CPRB.
Members	Four years, appointed by Council.

- B. Members shall serve for a term of four years. If reappointed, incumbent members may serve a second, four-year term. Special consideration shall be given first to eligible incumbent members, then to eligible applicants.
- C. Each member is to hold office for no more than two terms consecutively.
- D. Members representing seats 1-5 shall have their terms expire on June 30 of the respective odd numbered years. Members in seats 6-9 shall have their terms expire on June 30 of the respective even numbered years.
- E. Members representing seats 1-5 shall have their initial term expire on 2027 and members in seats 6-9 shall have their term expire on 2028).
- F. Members may serve no more than two (2) terms.
- G. Appointments to fill vacancies on the CPRB shall be handled in the same manner as the original appointments. When a vacancy occurs during a term, the appointment to fill such vacancy shall be for the unexpired portion of the term. If a member is serving an unexpired portion of a term with less than 2 years remaining, such service shall not count against the 2-term limit.

H. Members of the CPRB may be removed by a majority vote of the City Council.

## **ARTICLE II**

### **DUTIES AND TRAINING**

Section 2.1 Duties. The duties of the Community Police Review Board are:

- A. Conduct monthly public meetings to promote community engagement and to afford the public regular opportunities to provide feedback and receive updates.
- B. Meeting materials, including agendas, minutes, meeting recordings, will be available to the public online.
- C. Review the independent auditor's annual report and analysis of completed administrative investigations; department use of force incidents; and critical incidents such as officer involved shootings, in-custody deaths and other events resulting in a Major Incident Review.
- D. Review the Modesto Police Department's (MPD) response to the independent auditor's report recommendations.
- E. Prepare and submit an annual report to the City Manager and City Council outlining the CPRB's activities and any recommendations related to any and all of the CPRB's review of information including but not limited to officer-involved shootings, use of force and complaints.
- F. Receive complaints from members of the public and directly refer those complaints to the City Manager for investigation by MPD.
- G. Receive timely notification on major incidents; the Chair or designee is authorized to visit the location of certain critical incidents which result in the involvement of MPD's Major Incident Response Team (MIRT) (e.g., officer-involved shooting).
- H. Receive access to relevant information to enable the CPRB to carry out its duties and responsibilities, as allowable by law.
- I. Participate in community meetings hosted by MPD following major incidents and be provided the opportunity to explain the role of the CPRB, as necessary.
- J. Conduct regular community engagement and outreach, with each member required to participate in events which raise awareness of the CPRB, and those focused on youth and improving police/community relationships.

- K. Participate in training provided by MPD and other sources regarding police practices, operations and functions. This training is to be presented whenever most practicable and beneficial in promoting the level of understanding and subject matter knowledge of the CPRB. This may include CPRB meetings and special training sessions.
- L. All members shall comply with all state and federal laws requiring the confidentiality of law enforcement records, information, and confidential personnel records, including any briefs prepared by the independent auditor. Members will be required to sign and abide by a confidentiality/non-disclosure agreement.

Section 2.2 Training. The required training of CPRB members include but are not limited to the following:

- A. Adhere to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics.
- B. Comply with all applicable state and federal laws regarding confidentiality.
- C. Participate in an initial 20-40 hour training program provided by the MPD and other sources regarding police practices, operations and functions. Annually thereafter, participate in 30 or more hours of training, including but not limited to: participation in a minimum of two ride-a-longs every year with a Modesto Police Department officer, and training on police practices, operations and functions.
- D. Complete ethics training; AB 1234 requires training must be completed within one year from the date of service and at least once every two years thereafter.

## **ARTICLE III**

### **MEETINGS AND ATTENDANCE**

#### Sections 3.1 Regular Meetings

It shall be the responsibility of each Member to know the dates and times of all CPRB meetings. If a Member knows he or she will not be able to attend a regularly scheduled meeting, it shall be his or her responsibility to notify the staff appointed CPRB Secretary at least forty-eight (48) hours before the meeting, in order for the absence to be recorded as an excused absence.

- A. Meetings will be held on the third, Thursday of each month at 5:00 PM.
- B. The minutes of each meeting will list those Members in attendance, those who are

excused, and those who are unexcused.

- C. Regular attendance at all meetings of the CPRB is required of all members to enable the CPRB to discharge its duties. If a member is absent from three (3) meetings of the CPRB consecutively, without securing the permission of the CPRB, expressed in its official minutes, the CPRB may recommend the City Council request the resignation from the CPRB of any such member under Section 1.4 (H). The Secretary shall report to the CPRB and City Council when a CPRB member has accrued 4 (four) absences during the calendar year (January – December) for consideration of the CPRB.

### Section 3.2 Special Meetings

A special meeting may be called at any time by the Chair of the CPRB or upon the written request of three (3) members of the CPRB. Whenever a special meeting shall be called, written notice of such meeting shall be made in accordance with Section 3.6 hereof.

### Section 3.3 Place of Meetings

Meetings shall be held at the location designated in the agenda for the meeting.

### Section 3.4 Meetings to be Public

All meetings of the CPRB shall be open to the public.

### Section 3.5 Agenda

In order to facilitate the orderly conduct of the business of the CPRB:

- A. The secretary shall arrange a list of the matters to be considered by the CPRB at its next meeting in accordance with the order of business. The agenda and all other reports and other supplemental material shall be delivered (electronic, postal, or other means as needed) to each member of the CPRB prior to the CPRB meeting at which they are to be considered as far as possible in advance of the meeting as time will permit. In accordance with amendments to the Ralph M. Brown Act, the agenda will be posted in a place freely accessible to the public at least 72 hours prior to the meeting. Copies will also be mailed to each person or organization requesting notice in writing, each local newspaper of general circulation, and radio or television stations requesting notice in writing.
- B. Any interested person shall have the opportunity to make public comment on each agenda item and under the Oral Communications item. Public comment shall be limited to 3 minutes per person, except that the Chair may shorten this amount if necessary to accommodate a large number of speakers. Members of the public may not yield their time to other speakers.

- C. With the approval of a majority of the members of the CPRB present at the meeting, matters may be taken up out of order.
- D. The agenda shall specify the time and place of the meeting and a brief description of each item of business to be transacted.
- E. The agenda shall be posted at Tenth Street Place, 1010 10<sup>th</sup> Street.
- F. Notices of all meetings, including agendas, shall be given to all Members of the CPRB, to the City Clerk, to the City Manager, and to the public and all others as provided by law. All such notices shall be at least seventy-two (72) hours prior to the time of such meeting.

### Section 3.6 Order of Proceedings

The order of proceedings of all meetings shall be as follows, subject to majority vote of the Members present:

- A. Call to Order
- B. Roll Call
- C. Declaration of Conflict of Interest
  
- D. Public Comment Period
- E. Oral Communications
  - a. CPRB Members
  - b. Staff
- F. Unfinished Business
- G. New Business
- H. Written Communications
- I. Adjournment

### Section 3.7 Reading the Minutes

Unless the reading of the minutes of the CPRB meeting is requested by a majority of the members of the CPRB present, such minutes may be approved without reading if the secretary has previously furnished each member of the CPRB with a copy thereof.

### Section 3.8 Method of Action

All decisions of the CPRB shall be by motion. Upon the request of any member, roll call vote shall be taken and recorded on any vote. Whenever a roll call vote of the CPRB is in order, the names of the members shall be called in alphabetical order except that the name of the presiding officer shall be called last. The affirmative or negative vote of a majority of the entire membership of the CPRB shall be necessary for it to take action.

## **ARTICLE IV**

### **QUORUM**

#### Section 4.1 Quorum

A quorum is necessary for the CPRB to transact any business. A quorum shall be defined as a simple majority of active CPRB Members, which is one-half of the active members plus one.

## **ARTICLE V**

### **OFFICERS, SECRETARY AND STAFF LIAISON DUTIES**

#### Section 5.1 Chair and Vice Chair

Officers shall consist of Chair and Vice-Chair elected by a simple majority vote of Members of the CPRB. All officers shall exercise all privileges of membership, including the making of motions, seconding, and debate.

- A. Chairperson - The Chair shall preside at all meetings, shall appoint all ad hoc committees, and shall ensure that the bylaws, rules, and regulations as adopted by the CPRB are properly enforced. The chairperson is responsible to execute all documents on behalf of the CPRB and perform any duties requested by the CPRB. The CPRB chairperson will also be responsible for responding to the scene of officer involved shootings and/or critical incidents and may assign any CPRB member to respond to a critical incident on a case-by-case basis, in lieu of the Chairperson's absence. Priority and preference shall be given to the Vice Chairperson. No person shall serve more than two consecutive years as Chairperson.
- B. Vice Chairperson - The Vice-Chair shall assist the Chair in his/her duties and in the absence of the Chair shall perform all duties usually performed by the Chair.
- C. Secretary - The City shall appoint a staff representative to serve as the CPRB's Secretary. The Secretary shall keep a written record of all business transacted by the CPRB, notify CPRB members of meetings, keep official records of the CPRB, and perform such other duties as the CPRB may require.
- D. Staff Liaison - The City shall appoint a staff representative to serve as the CPRB's Liaison to provide support and guidance to the CPRB so that they can have effective meetings, comply with regulations and work within the scope of the CPRB's mission.



### Section 5.2 Election of Officers

The Chair and Vice Chair of the CPRB shall be elected annually at the regular meeting in January.

### Section 5.3 Interim Vacancies

If the Chair of the CPRB vacates that office prior to the end of his/her term, an interim Chair shall be elected by the CPRB for the remainder of the calendar year.

If the Vice Chair of the CPRB vacates that office prior to the end of his/her term, the Chair may appoint an interim Vice Chair for the remainder of the calendar year.

During the absence of both the Chairperson and the Vice Chairperson, the CPRB should select a temporary chairperson to conduct the meeting.

## **ARTICLE VI**

### **PROCEDURES AND POWERS**

#### Section 6.1 Authority

The provisions of the Charter, Municipal Code, and Personnel Rules of the City of Modesto, and these Rules of Procedure pertaining to procedures, and powers of the CPRB shall prevail in the order stated.

#### Section 6.2 Amendment of Rules of Procedure

These Rules of Procedure may be amended from time to time by the City Council.

## **ARTICLE VII**

### **PARLIAMENTARY PROCEDURE**

#### Section 7.1 Roberts Rules of Order

Except as otherwise provided in these Rules of Procedure, Roberts Rules of Order shall be the guide for the parliamentary procedures for conduct of CPRB meetings.

## **ARTICLE VIII**

### **AD HOC COMMITTEES**

#### Section 8.1 Special Committees

There shall be such special ad hoc committees as the CPRB may establish from time to time. The members of ad hoc committees shall be appointed by the Chair of the CPRB and shall serve for terms established by the CPRB.

#### Section 8.2 Ex Officio Committee Member

The Chair of the CPRB shall serve as an ex officio member of all CPRB ad-hoc committees.

## **ARTICLE IX**

### **CITY MANAGER AUTHORITY**

#### Section 9.1 Administrative Support

- A. The City Manager shall provide appropriate administrative support to staff the CPRB public meetings.
- B. The City Manager shall provide staff to prepare and keep records of CPRB meetings.

#### Section 9.2 CPRB Recommendations

- A. The City Manager shall receive and evaluate all recommendations issued by the CPRB, to include determining what next steps if any, will be taken relative to those recommendations. As appropriate, the City Manager will address the recommendations with the Chief of Police, and as appropriate, with the City Council.
- B. The City Manager shall be the ultimate arbiter of issues that may arise between the CPRB and the independent auditor regarding policy recommendations, roles, and scope of authority.