

CITY OF SALEM COMMUNITY POLICE REVIEW BOARD  
BYLAWS AND RULES OF PROCEDURE

**Section 1. Mission.** The mission of the Community Police Review Board is to provide the Salem community with an objective, un-biased, citizen-based, accessible process for the review of complaints against the Police Department and Police Officers, and to provide the Salem community with information regarding the accountability of its Police Department in a way that builds trust and enhances communication between the Police and all members of the community. To this end, the Board advocates fairness, respect for all individuals, accountability of public employees, equal access to this forum, and open communication of concerns.

**Section 2. Definitions.** As used in these rules, unless a different meaning clearly appears from the context:

- (a) “Alternate Member” means a Board Member who serves only as a Regular Member if one or more Regular Members is absent.
- (b) “Board” means the Community Police Review Board.
- (c) “Board Member” means a citizen appointed to serve on the Community Police Review Board, including Alternate Members.
- (d) “City Attorney” means the City Attorney of the City of Salem, or the City Attorney’s designee.
- (e) “City Manager” means the City Manager of the City of Salem, or the City Manager’s Designee.
- (f) “Complaint” means the filing of a complaint against a Police Officer with the Police Department, which results in an investigation by the Police Department.
- (g) “Complainant” means the person filing the complaint or request for review.
- (h) “Confidential Information” means any information that is privileged or otherwise exempt from disclosure under applicable law.
- (i) “Conflict of Interest” means an actual conflict of interest or potential conflict of interest, as defined by ORS 244.020 and SRC 12.015.
- (j) “Police Department” means the City of Salem Police Department.
- (k) “Police Officer” means any sworn employee of the Salem Police Department.

(l) “Regular Member” means a Board Member who has full participatory and voting privileges in all business coming before the Board.

(m) “Request for Review” means a request for a hearing before the Board.

(n) “Review” means the hearing process conducted by the Board in reviewing an unresolved complaint filed by a Complainant.

(o) “Unresolved Complaint” means a complaint not resolved to the satisfaction of the Complainant within forty-five (45) days of filing the complaint with the City’s Internal Affairs Division of the Police Department, plus an additional thirty (30) days if necessary for the Police Department to complete its investigation.

### **Section 3. Membership.**

(a) The Board shall be comprised of seven Regular Members and two Alternate Members. Board Members will be appointed by City Council in accordance with SRC Chapter 20I. Board Members serve at the pleasure of the City Council and may be removed by the City Council for any reason.

(b) Alternate Members may fully participate in any meeting, but shall not participate in any Request for Review, the hearing held thereon, or any decision thereof, unless a Regular Member is absent.

**Section 4. Term of Appointment; Members to Receive no Compensation.** Each Board Member’s term of office is two years. Board Members may be appointed for one additional consecutive term. Board Members shall receive no compensation for their service.

**Section 5. Vacancies.** Appointments to fill vacancies on the Board will be made by the City Council in accordance with SRC Chapter 20I. A person appointed to fill vacancies shall have as their term the unexpired term of his or her immediate predecessor. Pursuant to SRC 2.650, the person appointed shall be considered to have served one full term when two third’s or more of the unexpired term remains as of the date of appointment and the person appointed completes the unexpired term.

**Section 6. Oath of Confidentiality.** All Board Members shall take an oath of confidentiality. Breach of the oath of confidentiality is outside the scope of a Board Member’s authority, is a violation of SRC 12.051(a), and will result in immediate removal from the Board.

## **Section 7. Training.**

- (a) Board Members are, at the time of appointment, required to participate in an orientation by the City Manager's Office. The orientation shall include the process for review of complaints, an overview of police department policies and procedures, and training in civil rights and ethics. Continued training will be provided as deemed necessary by the City Manager.
- (b) Unless waived by the City Manager for good cause shown, each newly appointed Board Member shall participate in one ride-along after appointment but before participating in a hearing, and thereafter, unless waived by the City Manager for good cause shown, each Board Member shall participate in at least two ride-alongs per year with the Police Department.
- (c) Board Members, upon approval from the Police Chief, may attend Police Department functions, meetings, training sessions or other events of interest. Board Members are also encouraged, but not required, to participate in the Citizen's Police Academy. The Police Chief may also suggest and arrange for instructive meetings and other training, as the Police Chief may deem appropriate.

## **Section 8. Officers.**

- (a) At the first meeting of each calendar year, all Board Members, including Alternate Members, shall select a Chair and a Vice-Chair by a majority vote. The Chair and Vice-Chair shall serve a one-year term. A Board Member may serve more than one term as Chair or Vice Chair.
- (b) The Chair is the Presiding Officer of the Board and shall preside at all meetings of the Board. The Chair shall serve as liaison to the City Manager's office in matters such as agendas, minutes, reports, records of complaints, and other administrative matters.
- (c) In the event of the Chair's absence from any Board meeting or hearing, for any reason, the Vice-Chair shall serve as the Presiding Officer. In the event of the absence of the Chair and Vice-Chair, the City Manager shall call the Board to order and call the roll of the members. If a quorum is present, those Board Members present shall elect a Temporary Presiding Officer for that meeting. Should the Chair or Vice-Chair arrive, the Temporary Presiding Officer shall relinquish all duties immediately upon the conclusion of the item of business then in consideration before the Board.
- (d) The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all members, and shall not be deprived of any of the rights and privileges of a Board Member by reason of acting as the Presiding Officer.
- (e) The Presiding Officer shall conduct the meetings according to these rules, including ensuring adherence to confidentiality.

**Section 9. Assistance from City Staff and City Attorney.**

(a) The City Manager may appoint a City staff member to act as liaison between the City Manager and the Board. The liaison may attend meetings of the Board, including executive sessions.

(b) The City Attorney shall serve as legal counsel for the Board. The City Attorney may attend meetings of the Board, including executive sessions.

**Section 10. Authority, Powers, and Duties.** In accordance with Chapter 20I of the Salem Revised Code, the Board is advisory to the City Manager. In the exercise of such advisory functions, the Board may:

(a) Review unresolved complaints against sworn members of the Police Department;

(b) Hold public meetings to conduct Requests for Review;

(c) Take testimony;

(d) Review and discuss confidential information in executive session;

(e) Take minutes at Board meetings;

(f) Make written findings regarding Requests for Review;

(g) Review and make recommendations on Police Department policy and procedure;

(h) Review and analyze Complaint summaries and trends of the Police Department;

(i) Refer issues to the Chief of Police;

(j) Conduct public outreach to educate the public on the mission of the Board; and

(k) Request additional training on civil rights, legislation, community concerns, diversity and cultural issues.

**Section 11. Ethics; Conflicts of Interest; Ex Parte Contacts; Bias.**

(a) Board Members are subject to, shall familiarize themselves with, and shall comply with, applicable local and state ethics and conflicts of interest rules, including the provisions of ORS Chapter 244 and SRC Chapter 12.

(b) Board Members may ask the City Manager to seek rulings from the Oregon Government Standards and Practices Commission or the City of Salem Board of Ethics if an ethics issue arises that affects the entire Board. When a single member has an ethics issue, that member shall be responsible for contacting the applicable ethics board or commission for a ruling on the issue.

(c) Board Members should avoid any appearance of impropriety in the conduct of the Board's affairs. Therefore, any Board Member with an actual or potential conflict of interest shall not participate in the proceedings giving rise to the conflict.

(d) Any Board Member shall disclose any ex parte contacts with any person regarding any matter before the Board.

(e) All decisions or recommendations shall be based upon the Board applying the appropriate standards to the evidence presented in an unbiased manner. No Board Member shall participate in any hearing before the Board where the Board Member cannot be impartial because the Board Member has prejudged the matter, or has a personal interest in the outcome.

## **Section 12. Meetings.**

(a) Regular meetings of the Board shall be held at least quarterly, or more frequently as called by the City Manager. Meetings shall be held at the time and place specified in the meeting notice posted on the City's "Meetings of Interest."

(b) All meetings of the Board and any Board committees shall be open to the public and, unless otherwise approved by the City Manager, be held in a City-owned facility. Notices of meetings shall be posted in the same manner as other City "Meetings of Interest." Meetings of the Board shall be considered public meetings, and subject to Oregon's public meetings law.

(c) Notwithstanding Section 2 above, the Board may schedule executive sessions for the sole purpose of considering Requests for Review, making related findings, and reviewing and discussing confidential records or information. The notice and agenda for such executive session meetings shall be distributed in the same manner as the notice and agenda for all other Board meetings. Executive sessions will not be open to the public.

(d) The City Manager may cancel a Board meeting for any reason. The Presiding Officer shall cancel a Board meeting when a quorum is unavailable, or there is a lack of sufficient agenda voting items.

(e) All Board Members are required to attend at least seventy-five (75) percent of the scheduled meetings within the calendar quarter as required by SRC 2.550.

### **Section 13. Order of Business and Agenda.**

(a) The order of business at Board meetings shall be as follows:

- (1) Roll Call;
- (2) Approval of Minutes;
- (3) Public Comment;
- (4) Consideration of Requests from City Manager or Chief of Police;
- (5) Board Member Comments;
- (6) Reports;
- (7) Training;
- (8) Unfinished Business;
- (9) Scheduling;
- (10) Request for Review Hearings;
- (11) Adjournment.

(b) The Presiding Officer shall work with City staff to prepare agendas for Board meetings.

(c) The City Manager may place items on the agenda for discussion and/or action by the Board.

### **Section 14. Minutes.**

(a) Minutes of all regular meetings shall be comprised of a “final action agenda” and an electronic recording of the meeting. The “final action agenda” shall contain the following information:

- (1) The date, time, and place of the meeting;
- (2) The names of the members recorded as either present or absent;
- (3) Any motions, amendments, or actions taken, a record of all votes taken, and a general description of all matters considered during the meeting.

(b) Minutes of all executive sessions and work sessions shall be comprised of a recording of the meeting.

(c) Approval of the minutes shall not require review of the electronic recording of the meeting or reading of the final action agenda in an open meeting prior to approval. The final action agenda may be revised at any time by the City Manager's staff to correct spelling, numbering, or other technical defects. Prior to approval, any member may request the amendment or correction of the final action agenda to accurately reflect the substance of any motion, amendment, or matter considered during the prior meeting. If any Board Member objects to such amendment or correction, the amendment or correction shall only be made upon majority vote of the Board.

(d) Minutes of each Board meeting shall be kept on file in the office of the City Recorder.

(e) No Board Member may release any portion of any minutes to anyone. All requests for copies of minutes shall be referred to the City Manager's office.

#### **Section 15. General Decorum.**

(a) The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the entire Board.

(b) Board Members shall observe proper order and decorum during Board meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer. Board Members shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, when in session or otherwise, conduct themselves in an appropriate and dignified manner.

(c) Any person who makes insulting, impertinent, slanderous or unauthorized remarks, or who becomes boisterous while addressing the Board or attending a Board meeting or hearing shall be removed from the room if the Presiding Officer so declares. In case the Presiding Officer should fail to act, any Board Member may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Board present, the person shall be removed as if the Presiding Officer so directed.

(d) The City Manager, the City Manager's staff, or a member of the Salem Police Department, as the City Manager's designee, shall carry out all instructions given by the Presiding Officer for the purpose of maintaining order and decorum.

## **Section 16. Consideration of Business.**

- (a) The Board shall follow generally accepted practices of parliamentary procedure in conducting any business.
- (b) A quorum shall consist of five voting members, which may, if Regular Members are absent, include Alternate Members.
- (c) The conduct of any business shall require the affirmative vote of a majority of all Board Members. A majority of all Board Members is defined as consisting of at least five voting members.
- (d) The results of every vote and the vote of each member by name shall be entered upon the record.
- (e) In case of a tie, the matter shall be considered lost, unless the tie vote occurs in the deliberations of a Request for Review, in which case deliberations shall continue until a majority of Board Members concur in a finding.
- (f) Upon demand by any member of the Board, a roll call vote shall be made upon any question before the Board. No Board Member may explain the reasons for his or her vote during the roll call.
- (g) When the question has been called for, the Presiding Officer shall first ask for the Ayes followed by the Nays. After a vote has been taken the Presiding Officer shall announce the results of the vote, and, unless the vote is unanimous, the vote of the members by name.
- (h) Every member present when a question is called shall vote either Aye or Nay, unless the Board, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest, in which case no consent is required. Unless excused pursuant to this rule, if any member refuses or fails to vote, and the result of such refusal creates a tie, that member's vote shall be counted as an Aye; in all other situations, that member's vote shall be counted with the majority. If a member is excused from voting as provided by this rule, that member may be counted toward making up a quorum, but shall not be counted toward the minimum number of votes required to pass or reject a motion. Proxy voting is prohibited.

**Section 17. Public Comment.** During the time set for public comment, members of the public may speak about any topic related to the mission of the Board. Persons wishing to speak during the public comment must state their name and address prior to speaking. Speakers are limited to five minutes each unless further time is allowed by a vote of the majority of the Board. No person may make public comment upon any matter that is pending before the Board as the result of a Complaint or Request for Review.



## **Section 18. Prerequisites for Board Review.**

- (a) A Complainant must first file an initial Complaint with the Police Department prior to filing a Request for Review. The Complainant shall cooperate with the Police Department in investigating the Complaint. No Request for Review shall be entertained by the Board unless the Police Department has been allowed the first opportunity to work with the Complainant to resolve the Complaint.
- (b) All persons filing a Complaint with the Police Department shall be provided written information regarding the Board and the Request for Review process. This information shall be provided to the Complainant at the time the original Complaint is filed.
- (c) A Complaint shall be deemed unresolved if not resolved to the satisfaction of the Complainant within forty-five (45) days of filing the Complaint with the Police Department, or within an additional thirty (30) days if the Police Chief deems it necessary for the Police Department to complete its investigation. Prior to the expiration of the forty-five day period, the Police Department should notify the Complainant if an additional thirty (30) days is needed to resolve the Complaint, as required by Police Department Directives.
- (d) The Board shall only accept Requests for Review regarding unresolved complaints.

## **Section 19. Requests for Review.**

- (a) Within ninety (90) days of the date the Complainant is advised of the results of the Police Department Investigation, the Complainant must file both a Request for Review and a Signed Waiver with the City Manager's Office. The Request for Review must be in writing and include:

  - (1) A description of the police conduct complained of;
  - (2) The desired outcome requested by the Complainant; and
  - (3) The Complainant's reason for requesting review.
- (b) The Complainant must attach to the Request for Review a copy of the Police Department's letter advising the Complainant of the results of the police investigation.
- (c) The Complainant shall agree to waive any and all rights that the Complainant may have pertaining to the disclosure of information regarding the Request for Review by signing a Release. The Release form shall be available at the City Manager's Office or can be printed at the City of Salem's Website.

**(d)** Upon receipt of the written Request for Review and the Signed Release, the City Manager will promptly refer the Request for Review to the Board. Upon receipt of the Request for Review from the City Manager, the Board shall notify the Complainant, the Police Department, and the Police Officer that the Board has received the Request for Review.

**(e)** Once the Request for Review is received by the Board, the Board may summarily deny a hearing on the Request for Review, and notify the complainant in writing of its decision, based upon one or more of the following reasons:

**(1)** The Board does not have jurisdiction over the subject matter of the Complaint.

**(2)** The Complaint was not timely filed.

**(3)** The Complaint is so clearly without merit that no reasonable person could sustain a finding based on the facts presented on the face of the Request for Review filed by the Complainant.

**(4)** The Board determines that the request is repetitive and has previously been adjudicated.

**(f)** At the time the notice of the Request for Review has been sent to the Complainant, the Police Department, and the Police Officer, the Board shall request that the Police Department provide the Board, the Police Officer, and the Complainant, with a written summary of the internal police investigation, including the findings and general disposition. The information provided to the Complainant shall not include confidential information. The summary provided by the Police Department shall be in accordance with Police Department Directives and shall be provided to the Complainant as soon as practical, but not later than fifteen (15) days prior to the scheduled hearing.

**(g)** When the City, or an officer, employee, or agent of the City, including but not limited to a member of the Police Department, is a party to any civil or criminal action that is also related to a Request for Review, or when the Request for Review relates to an on-going criminal investigation, the Board shall not proceed with its review until such time as the criminal or civil action has concluded, or the criminal investigation has been completed. Any statement of intent to sue and/or the filing of a tort claim notice shall be considered a civil action.

**(h)** This process is not intended to be, and shall not be, utilized for legal actions arising under the Federal or State wage and hour laws, employment discrimination, ADA, ADEA, wrongful termination, workers' compensation, sexual harassment in the work place, internal disciplinary matters, or any claim for discrimination under 42 USC 2000e, et seq.

## **Section 20. Hearing Procedure.**

- (a) Within forty-five (45) days of the Board's receipt of the Request for Review from the City Manager, the Board shall schedule a hearing, which shall occur no later than ninety (90) days from the date the Board receives the Request for Review, unless the Board by majority vote extends the period of time.
- (b) The Presiding Officer shall conduct the hearing. The Presiding Officer shall begin by asking if the Complainant is present. If the Complainant is present, the Presiding Officer shall then explain the purpose and process of review. The Presiding Officer shall then orally summarize the Complainant's Request for Review and the Internal Affairs summary provided to the Complainant. If the Complainant is not present, the Board shall discontinue the hearing and dismiss the Request for Review with prejudice, unless the Complainant's absence was the result of miscommunication caused by the City.
- (c) Witnesses shall be excluded during the testimony of other witnesses, except the Complainant and the Police Officer shall be allowed to be present during any testimony. All excluded witnesses shall be placed in a separate area where they cannot hear the testimony being given or questions being asked.
- (d) Prior to taking testimony, the Presiding Officer shall ask each witness who desires to testify to identify himself/herself before the Board and state his or her relationship to the matters at issue in the Review. Only those persons identified by the Presiding Officer as witnesses shall be allowed to testify, unless the Board by majority vote determines otherwise.
- (e) The Presiding Officer shall ask each witness to promise that the testimony the witness provides will be truthful. Only those witnesses that promise their testimony will be truthful may testify.
- (f) With the prior approval of the Board, and upon majority vote, the Board may consider sworn or attested written communication that contains adequate indicia of reliability from any person who was part of the original Internal Affairs investigation. All requests for appearance by written communication must be made, in writing, at the time the Request for Review is filed. The Board may accept, reject, or modify any request for appearance by written communication.
- (g) Adequate time shall be allowed for presentation of information from the Complainant, the Police Officer or the Police Officer's representative, and up to two additional witnesses for each party. The Board may allow additional witnesses if the Board finds there are compelling reasons to do so, based upon the uniqueness of the circumstances. The Board may request the appearance of additional witnesses.
- (h) Hearings shall be conducted in an informal, non-confrontational manner, free of harassment, coercion, intimidation or undue interruption.

(i) Any questions asked of any witness shall originate from the Board or individual Board Members. Board Members may ask questions or request additional information at the conclusion of statements by Complainant, the Police Officer, or any witness. The Complainant, Police Officers, or any witness shall not be allowed to ask questions of any other witness.

(j) New substantive information arising as a result of the hearing that was not available by the Police Department during its investigation shall be referred to the Police Department for its consideration. In the event such new information arises, the Request for Review hearing shall adjourn and a continuance issued until the Police Department has completed its investigation and issued an amended report. Upon completion of the Police Department's amended report, a date shall be chosen for the Request for Review hearing to resume, and the Request for Review hearing shall resume accordingly on the date chosen.

(k) The technical rules of evidence applicable to judicial proceedings do not apply to hearings before the Board. The Board may receive any evidence or hear any testimony which the Board considers relevant to the Complaint and material, reliable, and probative, provided the evidence is the type of evidence or testimony commonly relied upon by reasonably prudent persons in the conduct of their serious affairs. The Board may exclude any testimony or evidence that is cumulative, repetitive, or not relevant or material to the issue at hand.

(l) In addition to the internal affairs summary, the Police Department may provide additional material to the Board that would aid in the deliberation, such as written policies and procedures, police reports, court records or training records.

(m) The Police Officer whose actions or conduct is at issue has the right to participate in the hearing, but such participation is voluntary, and the Police Officer may decline to answer any question or discontinue participation at any time.

(n) Upon conclusion of all testimony, the public portion of the hearing shall be closed, and all members of the public shall be dismissed at this time.

## **Section 21. Decision-Making Process for Requests for Review.**

(a) Deliberations shall be conducted in executive session. Neither the Complainant, nor any Police Department employees, nor any members of the public shall be allowed to be present during deliberations.

(b) All confidential information, or information otherwise exempt from public disclosure, that is provided to the Board by the Police Department, shall first be provided to the Police Officer prior to its transmittal to the Board. The Police Officer shall have the right to remonstrate to the City Manager, against the provision of such information, within a period of ten (10) days after the Police Officer's receipt. If no remonstrance is received, the Police Officer shall be deemed to have waived any objection to the provision of the information to the Board.

(c) Any confidential information which was provided by the Police Department for Board deliberations shall not be disclosed in any form by any Board Member to the public or Complainant. Disclosure of confidential information by a Board Member is a violation of SRC 12.051(a), and will be referred to the City's Board of Ethics by the City Attorney for investigation and action.

(d) Unless prior written authorization from the Police Officer is received, the following confidential information shall not be made available to the Board:

- (1) Any information relating to the Police Officer's medical or psychological information;
- (2) The Police Officer's home address or telephone number;
- (3) The Police Officer's social security number;
- (4) Any information relating to the Police Officer's beneficiaries under any insurance or retirement program;
- (5) The identity of the Police Officer's spouse or other relatives;
- (6) Any other personal information of which the disclosure is confidential, exempt from disclosure, or otherwise prohibited by federal, state, or city law from being disclosed.

(e) A Board Member who fails to attend a meeting where confidential information was presented shall not have access to such information, nor shall any other Board Member disclose to the absent member such information. Alternate Members not serving as Regular Members shall not have access to such information, nor shall they be informed of the information by another Board Member.

**Section 22. Findings.** Following deliberations, the Board shall make one of the following findings regarding each action or conduct at issue in the Request for Review:

- (a) Concur - Board agrees with the Internal Affairs determination; or
- (b) Not Concur - Board disagrees with the Internal Affairs determination.

### **Section 23. Reports Regarding Requests for Review.**

- (a) The Board shall generate a Report for each hearing. The Report shall include a summary of the Request for Review, a summary of the testimony and evidence submitted, and the finding by the Board. The Report shall be completed within thirty (30) days of the completion of the hearing.
- (b) No confidential information shall be included in the Report, nor shall such information be summarized in any Report.
- (c) Only those Board Members participating in hearing a Request for Review and deliberating on it shall sign the Report.
- (d) A dissenting opinion may be included in the Report and may contain the dissenter's reasons and alternate conclusions.
- (e) Once the Report is signed by all Board Members, the Report shall be deemed issued and shall be referred to as the Initial Report.
- (f) A copy of the Initial Report shall be forwarded to the Chief of Police and the City Manager.
- (g) The Initial Report may contain non-binding recommendations to the City Manager for remediation, recognizing that the City Manager and Police Department have the sole discretionary authority over disciplinary matters.
- (h) After receipt of the Initial Report, the Chief of Police shall have fifteen (15) days to provide information or comments to the Board or the City Manager. Upon written notice to the Board and City Manager that additional time is necessary to respond, the Chief of Police shall have an additional fifteen (15) days to respond to the Initial Report.
- (i) Upon the expiration of thirty (30) days from the date the Initial Report was issued, the Initial Report shall become the Final Report, unless the Board by two-thirds majority vote decides to reopen the hearing to consider additional information or comments provided by the Chief of Police.
- (j) Upon reopening the hearing, the Board may amend its Initial Report to reflect the additional information or comment as necessary based upon the additional information considered. The Board shall then issue an Amended Initial Report to the Chief of Police and the City Manager. The Chief of Police shall have fifteen (15) days to provide additional information or comments on the Amended Report. If no additional information or comments are received, the Amended Report shall become final thirty (30) days after the Amended Report was sent to the Chief of Police.

(k) A copy of the Final Report shall be provided by first class mail to the Complainant and the Police Officer who was the subject of the Complaint. Alternatively, a party to the complaint may request a copy of the final report in person at the City Manager's Office, provided, the party signs a confirmation of receipt. A copy of the final report shall also be provided to City Council as an "off agenda" item.

(l) Final reports shall be placed on the next available Board agenda. The Presiding Officer shall make an oral summary of the Final Report. The Complainant and Police Officer shall be notified of their opportunity to be present at the Board meeting at which the report is presented. No comment shall be allowed on the completed Complaint review.

(m) There is no appeal of the Final Report of the Board.

#### **Section 24. Advisory Recommendations.**

(a) The Board may make recommendations to the Police Chief regarding policy, procedure, department complaint history, and training history based on its activity and the citizen complaint process. The Board may request additional information or comment from the Police Department or City Manager regarding any issue taken up by the Board for recommendation. Board recommendations are not binding and any action based upon the recommendations is solely made in the discretion of the City Manager and Chief of Police.

(b) In appropriate circumstances the Board may submit a request to the City Manager for the employment of an independent investigator or auditor. The City Manager may, at the City Manager's sole discretion, employ such independent investigator or auditor. The City Manager shall have the sole complete discretion to define the scope of any such investigation. The City Manager shall have the sole discretion to choose the independent investigator or auditor.

(c) The responsibility for the operation and direction of the Police Department is vested solely with the City Manager and Chief of Police. The Board shall in no way be construed to, or shall alter or shift decision making authority from the City Manager or the Police Department to the Board, the City Council, or any other person or entity.

(d) From time to time, at the sole discretion of the Chief of Police, Complaints or other matters may be referred to the Board for findings and recommendations.

#### **Section 25. Access to Process.**

(a) All Complainants coming before the Board shall be instructed by the City Manager about the hearing process and shall answer any questions an individual Complainant may have.

**(b)** The Complainant may use an assistant during the hearing process. Any assistant shall be identified at the commencement of the hearing. The assistant shall not be allowed to ask questions directly or present evidence or testimony.

**(c)** Court certified interpreter services shall be provided by the City Manager if requested not less than ten (10) days prior to the hearing. No relatives or friends shall be used as interpreters.

**(d)** Every Complainant shall be provided an optional survey form to be returned at the conclusion of the process. The survey shall measure the Complainant's satisfaction at various stages of the process, and shall ask for suggestions for improvement to the process. Completed surveys shall be returned to the City Manager's Office.

ADOPTED with the Consent of the City Council of the City of Salem, Oregon,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Linda Norris, City Manager  
City of Salem

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