

ARTICLE XXXVII. - POLICE COMMUNITY REVIEW COMMISSION

Footnotes:

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Editor's note— Ord. No. 68-02-05, § 1, adopted Feb. 1, 2005, set out provisions establishing a Police Community Review Commission as §§ 33.300—33.304. At the direction of the city these provisions were set out as Art. XXXVII and Arts. XXXVII—XL were redesignated as Arts. XXXVIII—XLI.

§ 33.300. - Established.

- (a) There is hereby established a police community review commission (PCRC).
- (b) The PCRC shall consist of seven members. Members of the PCRC shall be appointed by the mayor with the advice and consent of the city council.
- (c) The term of office of the members of the PCRC shall be four years. When the PCRC is established, seven members will be appointed; four members shall serve an initial three-year term to facilitate the practice of staggered terms. The three-year term members shall be designated by lottery. Subsequently, those four or the remaining three positions shall be filled every other year. Members may serve no more than two consecutive terms.
- (d) Vacancies shall be filled in the same manner as original appointments for the balance of the unexpired term no later than the next regularly-scheduled meeting of the city council.
- (e) There shall be a chairman of the PCRC elected by members of the PCRC. The PCRC shall elect one of its members to serve as a secretary who shall keep a record of all resolutions, proceedings and actions of the PCRC. Four members of the PCRC shall constitute a quorum for the transaction of its business. A vote of four members present at the meeting shall constitute approval of business before it. Special meetings may be called by the chairman or by no less than four members of the PCRC.
- (f) Members of the PCRC shall have the option of taking part in the Springfield Police Department's Citizen's Police Academy. However, participation in the Citizen's Police Academy shall not be required.

(Ord. No. 68-02-05, § 1, 2-1-05; Ord. No. 117-03-20, § 1, 3-17-20)

§ 33.301. - Powers and duties of PCRC.

The PCRC shall have the following powers and duties:

- (a) To receive sworn complaints of perceived police misconduct, to hold executive meetings or public hearings where necessary, to issue recommendations and to make reports to the city council, mayor and chief of police.
- (b) To have access to any and all internal affairs and complaint investigation files relevant

to the complaint under review by the PCRC.

- (c) To issue a written report at least annually on all complaints received to the mayor, city council and chief of police. The report shall contain statistics and summaries of citizen complaints, including a comparison of the PCRC's findings and conclusions with the actions taken by the chief of police.
- (d) To adopt rules and regulations as may be necessary to enable the PCRC to perform its powers and duties.
- (e) The PCRC will not review any alleged misconduct which occurred prior to the effective date of the ordinance approving the appointment of the original seven members of the PCRC.

(Ord. No. 68-02-05, § 1, 2-1-05; Ord. No. 705-10-05, § 1, 10-4-05)

§ 33.302. - Process.

- (a) Any person who feels aggrieved by action or inaction of a sworn officer of the Springfield Police Department shall be entitled to file a complaint regarding that action with either the Springfield Police Department Internal Affairs (Internal Affairs) Section or the PCRC. Complaints filed with the PCRC shall be taken by the director of community relations, or his or her designee, and forwarded to the internal affairs section as described below.
- (b) Upon receipt of a complaint, the director of community relations will immediately notify the deputy chief of professional standards. The complaint will be forwarded to the deputy chief of professional standards within five days. The office of community relations will maintain a log of complaints received. Such log will include the name of the complainant, the date and time of filing, and the date the complaint is delivered to internal affairs.
- (c) Internal affairs will investigate the complaint and render a final report of findings pursuant to the Springfield Police Department's General Orders, Rules of Conduct ROC-03.
- (d) After a final report of findings from internal affairs, any person dissatisfied with the internal affairs' findings may file an appeal with the PCRC within 15 working days. A hearing on the matter shall be scheduled within 30 days of the filing of the complaint. However, the PCRC will immediately dismiss any appeal from an internal affairs investigation resulting in a finding of "sustained" and the imposition of discipline.
- (e) Internal affairs shall provide the PCRC with all documents from its investigation that are relevant to the complaint under review by the PCRC within five working days of the filing of an appeal with the PCRC.
- (f) After reviewing the internal affairs report, and conducting a hearing and upon approval by a majority of the PCRC, the PCRC shall make necessary recommendations to the mayor, city council and chief of police regarding disposition of complaints.
- (g) The Springfield Police Department shall cooperate with the PCRC on the investigation of

complaints referred to the PCRC.

(Ord. No. 68-02-05, § 1, 2-1-05; Ord. No. 705-10-05, § 1, 10-4-05)

§ 33.303. - Meetings.

- (a) Meetings of the PCRC will begin in open session. However, any discussion of a specific appeal will take place in closed session. Meetings will be held in accordance with the Open Meetings Act.
- (b) Complainants shall be allowed 20 minutes in closed session to address the PCRC with their specific concerns. The officer(s) against whom the complaint was made shall also be allowed 20 minutes in closed session to address the PCRC.
- (c) The PCRC will debate the findings of the chief of police in executive session. Following such discussion, the PCRC will return to open session to vote on a recommendation.
- (d) The PCRC, by concurrence of four members, shall make one of the following recommendations to the chief of police:
 - (1) That the PCRC concurs with the finding of the chief of police;
 - (2) That the PCRC does not concur with the finding of the chief of police;
 - (3) That the case should be referred back to internal affairs for further investigation; or
 - (4) That the case be continued due to a lack of four votes for any of the first three options.

(Ord. No. 68-02-05, § 1, 2-1-05; Ord. No. 705-10-05, § 1, 10-4-05)

§ 33.04. - Reserved.

Editor's note— Ord. No. 705-10-05, § 1, adopted Oct. 4, 2005, repealed § 33.04, which pertained to meetings of the Police Community Review Commission and derived from Ord. No. 68-02-05, § 1, adopted Feb. 1, 2005.