



# Community Police Advisory Board Recommendations

*7 June 2021*

- Background
- Citizen Review Board vs. Citizen Advisory Board
- Internal Investigation Process
- Legal Limitations
- Board Comparison
- Proposed Charter
- Staff Recommendations



- Advisory boards generally make recommendations rather than conduct investigations
  - Regardless of what the board is called, it is still limited by state statute

## What a Board Can do

- Make policy and guidance Recommendations
- Liaison between the citizens and police department
- Make recommendations on police training and procedures
- Make recommendations for community policing programs
  - PAL
  - Citizen Police Academy
- Review internal policy and procedures for Fayetteville Police Department and make recommendations
  - Excluding public safety plans

## What a Board Cannot do

- Conduct appeals of disciplinary dispositions
- Cannot review body worn camera footage and law enforcement recordings
- Cannot review criminal investigations
- Cannot review investigations of complaints made by residents to Fay PD

- **Internal Investigations** - It is the FPD's policy to investigate all reports of employee misconduct, including anonymous complaints. The Office of Professional Standards is responsible for coordinating such investigations.
  - Complaints can be made to the on-duty supervisor 24 hours a day online or by calling the front desk during normal business hours.
  - Most complaints investigations will be completed within 45 days, but in some cases it may require more time to locate witnesses or to collect information.
  - When a complaint is received, the Office of Professional Standards sends a letter to confirm the complaint has been received and assigned for investigation.
  - Citizens who file a complaint will receive a follow-up letter at the completion of the investigation. However, in accordance with state law, the FPD cannot release the results of the investigation.



- **Officer Involved Shootings**

- Officers in North Carolina are allowed to use deadly force when they feel their lives or the lives of others are in danger.
- In the case of any officer involved shooting, a request is immediately made to the State Bureau of Investigation (SBI) to conduct an independent investigation of the incident. The SBI investigation has no timeline for completion.
- Once the SBI has completed its investigation they will refer the investigation to the District Attorney's Office for review.
- Again, there is no timeline for the review of the investigation by the District Attorney's Office and they may request additional investigation from the SBI.

## **N.C.G.S. § 132-1.4:**

- Records of criminal investigation are not public records.
- Law enforcement agency may release with a court order. Pertains to reports and any evidence collected (including surveillance videos and any videos not made by a law enforcement agency).

## **N.C.G.S. § 160A-168:**

- Personnel records are not public record and shall only be disclosed with a court order or written consent of the employee
- There are seven instances when the personnel file can be open to inspection.
  1. The employee or authorized agent may examine all portions of their personnel file except letters of reference, and medical information
  2. A licensed physician designated by the employee
  3. A city employee having supervisory authority over the employee
  4. By order of court of competent jurisdiction, any person may examine such portion of an employees personnel file as may be ordered by the court.
  5. An official of an agency of the state or federal government, or any political subdivision of the state when an inspection is deemed by the official to be essential to the function of the inspecting agency
  6. An employee may sign a written release
  7. The City Manager, with concurrence of the council, may inform any person of the employment or non employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a city employee and the reasons for that personnel action

## **N.C.G.S. § 132-1.4A:**

- Law enforcement recordings (body worn camera, dash camera footage) are not public record and shall not be released without a court order.
- This statute makes a distinction between release and disclosure.
  - Release – providing a copy of the recording
  - Disclosure – making the recording available for viewing
- The agency that made the recording may disclose a recording to a person appearing in the recording or a personal representative of a person appearing in the recording.
- When making such a disclosure, the agency shall only disclose those portions that the person appears in.
- Recordings may be requested for release through an order from a Superior Court Judge sitting in the county in which the recording was made.
- The head of the law enforcement agency may also request an order from the Superior Court to release a agency recording
- The court is required to make certain findings in ordering release and then may only release those portions relevant to the persons request
- There is a \$150 associated with filing the request (waivable if not for general release)

# Board Comparison

City	Created	Members	How	Special Leg.	Functions
Charlotte "Citizens Review Board"	1997	11	5- Appointed by City Council 3- Appointed by Mayor 3- Appointed by City Manager	SB 492: SL 1997-305	Appeals of disciplinary dispositions; recommend policy guidance
Durham "Civilian Police Review Board"	1998	9	City Manager appoints all members	SB 1509: SL 1998-142	Appeals of disciplinary dispositions
Greensboro "Police Community Review Board"	2018	7	Unable to find	HB 1080: SL 2018-105	Policy Recommendations; Reviews how complaints are handled by GPD
Winston-Salem "Citizens' Police Review Board"	1993	11	Recommend by Mayor and Appointed by City Council	None	Appeals of disciplinary dispositions; recommend policy guidance
Raleigh "Police Advisory Board"	2020	11	All appointments to boards are finalized by City Council	None	Liaison between community and city council. RPD policy recommendations.
Asheville "Citizen/Police Advisory Committee"	1989 (redone in 1991)	9	All appointments to boards are finalized by City Council	None	Liaison between the community and police department; mediate problems or conflicts
Burlington "Community Police Advisory Team"	2020	15-20 Currently 16 active	Each Member is approved by the City Council	None	Advise Council, City Manager, and PD by offering recommendations, evaluate annual reports, identify best evidence based practices



# Board Size and Appointment Options

City	Population	Board Size	Representative to Population
Charlotte	857,425	11	1 Member = 77,948
Raleigh	464,485	11	1 Member = 42,226
Greensboro	291,303	7	1 Member = 41,615
Durham	269,702	9	1 Member = 29,966
Winston-Salem	244,115	11	1 Member = 22,192
Asheville	91,560	9	1 Member = 10,173
Burlington	54,606	16	1 Member = 3,413

What size should the board be and why?

- By population; or
- By number of council districts; and
- Should be an odd number to maintain board majority vote

City	Population	Recommend Board Size	Representative to Population
Fayetteville	210,000	9	1 Member = 23,333

## Three Appointment Options

- Traditional – board would be populated by normal City of Fayetteville boards and commissions appointing procedures
- Unconventional – City Manager selects board appointees
- Hybrid – Mayor, Council, and City Manager select portions of the boards composition



# Proposed Charter

The **mission** of the Community Police Advisory Board (CPAB) is to provide sound advice and recommendations to the City Council, City Manager, and Police Chief to improve the quality of policing in Fayetteville in a cooperative effort between the community and the police by reviewing and recommending policy enhancements to better meet the needs of the community, provide and support a training curriculum that allows for police and community experiences to be shared and understood with greater context, and analyzing existing public records all of which results in improved perception of procedural justice, and enhanced trust of the police.

1. The scope of authority for CPAB will be advisory only.
2. Membership: 7-11 members
  - a) Qualifications
  - b) Selection Process
  - c) Required Training
3. Terms of Service: 3 years
4. Goals of the Board

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- Does Council wish to move forward with the board as recommended?

## Next Steps

- Review charter and request deletions
- Return in August for confirmation of the charter
- Advertise board positions for 30 days
- Review applications in September
- Appoint board members in October





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