



# POLICE REVIEW & ADVISORY BOARD

*A Department of the City of Cambridge, Massachusetts*

## **Rules and Regulations of the Police Review & Advisory Board**

The City of Cambridge Police Review & Advisory Board hereby adopts the following rules as its operating procedures and guidelines to assist it in carrying out its responsibilities pursuant to Cambridge City Code Chapter 2.74.

### **1. Public Records—**

The Board's records are subject to the state Public Records Law and Open Meeting Law. Whenever the Board produces any of its records in response to a Public Records request, such records shall be produced subject to the procedures and exemptions contained in the governing state Public Records Law and Open Meeting Law, and subject to City policy.

### **2. Complaints—**

- a. All complaints filed with the Board against a Cambridge Police Officer shall be made on the Board's official Complaint Form and signed by the complainant.
- b. Complaints against a Cambridge Police Officer must be filed within sixty (60) days from the date of the occurrence of the incident complained of to be considered by the Board. Complaints submitted for filing after sixty (60) days from the date of the occurrence shall be rejected by staff as untimely. A rejected complainant may make a written request through staff that the Board accept the late filing of a complaint. The Board may allow a late filing only if the complainant overcomes the presumption against late filing by showing in the written request good cause for the late filing.

### **3. Investigation of Complaints—**

- a. The preliminary investigation of complaints filed with the Board shall be done by the Professional Standards Section of the Police Department.
- b. The Professional Standards Section shall report the results of the preliminary investigation to the Board's Executive Secretary.
- c. The Executive Secretary shall review the Professional Standards Section's report of the preliminary investigation and forward it to the Board. If the Board concurs with the result of the preliminary investigation, the Executive Secretary shall communicate such concurrence to the complainant and respondent officer. If the Board does not concur with the result of the preliminary investigation, then the Board shall notify the Professional Standards Section of the reasons for its non-concurrence, and may request that the Professional Standards Section conduct further investigation.

- d. The Professional Standards Section shall have the opportunity to respond to the Board's reasons for non-concurrence before the Board notifies the complainant and respondent officer of its final action in connection with the Professional Standards Section investigation.
- e. After the final response from the Professional Standards Section, the Board may order its staff to investigate further and to make final recommendations to the Board. The Board shall then take final action on the investigation of the complaint. If the complainant fails to cooperate with the investigation by the Professional Standards Section or by the Board staff, the Board may summarily dismiss the complaint as such final action.

#### **4. Mediation—**

- a. After the Board's final action described above or at any other time by written agreement of the parties, either the complainant or respondent officer may request that the complaint be addressed through voluntary mediation conducted by the Executive Secretary. For mediation to occur, both the complainant and respondent officer must agree in writing to participate in it. No public attendance at, or participation in, mediation will be permitted.
- b. The Executive Secretary, or his or her designee, will make a good faith effort to mediate the complaint to the satisfaction of the parties and to complete the process within thirty (30) days. The Executive Secretary shall have no authority to impose a resolution of the complaint not agreed to by the parties.
- c. Either of the parties may terminate the mediation at any time at his/her sole discretion. The Executive Secretary may terminate the mediation at any time if he/she determines that voluntary agreement is not likely to result from the mediation.
- d. If agreement between the parties is reached through mediation, the Executive Secretary shall give written notice of the agreement of the parties to the Board and the Police Commissioner. If agreement between the parties is not reached through mediation, then the Executive Secretary shall advise the complainant and respondent officer of their right to request a hearing before the Board as provided below.

#### **5. Hearings—**

- a. If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent officer, or a member of the Board, either the complainant, the respondent officer, or the Board member may request no later than thirty (30) days after the Board's final action on the investigation that the full Board hear the matter. All hearings before the Board shall be conducted with notice to and assistance from the City Solicitor's office as required by the Ordinance.
- b. All parties to the hearing shall receive notice of the hearing at least five (5) business days prior to the date of the hearing.

- c. The hearing will not be conducted according to the strict rules of evidence that apply in a court of law. However, irrelevant material may be excluded and objections will be heard.
- d. At the hearing, the Board may review the investigative report/s and the evidence gathered in connection therewith, swear witnesses, hear testimony and take evidence as required by the Ordinance.
- e. The Board's Chair, or such other Board member as the Chair may designate, shall rule on all objections and make other rulings regarding the conduct of the hearing, including, but not limited to, setting time limits for the questioning of witnesses and for statements by the parties. No public participation in the hearing will be permitted, although the public may attend the hearing.
- f. The complainant shall present his/her case first. All individuals testifying shall be subject to questioning. The complainant shall testify first and be subject to questioning in the following sequence: first by members of the Board, then by the respondent, or his/her representatives, and then by the Board's staff member who conducted the investigation for the Board. Witnesses produced by the complainant will be subject to the same order of questioning. Board staff may be asked by the Board to provide relevant information or clarification as is appropriate.
- g. After the complainant's case is presented, the respondent officer may present testimony and other evidence. The same order of questioning shall apply, as stated in paragraph (f) above, including the right of the complainant or his/her representative to question the respondent officer and witnesses presented in the respondent officer's behalf.
- h. After the Board obtains all the evidence, each party will be given the opportunity to make a final closing statement.
- i. After the hearing, the Board will deliberate, and render a decision based on the testimony and other evidence presented to it at the hearing. The Board may dismiss the complaint, make recommendations to the City Manager concerning the discipline of employees of the Police Department, or make recommendations to the City Manager concerning changes to Police Department policies, practices and procedures.

## **6. Continuances—**

- a. The Board may grant a continuance of a hearing, or of the thirty (30) day deadline for requesting a hearing, by a majority vote. In particular cases, the Board may delegate to the Executive Secretary the power to grant a continuance of a hearing requested by the complainant or respondent if the continuance request is made prior to 72 hours before the time scheduled for the hearing.
- b. If a request for continuance is made within 72 hours of the scheduled hearing, the hearing will take place as scheduled, but the party requesting the continuance (or his/her representative) may address the Board at that time to explain the reason the continuance is being requested. The Board will decide by majority vote whether to grant the continuance request.

- c. In the case of inability of the requesting party or that party's counsel to attend the hearing due to illness or other involuntary unforeseeable incapacity, the Executive Secretary may cancel the hearing, inform Board members and all parties, and reschedule the hearing.
- d. It is the responsibility of the parties involved to make any necessary arrangements with counsel if they desire counsel representation. Any scheduling problems that arise due to failure of a party to give timely notice to his/her counsel shall not be the basis for a continuance.

## **7. Meetings—**

- a. Written notice of upcoming meetings shall be provided by the staff to Board members at least forty-eight (48) hours prior to the meeting. It is the responsibility of the Board members to keep staff apprised of address changes.
- b. Attendance of three (3) board members shall constitute a quorum.
- c. All decisions of the Board shall be by majority vote of a quorum of the Board members present and voting.
- d. The Executive Secretary shall maintain accurate records of Board meetings, including executive sessions, in accordance with the state Open Meeting Law. In the absence of the Executive Secretary, any Board member may maintain the minutes of the meeting.
- e. No executive session shall be held until the Board has first convened in an open session for which notice has been given, a majority of the members of the Board have voted to go into executive session, and the vote of each member has been recorded on a roll call vote and entered into the minutes. The purpose of the executive session must be stated by the Chair, as defined in the state Open Meeting Law, and the Chair must state before the executive session whether the Board will reconvene after the executive session.

*Date of Board adoption: October 5, 2011*