

AGREEMENT

The Parties agree upon the following as the Rules and Regulations of the Police Community Review Commission:

I. Filing of Complaints

- 1.01 Citizen complaints of police misconduct may be filed with either the Springfield Police Departments Internal Affairs Section or with the Police Community Review Commission (PCRC). Complaints filed with the PCRC will be taken by the Office of Community Relations. All such complaints must be made by an individual with personal knowledge of the incident and must be accompanied by a sworn affidavit.
- 1.02 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 (5) 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.
- 1.03 Complainants will be required to fill out an address form where all correspondence should be mailed. Complainants have a duty to inform the PCRC of any address change during the time a complaint is under investigation.
- 1.04 Upon receipt of the complaint, the Deputy Chief of Internal Affairs will determine whether the complaint is appropriate for formal investigation, whether the complaint is appropriate for the Department's early tracking program, or whether the complaint does not allege a violation of Department Rules and Regulations.
- 1.05 If the complaint is appropriate for early tracking, the Deputy Chief of Professional Standards will have the complainant sign a form indicating that he/she agrees with that

determination. If the complaint is appropriate for formal investigation, a Lieutenant will be assigned to investigate the complaint pursuant to current Department procedure. If the complaint does not allege a violation of Department policy, the Deputy Chief shall send a letter to the complainant informing him/her of that determination.

- 1.06 No complaint alleging a violation of department policy which occurred prior to the date the members of the PCRC are appointed shall be accepted.

II. Filing of an Appeal

- 2.01 Following the investigation of a complaint filed either with Internal Affairs or with the PCRC, a letter shall be sent to the complainant informing them of the results of the investigation pursuant to current Department practice. Such letter shall be accompanied by a certificate of service indicating the date of mailing and shall contain information regarding the complainant's right to appeal to the PCRC where appropriate.
- 2.02 Within fifteen (15) working days of the mailing of the letter referenced above, the complainant may file an appeal of the decision of the Chief of Police with the PCRC.
- 2.03 Upon receipt of the notice of appeal, the Director of Community Relations will contact the Deputy Chief of Professional Standards to determine the resolution of the complaint. Any appeal from a complaint which resulted in a finding of "Sustained," or from a complaint that was early tracked with the agreement of the complainant, will be immediately dismissed. A letter informing the complainant of the dismissal will be mailed to the complainant within five (5) working days of the filing of the appeal. Complainants have a duty to inform the PCRC of any address change during the appeal process.
- 2.04 If the complaint is appropriate for review by the PCRC, the Deputy Chief of Professional Standards shall deliver a copy of the Internal Affairs investigation to the PCRC within

five (5) days of being notified of the appeal. The PCRC will hold a meeting to discuss the appeal within thirty (30) days of the receipt of the notice of appeal.

III. Meetings of the PCRC

- 3.01 Notice of meetings of the PCRC will be posted at least forty-eight (48) hours in advance in compliance with the Open Meetings Act.
- 3.02 Meetings will begin in open session. However, any discussion of a specific appeal will take place in closed session.
- 3.03 Complainants will be allowed twenty (20) minutes in closed session to address the PCRC with their specific concerns. No one else shall be present during this discussion.
- 3.04 Officers and/or their legal representatives shall also be allowed twenty (20) minutes in closed session to address the PCRC. No one else shall be present during this discussion.
- 3.05 The PCRC will be bound by the record of the Internal Affairs investigation, but may consider any new information presented to them during the meeting. If new information relevant to the case is presented and the PCRC determines that the information is sufficient to call into question the resolution of the complaint, the PCRC may request that the case be referred back to Internal Affairs for further investigation of the new information.
- 3.06 Following the time for discussion with the complainant and the affected officer(s), the PCRC will debate the findings of the Chief of Police in executive session. Following such debate, the PCRC will return to open session to vote on a recommendation.

- 3.07 The PCRC, by concurrence of four (4) 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 (4) votes for any of the first three (3) options.
- 3.08 Members of the PCRC shall review the findings of the Chief of Police under an abuse of discretion standard. A recommendation that the PCRC does not concur is appropriate where the PCRC finds that the Chief of Police=s decision was arbitrary and/or capricious.
- 3.09 Decisions of the PCRC will issue without reference to the names of the complainant and/or the affected officer(s). Such a decision will contain an Internal Affairs complaint number and the recommendation of the PCRC.
- 3.10 Where the PCRC does not concur with the finding of the Chief of Police, the Chairman of the PCRC will provide the Chief of Police with a short statement regarding the reasons for the finding of the PCRC. Such statement will not be made public.
- 3.11 Recommendations of the PCRC are advisory in nature and shall not require any action on the part of the Chief of Police and/or the Mayor. Further review and/or action relating to the complaint is at the discretion of the Chief of Police and/or the Mayor.

IV. Miscellaneous

- 4.01 Members of the PCRC will maintain the confidentiality of all Internal Affairs investigations. Failure to abide by this rule will be grounds for immediate removal of a member from the PCRC.

4.02 The Office of Community Relations will be bound by the rules of confidentiality applicable to employees of the Springfield Police Department. Failure to comply with this rule will be grounds for the imposition of discipline up to and specifically including termination.

4.03 Members of the PCRC are encouraged to attend the Springfield Police Department=s Citizen=s Police Academy. The City of Springfield will be responsible for providing a mandatory orientation for all members of the PCRC which will include training relating to the following: 1) the Springfield Police Department=s Rules of Conduct contained in ROC-2, Add. 2; 2) the laws and rules relating to the use of force and defensive tactics; 3) the legal standards regarding reasonable suspicion and probable cause, particularly with regard to their application to traffic stops; and 4) rules relating to the confidentiality of personnel and Internal Affairs= files. Additionally, as part of this mandatory orientation, members of the PCRC will participate in a Ride along@ with an officer of the Springfield Police Department.

4.04 The PCRC shall not create or amend any Rules and Regulations impacting the terms and conditions of employment and subject to mandatory collective bargaining, unless such amendments have been properly negotiated by the City of Springfield and the Police Benevolent and Protective Association, Unit #5, pursuant to the current collective bargaining agreement between the parties and the laws of the State of Illinois.

FOR THE CITY:

FOR THE UNION:

Name

Title

Name

Title

Date

Date

