

DATE: 8 May 2018

TO: Mayor and City Council

FROM: Darryl Smith, Chair
Citizens Police Review Board

RE: Time Limit for Filing a Complaint, Section 21-51(b)

During its meeting on 14 March 2018, the Citizens Police Review Board (CPRB) voted to request that the City Council amend Section 21-51(b). The decision to make this request came after vigorous discussion, culminating in a vote of 5-3 in favor of making the request, with one member absent,

Presently, Section 21-51(b) states in pertinent part, “*Complaints must be filed within one (1) year from the date of the alleged misconduct.*” This is entirely reasonable in that it allows a reasonable time for complaints to be filed while also allowing for complaints to be adequately investigated.

A majority of the Board voted to recommend that Section 21-51(b) be **amended** to state, “*Complaints must be filed within one (1) year from the **date of discovery of the alleged misconduct.***”

Members of the CPRB voting against the request did so due to concerns of how long a person would have to file a complaint and the ability to adequately investigate the facts of the alleged conduct. An example: A person discovers something 5 years from the date of an incident that may have been misconduct. Could that complaint be adequately investigated (Are witnesses, BWC footage, etc. still available?) such that a fair determination of the allegations be made? These members strongly felt that the proposed language could potentially make an easily understood standard ambiguous, leading to delegitimization of the complaint and appeal process.

With these concerns in consideration, the Citizens Police Review Board respectfully requests that the Mayor and City Council amend Section 21-51(b) in pertinent part to state “Complaints must be filed within one (1) year from the date of discovery of the alleged misconduct.”