

City of Lawrence, Kansas

Community Police Review Board

Bylaws

Article I

Purpose

- Section 1. The purpose of the Community Police Review Board (Board) is to advise the Governing Body of the City of Lawrence, Kansas, regarding issues affecting the Lawrence Police Department, its policies, education, community outreach and communications related to racial or other bias-based policing. The Board may provide an independent, accessible, and efficient means for which the public may submit a complaint of alleged police misconduct in a confidential manner. The Board may also assist in reviewing completed racial or other bias-based policing investigations, in accordance with Chapter 1, Article 25 of the City Code, that are conducted by the police department, when appropriately appealed by a complainant.

Article II

Membership

- Section 1. The Board shall be composed of seven voting Members, who shall receive no payment for their service on the Board.
- Section 2. Members will be appointed by the City Commission upon the recommendation of the Mayor, in accordance with the qualifications set out by City Code.
- Section 3. Board Members shall be residents of the City of Lawrence, Kansas, or own a business in Lawrence, Kansas, in addition to all other qualifications as set out in Chapter 1, Article 25 of the City Code.
- Section 4. Other than the provisions set forth in Section 5, *infra*, governing initial terms, each Board Member shall serve a three year term. A Board Member, appointed to fill an unexpired term, shall complete that unexpired term.
- Section 5. In order to stagger the expiration of terms, the initial terms for the following Members shall be as follows: Two members shall serve a term beginning August 1, 2018 until August 31, 2019; two members shall serve a term beginning August 1, 2018 until August 31, 2020; and three members shall serve a term beginning August 1, 2018 until August 31, 2021. After the

expiration of those initial terms, then each succeeding term shall be three years in accordance with Section 4, *supra*.

- Section 6. Each Member shall serve no more than two consecutive, successive full terms. Completion of an unexpired term shall not count toward the term limit.
- Section 7. Each Member has an ongoing duty to report to the Mayor any changes in qualifications after appointment to the Board.

Article III
Officers and Staff Liaison

- Section 1. The elected officers of the Board shall be:
- a. Chair
 - b. Vice-chair
- Section 2. Terms of elected officers shall be one year commencing the date of the election and continuing until the succeeding year's election.
- Section 3. With the exception of the first year when elections shall be held as soon as practical, the Board shall elect officers at the first meeting held after September 1 each year.
- Section 4. In the event that the office of Chair becomes vacant, the Vice-chair shall succeed to that office for the unexpired term. In the event that the office of Vice-Chair becomes vacant, the Board shall, at the next regular meeting, elect a member to succeed to that office for the unexpired term.
- Section 5. The duties of elected officers shall be:
- a. Chair
 - (i) Shall preside at all Board meetings; and
 - (ii) Shall represent the Board, as necessary, at all City meetings.
 - b. Vice-chair
 - (i) Shall preside at Board meetings in the absence of the Chair; and

- (ii) Shall represent the Board in the absence of the Chair, as necessary, at all City meetings.

Section 6. The Chief of Police, or his or her designee, shall serve as staff liaison between the City and the Board. The staff liaison shall, in consultation with the Chair, prepare the agenda and order of business for each regular meeting. The staff liaison shall be responsible for recording the minutes of regular and special meetings of the Board. The staff liaison shall also keep the Board informed of all communications.

Article IV

Vacancies and Appointment Procedures

Section 1. Upon the vacancy of a position on the Board, the staff liaison shall notify the City Manager of the vacancy. The City Manager shall request that the Mayor recommend a replacement.

Section 2. Upon being notified by the City Manager of a vacancy of a position on the Board, the Mayor shall endeavor to nominate a replacement as soon as may be practicable.

Article V

Attendance

Section 1. Board Members are expected to attend all regular and special meetings of the Board. Without the attendance of its Members, the Board cannot conduct its business.

Section 2. A Board Member having 50% or more unexcused absences or 60% or more absences for any reason during one (1) calendar year shall be deemed by the Board to have involuntarily resigned his or her position. Failing to notify the Chair of an absence at least 24 hours prior to a scheduled meeting shall count as an unexcused absence. Attendance will be reviewed regularly to ensure compliance.

Article VI

Conduct

Section 1. Board Members are subject to all rules and regulations as established by the State of Kansas, City of Lawrence, and other governmental jurisdictions and agencies having legal authority to regulate public officials' behavior and conduct.

- Section 2. No Board Member may use his or her office in public representations unless authorized to do so by a simple majority vote of the Board.
- Section 3. The Board must report to the City Commission from time to time regarding its activities, including an annual report to be presented to the City Commission at the first regularly scheduled Lawrence City Commission meeting following July 31st of each year.
- Section 4. Confidentiality is of utmost importance to the Board. Each Board Member, before serving as a Member, must sign and abide by a confidentiality agreement confirming such Member's agreement to protect the privacy of officers and other parties involved and the confidentiality of the Board's proceedings. Failure to comply with the confidentiality agreement may result in immediate removal from the Board and any breach of privacy may result in criminal and other sanctions.

Article VII

Meetings

- Section 1. With the exception of the initial meeting, which shall be at a time and date specified by the Mayor, the Board shall meet regularly at a date, time, and place as determined by the Board Chairperson, the Chief of Police or his or her designee, or a simple majority vote of the Members, except that the Board shall meet at least quarterly, unless there are no items to be discussed. The date, time, or place may be changed by a simple majority vote of the Members so long as reasonable notice is given to all Board Members. If circumstances warrant it, the Chair may cancel or postpone a regular or special meeting of the Board and, if necessary, set a new date, time, and place for the meeting.
- Section 2. Notice of regular meetings and agendas, if prepared, for regular meetings shall be transmitted to all Board Members at least one week prior to the meeting. Notice, agendas, minutes, and other materials may be delivered electronically.
- Section 3. Agendas, if prepared, shall be set by the Board Chairperson in conjunction with the staff liaison.
- Section 4. The Chair may call a special meeting of the Board, provided that at least three full days' notice is given to all Board Members and the public *via* posting notice of the special meeting on the City website or via other means as available and as deemed appropriate by the Chair.

Section 5. The Chair may allow public comment. Before any public comment, however, the Chair or Vice-Chair in the Chair's absence, must give the following admonition:

"The public is allowed to speak at public comment after first being recognized by the Chair, except that any complaints or comments regarding individually identifiable officers are not allowed. Rather, any such comments or complaints may be provided to the Board in writing, and the Board will forward such comment or complaint to the appropriate person within the Lawrence Police Department. The Board may establish reasonable limitations on the allowable length of public comment. As a general practice, the Board will not discuss or debate these items, nor will it make decisions on items presented during this time."

Article VIII

Receipt of Complaints

Section 1. Each Member of the Board may receive a complaint related to alleged misconduct of a Lawrence Police Officer, provided that such complaint is submitted in a confidential manner to the Member and not discussed openly at a public meeting.

Section 2. Board Members shall not make specific inquiries of the complaint beyond the scope of information necessary to ensure that the complaint is properly processed. Board members shall not conduct their own investigation into allegations of misconduct

Section 3. When a Board Member receives a complaint of alleged police misconduct, such Member shall, within three (3) business days of receipt, forward the complaint to the Police Department's Office of Professional Accountability for investigation in the manner in which any other such allegation of misconduct is normally investigated.

Section 4. In addition to submitting a complaint directly to a Board Member, members of the public may also submit a complaint of alleged police misconduct to the Lawrence Police Department in person or via its website.

Article IX

Review of Police Department Findings

Section 1. When an appeal is requested in a manner set out by ordinance, the Board shall review the Police Department's findings to determine whether they are supported by substantial competent evidence. Substantial competent

evidence exists when a reasonable person, when reviewing the evidence, would accept the Police Department's findings as being sufficient to support its underlying conclusion.

For example, if the Police Department concludes that an officer did not commit misconduct and the evidence it based its decision on includes inconsistent statements provided by witnesses, dissimilar accounts of the officer's actions by witnesses and the complainant, and/or an admission by the complainant that he or she was untruthful, a reasonable person could find that the Police Department's finding of no misconduct should stand.

However, if the Police Department concludes that an officer did not commit misconduct and the evidence it based its decision on includes consistent statements by witnesses and/or an audio/video recording of the incident corroborating the complainant's story, a reasonable person could conclude that the evidence does not support the Police Department's findings.

Section 2. It is not the Board's duty to re-investigate the alleged misconduct or any portion of the Police Department's investigation; it is to determine whether the Police Department's findings are supported by the evidence it had before it. Therefore, in its review of the Police Department's factual findings, the Board will review the evidence but will not reweigh it, and it will not make witness credibility determinations.

Section 3. Upon the conclusion of the Board's confidential review and deliberations on an appeal, it shall provide the City Manager with a written recommendation stating whether the Board believes sufficient evidence exists to support the Police Department's findings and whether additional investigation by the Police Department is warranted.

Article X

Quorum

Section 1. Four Members of the Board shall constitute a quorum. There must be a quorum present (in person or by teleconference) before the Board may conduct any official business. Informal consideration and discussions may occur in the absence of a quorum.

Article XI

Open Meetings and Open Records

Section 1. All regular and special meetings of the Board shall be held in compliance with the Kansas Open Public Meetings Act of 1972, codified as amended at K.S.A. 75-4316 *et seq.* All records of the Board shall be subject to the provisions of the Kansas Open Records Act of 1984, codified as amended at K.S.A. 45-205 *et seq.*

Article XII
Training

Section 1. Within six (6) months of appointment to the Board, each Board Member shall complete racial or other bias-based policing training.

Section 2. Within 90 days of appointment to the Board, each Board Member shall complete KOMA (Kansas Open Meetings Act) and KORA (Kansas Open Records Act) training within ninety (90) days of appointment.

Section 3. The Board shall review the Police Department’s annual training on racial or other bias-based policing, and if necessary suggest substitute or additional training to prevent racial or other bias-based policing.

Section 4. Board Members shall receive additional training, as designated by the City of Lawrence, KS Manager or his or her designee, to assist the Board in its duties. Such training may include, but is not limited to, police use of force, racial or other bias-based policing, and training to ensure the Board’s understanding of the police department’s current investigation processes.

Article XIII
Conduct of Meetings

Section 1. If any business of the Board relates to racial or other bias-based policing related to an individually identifiable police officer, the Board shall handle such business in accordance with Article 1, Chapter 25 of the City Code.

Article XIV
Bylaws

Section 1. The purpose of these bylaws is to establish rules governing the internal organization of the Board and its operational procedures.

Section 2. These bylaws may be amended at any time by a simple majority vote of all current Members of the Board.

Section 3. Amendment to these bylaws may be initiated at any time, but a proposed amendment must be placed on the agenda prior to a regular meeting before it may be considered by the Board.

Section 4. Amendment to these bylaws shall take effect immediately after adoption unless otherwise stipulated in the amendment.

Approved by Community Police Review Board March 26, 2019
Approved by the City Commission May 7, 2019