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ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH A CITIZENS REVIEW BOARD FOR CERTAIN MATTERS IN THE LITTLE ROCK POLICE DEPARTMENT; TO DECLARE AN EMERGENCY; AND, FOR OTHER PURPOSES.

WHEREAS, the Mayor and Board of Directors of the City of Little Rock, Arkansas, believe public safety is a top priority for the City in order to attract growth, encourage economic development, and maintain a high quality of life for all citizens and residents; and,

WHEREAS, that for the Little Rock Police Department it is important to have a Community Review Board, separate from the existing civilian review process, that will be diverse and fully representative of the Little Rock Community with certain autonomous powers, clearly defined responsibilities and relationship to the officer review process; and,

WHEREAS, after consultation with the community, the Chief of Police, and a consultant with the U.S. Department of Justice Community Relations Service on the ways to pursue such action, a program has been developed to put into place such a Citizen’s Review Board to work with the Little Rock Police Department, but still maintain the current Civil Service Commission to review various issues and concerns about the Department, but also to assure that investigations are accurate, complete, thorough, objective, and impartial.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:

Section 1. This ordinance will be known as the Little Rock Citizens Review Board (“CRB”) ordinance, and shall set forth the duties and responsibilities of such an entity.

Section 2. Definitions. As used in this ordinance, the following terms shall have the meanings set forth below:

“*Annual Report*” shall mean the written annual report of the CRB that shall be delivered to Board of Directors.

“*Board of Directors*” refers to the Little Rock Board of Directors which is comprised of the Mayor and the other elected members of the governing body, which is the chief legislative body of the City, as set forth in Arkansas State Law and City Ordinance.

“*Bylaws*” means the Bylaws of the CRB.

“*Chief of Police*” means the Chief of Police of the LRPD, or if appropriate because of a current vacancy in the position of Chief of Police, the individual designated as the Acting Chief of Police by the Mayor.

“*City*” means the City of Little Rock, Arkansas, a municipality of the first-class organized under the

1 City Management Form of Government with additional duties granted to the Mayor pursuant to Arkansas
2 State Law and City Ordinance.

3 “*Complaint*” means collectively, unless the context otherwise indicates, an Initial Complaint or Review
4 Request for the CRB.

5 “*Corruption*” includes, but is not limited to abuse of power, theft, embezzlement, falsification of public
6 records, falsification of testimony, the manufacture or falsification of evidence, witness intimidation,
7 witness bribery.

8 “*CRB*” means City of Little Rock Citizen Review Board.

9 “*CRB Counsel*” means the Legal Counsel selected by the Mayor to support the CRB.

10 “*CRB Findings*” means the conclusions adopted by the CRB in response to a Review Request.

11 “*CRB Meeting*” means a meeting of the CRB.

12 “*CRB Meeting Notice*” means a published notice, which complies with the Arkansas Freedom of
13 Information Act, stating the date, time, and location of a CRB Meeting.

14 “*CRB Member*” means each person, including the Chair, appointed to the CRB.

15 “*CRB Public Session*” means a CRB open meeting conducted on issues within the jurisdiction of the
16 CRB on law enforcement policies and practices where the public is invited and permitted to make comments
17 on such policies and practices.

18 “*CRB Review Meeting*” means a CRB Meeting where a Review Request is reviewed by the CRB by
19 the CRB, including but not limited to, a Meeting where a complainant or LRPD representative is present to
20 discuss an Investigation.

21 “*Discrimination*” means to use the authority of office, or the color of authority, to act differently against
22 anyone because of the person’s race, color, creed, religion, sex, national origin, age, disability, marital
23 status, sexual orientation, gender identify, genetic information, political opinions or affiliation.

24 “*Eligible Person of LRPD*” means a human being within the LRPD, eligible to accept service of process
25 pursuant to the Arkansas Rules of Civil Procedure, who physically takes possession of Officer-involved
26 complaints.

27 “*Initial Complaint*” means a complaint submitted to the LRPD, or submitted pursuant to directions
28 posted by the City on a website, by any person domiciled within the City about a contact which occurred
29 after the effective date of this ordinance, with a member of the LRPD either personally or through a client,
30 friend, or family member.

31 “*Initial Disposition Notice*” means the notice sent by the CRB to a complainant detailing the
32 disposition by the CRB of a Review Request after the initial review.

33 “*Investigation*” means a criminal or internal administrative investigation of the LRPD about a matter.

1 “*Investigation Report*” means a completed criminal, or internal, written report by the LRPD which sets
2 forth the findings of the LRPD.

3 “*LRPD*” means Little Rock Police Department.

4 “*Meeting*” shall mean an open meeting of the CRB as that term is defined or interpreted by Arkansas
5 law including, but not limited to, the Arkansas Freedom of Information Act.

6 “*Physical Injury*” means impairment of a person’s physical condition, the infliction of substantial pain,
7 or the infliction of bruising, swelling, or a visible mark associated with physical trauma,

8 “*Receipt of the Investigation Report*” is the date and time at the first CRB meeting subsequent to the
9 LRPD making an Investigation Report available to the CRB in response to a Review Request.

10 “*Review Request*” means a request by any person authorized to make an Initial Complaint for the CRB
11 to review an Investigation which occurred after the effective date of this ordinance.

12 “*Serious Physical Injury*” means any Physical Injury that creates a substantial risk of death or that
13 causes protracted impairment of the function of any bodily member of organ

14 **Section 3. Purpose.** The purpose of the CRB is to enhance public perception and to build and maintain
15 public trust between the LRPD and the public. To accomplish this purpose, the CRB shall:

- 16 (a) Review an Investigation for accuracy, completeness, impartiality, objectivity, and
17 thoroughness; and,
- 18 (b) Provide a process to commence an Initial Complaint against LRPD Policies and
19 Practices, or against any one, or more, members of the LRPD as to certain actions;
20 and,
- 21 (c) Make recommendations to the Board of Directors on law enforcement policies and
22 practices as they pertain to case review, on how to assist the Chief of Police, or the
23 Board of Directors, on policy review.

24 **Section 4. Jurisdiction of the CRB.** Unless otherwise approved by the Board of Directors based upon
25 extremely unusual circumstances, the CRB shall have the authority to review an Initial Complaint or accept
26 a Review Request regarding a Certified LRPD Law Enforcement Officer’s or interaction that involves:

- 27 (a) *Scope of Review Authority*
 - 28 (1) Use of Force that has resulted in a Physical Injury or Serious Physical
29 Injury;
 - 30 (2) Use of Deadly Force;
 - 31 (3) Corruption; or,
 - 32 (4) Discrimination.

1 (b) *Time of Review*

2 (1) Within sixty (60) days from receipt of the Initial Complaint, a Review
3 Request, or a request from the Mayor or a member of the Board of Directors,
4 unless such time has been extended by the Mayor; and

5 (2) If an Investigation by the LRPD has resulted in disciplinary action,
6 prior to any appeal being heard by the Civil Service Commission, provided,
7 that the time to file an appeal will not be extended, although the time to hear
8 an appeal shall be stayed pending CRB Finding;

9 (c) *CRB Access to LRPD Information.*

10 (1) Subject to a Court Order from a court of competent jurisdiction, or at
11 the direction of the prosecuting authority as to the release of information about
12 an ongoing criminal investigation, in order to conduct an informed review, the
13 CRB shall be provided with all information in the possession, control, or
14 knowledge, of the LRPD, and shall maintain the integrity of said information
15 throughout the entire investigation period; and,

16 (2) Notwithstanding the terms of this subsection, the CRB shall not obtain
17 access to the personnel records of any City employee unless that information
18 is otherwise subject to release pursuant to the Arkansas Freedom of
19 Information Act;

20 (d) *CRB authority to obtain additional information.* The CRB shall have the authority
21 to request additional information, or to obtain the assistance of expert witnesses,
22 as part of its review of an Initial Complaint or a Review Request; and,

23 (e) *Oath prior to an investigation.* Each member of the CRB involved in the review
24 of an Initial Complaint, Review Request, or other matter, shall execute under
25 penalty of perjury, prior to the receipt of any information obtained in the
26 investigation, an oath that the member understands the confidential nature of the
27 information, and that no member shall discuss such information unless formally
28 directed to do so by a judge in a court of competent jurisdiction.

29 **Section 5. Contents and Filing of an Initial Complaint.** An Initial Complaint shall be in writing and
30 shall be delivered to the LRPD, which will forward to the CRB. Actual delivery of the Initial Complaint
31 occurs when a hard copy, or if the City provides an online portal for transmittal of a complaint the portal
32 provided, is physically provided to a person at the Little Rock Police Department eligible to accept service
33 of process pursuant to the Arkansas Rules of Civil Procedure, or who physically takes possession of the
34 Initial Complaint. The Initial Complaint shall contain:

- 1 (a) Identification information for the party filing the complaint, including name,
2 address, telephone number, any applicable e-mail address or text message access,
3 and information to establish the person is qualified to make an Initial Complaint;
4 and,
- 5 (b) A factual description of the reason for the Initial Complaint which shall include an
6 actual or approximate date, and a description of the specific Police behavior, an
7 interaction, or a combination of both, in question; and,
- 8 (c) A list of the names, addresses, telephone numbers, or other available contact
9 information, of all persons - including LRPD personnel - known to the complainant
10 who possess knowledge of the incident raised in the Initial Complaint.

11 **Section 6. *Contents and Filing of a Review Request.*** A Review Request shall be in writing, and shall
12 be delivered to the LRPD, which will forward to the CRB. Actual delivery of the Review Request occurs
13 when a hard copy, as opposed to an electronic copy, is physically provided to a person eligible to accept
14 service of process pursuant to the Arkansas Rules of Civil Procedure who physically takes possession of
15 the Review Request. The Review Request shall contain:

- 16 (a) Identification information for the party filing the complaint including name,
17 address, telephone number, any applicable e-mail address or text message access,
18 and information to establish the person is qualified to make a Review Request;
- 19 (b) A description of the reason for the Review Request which shall include an actual
20 or approximate date, and as complete a factual description as possible of the
21 incident and the specific police behavior, interaction, or a combination of both, in
22 question;
- 23 (c) A summary of the prior review and/or investigation of the incident described in
24 Subsection (b) of this Section;
- 25 (d) A list of the names, addresses, telephone numbers, or other available contact
26 information, of all persons - including LRPD personnel - known to the complainant
27 who possess knowledge of the incident raised in the Review Request.

28 **Section 7. *Action Required Upon Receipt of an Initial Complaint or a Review Request.***

- 29 (a) Any eligible person at LRPD who takes possession of an Initial Complaint or a Review Request
30 to be considered, or any person who obtains an electronic request through a portal provided by
31 the City specifically for that purpose, shall immediately make that fact known to the Mayor, or
32 the Mayor's designee, and shall provide a complete copy to the Office of the Mayor and to the
33 Chief of Police;

1 (b) If an Initial Complaint or a Review Request, at the time it is made, require investigation at any
2 level by LRPD, the CRB shall not be provided any information, nor take any action, until LRPD
3 completes its Investigation.

4 (c) By “immediately” it is intended that the eligible person provide a physical or electronically
5 scanned copy to the Mayor, in PDF format, as quickly as possible whether City Hall is open
6 for business at that particular time or not;

7 (d) The Mayor, or the Mayor’s designee, shall immediately forward a copy of the Initial Complaint
8 or Review Request to the City Manager, the Director of Human Resources; and,

9 (e) Notice of receipt of the Initial Complaint or Review Request will be sent to the person (s) who
10 filed the matter with the City.

11 **Section 8. Findings of the CRB.** The CRB, in response to an Initial Complaint or a Review Request,
12 shall make one of the following conclusions:

13 (a) Concurrence with the result of the LRPD or a prior investigation; or,

14 (b) Advise the Mayor, City Manager, and Chief of Police, that the findings are not supported by
15 the information provided by LRPD, and, if not supported because of a Court Order that limits
16 access to such information, or because of a decision by the prosecuting attorney not to release
17 certain information, suggest whether additional review is recommended; or,

18 (c) Advise the Mayor, City Manager, and Chief of Police, that the Investigation is incomplete and
19 that additional review is recommended.

20 **Section 9. Copy of Initial Disposition Notice or CRB Findings sent to complainant.** The complainant
21 who files an Initial Complaint or a Review Request shall be provided with a copy of the Initial Disposition
22 Notice, and of any CRB Findings.

23 **Section 10. Additional Review by the CRB.** The Mayor or the Board of Directors by Resolution, may
24 request the CRB to review additional cases beyond the scope of review outlined in Section 3 above.

25 **Section 11. Composition and Term of the CRB.**

26 (1) The CRB shall consist of five (5) members, appointed by the Mayor, subject to the
27 approval of a majority of the members of the Board of Directors, who are qualified electors of
28 the City. The CRB shall include:

29 (a) One (1) person, actively involved in neighborhood issues, who shall be designated
30 a representative of the community; and,

31 (b) One (1) person, selected from nominations made by business associations within
32 the City where active involvement by a particular type of membership is required;
33 and,

1 (c) An overall membership that reflects the demographic characteristics of any
2 statistically significant demographic group within the corporate limits of the City
3 as determined by the most recent Federal Decennial Census; and,

4 (d) A membership where each member has successfully completed appropriate
5 training on law enforcement and the LRPD Rules and Regulations, as well as the
6 LRPD General Orders as determined by the Chief of Police working through the
7 LRPD Training Division which may include additional consultants from other
8 entities such as the U.S. Department of Justice Community Relations Service.

9 (2) Except for the initial membership of the CRB, a member of the CRB shall serve a three
10 (3)-year staggered term from the date of appointment; provided that additional terms shall be
11 available consistent with City resolution or policy statement as to additional consecutive terms
12 of service on a City board or commission; and provided further:

13 (a) At its first meeting, lots for the initial five (5) members of the CRB shall be
14 individually drawn; and,

15 (b) One (1) lot shall be for a term of one (1)-year, and the member who draws that lot
16 shall serve for one year, which shall not be treated as a full term for purposes of
17 eligibility for reappointment; and,

18 (c) Two (2) lots shall be for an initial term of two (2) years; and,

19 (d) Two (2) lots shall be for an initial term of three (3) years.

20 (e) For the initial CRB, the Mayor shall designate a person to serve as Chair.

21 (3) Notwithstanding any provision on the limitation of terms, or the length of a term, if a
22 member of the CRB is involved in the review of an action that is not completed before the
23 expiration of the Member's term, or before an appointment to serve an additional term has been
24 made, the serving member involved in the review shall be permitted to complete such review
25 before stepping down even if this should momentarily result in more than five (5) members of
26 the CRB serving at the same time.

27 **Section 12. *Vacancy on the CRB.***

28 (1) A voluntary vacancy occurs anytime a member of the CRB resigns, moves outside the
29 City, ceases to be a qualified elector of the City, or dies; the effective date of a voluntary
30 vacancy is the date an event occurs, or as to resignation, the date a written request, electronic
31 or otherwise, is received by the City;

32 (2) An involuntary vacancy occurs if a CRB member:

33 (a) Has unexcused absences from three (3) consecutive meetings of the CRB; or

1 (b) Has unexcused absences from five (5) meetings of the CRB within any calendar
2 year; provided, only the Chair of the CRB is permitted to excuse an absence, and
3 only for good cause, which shall not include continuous demands on a member's
4 time; or

5 (c) Has been convicted, plead guilty to, or plead *nolo contendere* to a felony, or a
6 misdemeanor other than any traffic offense other than driving while intoxicated
7 or impaired; or,

8 (d) Has violated the oath of confidentiality referred to in Section 4 (e) as to any CRB
9 action or investigation.

10 (3) In the event of a vacancy, the Mayor shall appoint a successor to complete the term of
11 a CRB member, provided that the membership of the CRB must comply with the provisions of
12 Section (3)(1) of this ordinance.

13 (4) Attendance by a member at any CRB Meeting through telephonic, video, electronic,
14 or other communication means, is permitted.

15 **Section 13. *Quorum of CRB.*** At any CRB meeting a quorum of three (3) members is required. Except
16 for the Annual Report, CRB Findings, or a CRB desire to obtain additional information or expert testimony
17 about an investigation, which will always require three (3) votes to be adopted, a majority of members
18 present at a CRB meeting is required to take action.

19 **Section 14. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or
20 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
21 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
22 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
23 ordinance.

24 **Section 15. *Repealer.*** All laws, ordinances, resolutions, or parts of the same, that are inconsistent
25 with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

26 **Section 16. *Emergency Clause.*** *The ability for citizens to believe that its municipal police agency*
27 *meets the high standards for law enforcement and fulfills the public trust is essential to realization of public*
28 *safety as a major priority of the municipality; further, the assurance that a system is in place for any person*
29 *who resides within the City, or is impacted by a interaction with a member of the LRPD, can make a*
30 *complaint that will be fully, fairly, and objectively reviewed by trained individuals, is crucial to the*
31 *realization of such a goal; an emergency is, therefore, declared to exist, and this ordinance shall be in full*
32 *force and effect from and after the date of its passage.*

33 **PASSED: July 23, 2019**

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1 **ATTEST:**

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Susan Langley, City Clerk

APPROVED:

Frank Scott, Jr., Mayor

5 **APPROVED AS TO LEGAL FORM:**

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Thomas M. Carpenter, City Attorney

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