

## Chapter 2.74 - POLICE REVIEW AND ADVISORY BOARD

## 2.74.010 - Purpose.

- A. The general purpose of this chapter is to provide for citizen participation in reviewing Police Department policies, practices and procedures and to provide a prompt, impartial and fair investigation of complaints brought by individuals, police officers upon whom a complaint has been brought and employees of the Police Department.
- B. The City Manager shall make every effort to insure that individuals appointed to the Board, fairly and accurately represent the City's racial, social and economic composition.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 1)

(Ord. 1268, Amended, 09/29/2003)

## 2.74.020 - Established—Composition.

- A. There shall be a five-member City of Cambridge Police Review and Advisory Board (the "Board"). Members of the Board shall be appointed by the City Manager. Prior to appointing any member to the Board, the City Manager shall seek qualified candidates by advertising in the local newspapers for individuals who desire appointment to the Board. The term of membership on the Board is five years. No person may serve more than two consecutive terms as a member of the Board. The City Manager may remove members of the Board only for cause as defined in the City Charter. All members of the Board shall be residents of the City at the time of appointment. If a Board member ceases to be a resident of the city, he/she shall remain on the Board until the City Manager appoints a suitable candidate to fill the position.
- B. The members of the Board shall not hold any other position for the city while he or she is a member of the Board.
- C. No member of a City employee's immediate family (husband, wife, brother, sister, son or daughter) shall be appointed to, or hired by the Board.
- D. No member of the Board shall have been an employee of the City within two years of his or her appointment to the Board, and no member of such person's immediate family shall be appointed to, or hired by the Board.
- E. The Board shall elect a Chairperson annually. The Board shall meet at the call of its Chairperson, but shall meet at least once a month. Meetings of the Board shall be open to the public except when the Board, in its discretion, meets in executive session in private. All meetings of the Board shall be conducted in accordance with the open meeting laws of the Commonwealth.
- F. Members of the Board shall not receive compensation for services but shall receive reasonable expenses and fees incurred as a result of their membership on the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 2)

(Ord. 1284, Amended, 04/11/2005)

## 2.74.030 - Officers and staff.

- A. Executive Secretary to the Board. The Board shall appoint an Executive Secretary. The Executive Secretary shall be responsible for the daily administration of the Board. The Executive Secretary's terms and conditions of employment shall be fixed by the Board. The Executive Secretary to the Board shall, with the consent and approval of the Board, be empowered to hire clerical help when needed.

## B. Investigative Staff.

1. The Board shall also appoint a Board Investigator if it deems necessary and such additional staff of investigators as it deems necessary. The terms and conditions of employment for such Board Investigator shall be fixed by the Board, but the salary of the Board Investigator shall be equivalent to that received by investigators of similar Boards of Investigation.
2. The terms and conditions of employment for all other investigative staff shall be fixed by the Board. All Board investigators must possess skills and experience necessary for investigative work.
- C. Other Staff. The Board, from time to time, may contract, in accordance with existing regulations and law, for such additional staff as is necessary to carry out its duties.
- D. All members of the staff are under the direction of the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 4)

(Ord. 1284, Amended, 04/11/2005)

## 2.74.040 - Duties.

The Board shall have the following duties:

- A. The Chief of Police in consultation with the Board, shall establish policies, rules and regulations for the Police Department (the "Department");
- B. The Board and the City Council shall review the Department budget before it is submitted to the City Manager;
- C. The Board shall receive and resolve, as provided in Sections 2.74.080 and 2.74.090 of this chapter, any complaint concerning the operation of the Department;
- D. The Board shall make recommendations to the Chief of Police and/or the City Manager in matters concerning the discipline of employees of the Department;
- E. The Board shall make quarterly reports to the City Manager, the Mayor, City Council and to the public, of the Department's activities during the previous year, including the handling of complaints, and of future plans. The final disposition of complaints shall be made public;
- F. The Board, with the assistance and approval of the City Solicitor, shall have the power to subpoena witnesses, administer oaths, take testimony and require the production of evidence. The Board, through the office of the City Solicitor, shall apply to the appropriate court to enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order. The Board may delegate in writing to a member of its staff the powers to administer oaths and take testimony. A delegation is revocable at the will of the Board and does not prevent exercise of any power by the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 3)

## 2.74.050 - Chief of Police—Duties.

The Chief of Police shall administer the Department pursuant to existing laws, and the rules and regulations of the Department and the State civil service rules and regulations.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 5)

**2.74.060 - Special meetings.**

Special meetings may be called by the Executive Secretary or by three members of the Board, upon personal notice being given to all members of the Board, or written notice being mailed to each member and received at least forty-eight hours prior to such meeting, unless such notice is waived by such members.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 10)

**2.74.070 - Discipline.**

- A. **Manual.** The Chief of Police, in consultation with the Board, shall adopt a manual of rules, regulations and procedures for the Department. The manual shall defined categories of major and minor offenses and shall set forth the maximum and minimum penalties for each offense. The offenses and penalties shall not be defined in a manner that is inconsistent with existing civil service laws.
- B. **Summary Discipline.** The Chief of Police may implement summary discipline for a minor offense.
- C. **General Discipline.** The Chief of Police shall recommend to the City Manager the discharge or indefinite suspension of any employee of the Department for a major offense.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 6)

**2.74.080 - Complaints.**

- A. A complaint by a member of the public, hereinafter referred to as "a civilian complaint," or any police officer or civilian employee concerning the Department may be filed either with the Department or the Board. Complaints concerning the Department and filed with the Department shall be forwarded immediately to the Board Secretary. Copies of the complaint shall be made available to each member of the Board, the Board Investigator and the Chief of Police. The Chief of Police shall investigate such a complaint immediately and file a report of findings with the Board within thirty days. Complaints concerning the Department and filed with the Board shall be investigated immediately by the Board. Copies of the complaint shall be made available to the Chief of Police. The Board shall immediately order a preliminary investigation by its investigative staff. The purpose of such preliminary investigation shall be to determine if there is sufficient evidence to warrant a full investigation of the allegations contained within the complaint by the Board. The preliminary investigation shall be completed within ten days, unless for cause a member of the Board extends such time. No preliminary investigation shall be extended for more than thirty days. After completion of such preliminary investigation, the Board shall either order a full investigation if sufficient evidence exists to warrant same or if sufficient evidence does not exist to warrant same, summarily dismiss the complaint.
- B. In addition to the above, the Board may also cause to be investigated any complaint concerning the Department or its rules and regulations.
- C. The Board Secretary shall keep a public docket of complaints and the disposition of each complaint after investigation.
- D. The Board shall issue a written response to all complaints and it shall deliver a copy of its response and/or findings to all parties.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 7)

**2.74.090 - Resolution of complaints.**

- A. If a complaint is not resolved as a result of investigation to the satisfaction of the complainant, the respondent

employee, or a member of the Board, either the complainant, the respondent employee or the Board member may request the full Board to hear or review the matter. The Board may, as its option, when it determines that a hearing or review is warranted by the evidence, hear or review the matter itself or refer the matter to a fact finder. A representative of the City Solicitor's office shall be present at any hearing before the Board.

- B. The fact finder shall be an attorney and, in the conduct of the hearing, may with the assistance and approval of the City Solicitor, subpoena witnesses, administer oaths, take testimony and require the production of evidence. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, the fact finder shall apply to the appropriate court. The costs of the fact finder shall be borne by the City.
- C. After a hearing, the fact finder shall, within thirty days, submit findings of fact to the Board. The Board, upon receipt of the report of the fact finder, if any, shall within thirty days recommend to the City Manager any discipline to be imposed. Any report or action involving a civilian complaint shall be made public.
- D. Any employee against whom a complaint is filed is presumed innocent and shall not forfeit any pay or seniority rights pending final action by the Board, except with the concurrence of four members of the Board. All pleadings filed and all hearings before the Board and the fact finder which involve a civilian complaint shall be public. The parties to any hearing are the complainant and the respondent employee. Each has a right to counsel. The complainant's case may be presented by the complainant or complainant's counsel. Any probative evidence may be admitted.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 8)

#### 2.74.100 - Hiring and promotions.

- A. Entry into employment with the Department as a police officer is by appointment of the City Manager, in accordance with the rules, regulations and procedures of the Department and the Commonwealth's civil service laws.
- B. Promotions shall be made on the basis of training, experience, education and competitive examinations, all in accordance with existing law. The City Manager shall make all promotions within the Department.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 9)

#### 2.74.110 - Hearing by petition.

On the written petition of fifty or more residents of the City, filed with the Board, the Board shall hold a special hearing for the purpose of responding to such petition. Copies of the petition shall be delivered to the City Manager, City Clerk and the City Council. Notice of such hearing shall be given in the same manner as provided for other hearings of the Board. The Board shall conduct such hearing upon the subject matter of the petition within thirty days of the filing of such petition with the Board.

(Ord. 1018 (part), 1984: prior code Ch. 15 Art. 4 § 11)