

Citizens Review Board Proposed Changes:

Sec. 16-58(a)(3)-

Determine whether to hold an appeal hearing. The board ~~may~~ shall hold an appeal hearing ~~only when it appears, based upon a preponderance of the evidence, that the disposition of the disciplinary charges entered by the chief of police constituted an abuse of discretion by the chief of police.~~ if it decides, by a majority vote, that the information before it or that information it reasonably believes might be obtained upon further investigation may suggest a violation of the rules regarding use of force, unbecoming conduct, and arrest, search and seizure, or an instance where injury or death unjustifiably results due to the discharge of a firearm by an officer. In making its decision, the board is to rely on the chief of police's summary of the case, the complainant's appeal, and any other information obtained through the powers enumerated in the board by this division.

Sec. 16-58(a)(4)-

Conduct appeal hearings, which include receiving and evaluating testimony and issuing findings of fact and recommendations to the chief of police and the city manager. The duty and power of the board is to conduct an appeal hearing and to determine whether, ~~by a preponderance of the evidence, the chief of police abused his discretion by: a. Finding in a disciplinary action that allegations were sustained, not sustained, exonerated or unfounded; or b. Finding in connection with the discharge of a firearm that the officer's action was justified, not justified, or accidental .~~ by a majority vote, the officer against whom the complaint was filed violated any rule regarding use of force, unbecoming conduct, and arrest, search and seizure, or engaged in an unjustified discharge of his firearm resulting injury or death. The board may use any of the powers enumerated in it by this division in gathering information to assist in carrying out its duties under this section.

Sec. 16-61(h)-

Within ten calendar days after the conclusion of the hearing, the board shall issue its written findings of fact to the chief of police and the city manager along with a recommendation. The findings of fact must be ~~supported by a preponderance of the evidence and~~ approved by a majority of the board who were present at the hearing.