

Recommendations from the Police Review Commission (PRC) to the new Police Accountability Board (PAB) to improve the process for handling complaints against officers.

Note: The goal is for the PRC to compile a list for the PAB to consider, not for the PRC to debate the merit of these ideas.

1. Subject officers and their representatives are allowed to observe Board of Inquiry questioning of complainants—and may themselves question complainants—but complainants are excluded from the room when subject officers are questioned. This seems fundamentally unfair, and we recommend that the PAB re-visit this exclusion and any legal basis for it.
2. The PAB might also consider allowing for third-party complaints which would include complaints from witnesses as well as other third parties. The Charter Amendment defines a complainant as "a member of the public that files a complaint" and does not specify that it must be the directly aggrieved party. The latter is only referred to in the PRC's own rules and procedures and can be modified by the PAB. NACOLE, in its "Recommendations for Effective Practices", recommends the following: "If permitted by law, the complaint process should allow those who have witnessed or have sufficient knowledge of an incident of alleged misconduct to file a complaint."
3. Likewise, consideration should be given to the possibility of PAB Board Members initiating complaints regarding incidents that have come to their attention.
4. The possibility of anonymous complaints might also be considered. The Internal Affairs unit of the BPD receives anonymous complaints from officers (for example, whistle-blowers within the department), in recognition of their potential vulnerability and the possibility that there could be retaliation in some form. Similarly, members of the public may feel vulnerable *vis a vis* the police and by the same logic should be able to file complaints anonymously. Careful consideration would have to be given to how this would work, since the current process includes in-person interviews and hearings. Nonetheless, it probably merits serious

consideration. NACOLE recommends the availability of anonymous complaints: “Unless prohibited by law, the complaint process should allow for the anonymous filing of complaints. Complaint forms and procedures should make clear that complaints can be submitted anonymously and that providing any identifying information is optional.”

5. The four options for findings--sustained, not sustained, unfounded, or exonerated—have been confusing and seem unworkable to some PRC Commissioners. In particular, the difference between “not sustained” and “unfounded” seem vague and undefined.
6. Related, some PRC commissioners have expressed concern that some debriefing for complainants should occur and possibly back-up support agencies suggested to them—especially, but not exclusively, if a complainant seems to have mental challenges.
7. Six commissioners are needed to allow a late filing of a complaint. In one recent case, only 6 commissioners were present, which meant that the vote had to be unanimous. In any case, perhaps five affirmative votes would be sufficient.
8. The PAB might consider adding a statement affirming the principle of procedural justice as it applies to the complaint process. They might include a statement such as: “The principle of procedural justice (defined as a commitment to fairness, respect, opportunity for voice, and impartiality) will be strictly adhered to throughout the complaint process and hearing.” This would require respect for all parties, equal protection and due process, and opportunity for voice, and these would support some of the changes proposed above (like not excluding complainants when officers are questioned).