

CHAPTER 175

Police Review and Community-Police

Relations Commission

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175.01 CREATION; MEMBERS; QUALIFICATIONS; QUORUM.

(a) There is hereby created a Police Review and Community-Police Relations Commission to consist of seven members who shall be appointed by a majority vote of City Council to serve without compensation for the term of two years, except that of the seven initial members of such Commission, three members shall be appointed for a term of one year and four shall be appointed for a term of two years. Thereafter, terms of appointment are for two years, each term ending on the same day of the same month as the term it succeeds. Members may be reappointed for not more than four (4) consecutive terms; however, time served to fill a vacancy in an unexpired term shall not count. The power to nominate persons for appointment shall be reserved to Council members, and the Mayor.

(b) The Police Review and Community-Police Relations Commission shall be comprised of only residents of the City and there shall be no less than one member from each of the six wards of the City. The makeup of the Commission, so far as possible, shall reflect the ethnic and racial diversity of the City. Employees of the City are ineligible to serve as a member.

(c) All appointees shall be subject to a background review and criminal record check. Any person with a criminal felony conviction, misdemeanor conviction for resisting arrest, assault of a police officer, obstructing official business, falsification or an offense involving dishonesty shall be ineligible to serve as a member.

(d) A quorum of the full Commission shall consist of four members. A vacancy in the Commission shall not impair the right of the remaining members to exercise all of the powers of the Commission. Any vacancy shall be filled within sixty days by City Council. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member appointed to fill a vacancy shall be eligible to serve two (2) full terms as described in subsection (a) hereof.

(Ord. 16-099. Passed 6-7-16.)

175.02 ORIENTATION; TRAINING.

(a) Within sixty days of appointment to the Commission, each member shall attend and complete a training program at the Mansfield Police Division sponsored by the Division which shall consist of the following:

- (1) General orders and rules and regulations of the Division;
- (2) Collective bargaining agreements;
- (3) Police selection standards for recruits and training program;
- (4) Disciplinary practice, policy and appeal processes;
- (5) Citizen's complaint procedure;
- (6) Participation in the citizen's observation (ride along) program.

(b) Members shall participate in the citizen's observation program at least once each calendar quarter and shall participate in all mandatory training as a majority of the Commission institutes. (Ord. 03-204. Passed 8-19-03.)

175.03 POWERS AND DUTIES.

The Police Review and Community-Police Relations Commission shall:

- (a) Review the completed investigations of the Division of Police which involve Mansfield Police Division employee-citizen contact. The review of any specific Division of Police investigation shall not take place until the investigation of the complaint is complete, provided that no records may be reviewed by the Commission that contain information that is confidential or their release is prohibited by state or federal law. In cases where charges are filed against the employee, the Commission's review shall not be conducted until the disciplinary process has been concluded by a hearing before the Director of Public Safety. If criminal charges are pending against the citizen who filed the complaint or any person who is directly involved in the allegations of the complaint, the Commission shall not review the file until the prosecution of the case through trial has been completed.
- (b) At the time a complaint is reviewed afford the aggrieved person, any witnesses on behalf of the aggrieved person, any Police employee involved in the case and any witnesses on behalf of the Police employee an equal opportunity to be heard.
- (c) Assess whether the investigations conducted by the Mansfield Police Division were thorough, accurate, credible and impartial. If the Commission is satisfied with the investigation or disposition of the case, such conclusion shall be noted in the minutes of the meeting.
- (d) Include on the meeting agenda a structured opportunity for members of the public to direct questions to the Commission.
- (e) Educate the public concerning the Division of Police investigations and disciplinary process in order to promote public understanding of the system.
- (f) Study and review those functions of the Division of Police investigations process consistent with the purpose and intent for which it was created; provided, however, that the Commission has no authority to conduct its own investigations, call or subpoena witnesses or impose disciplinary action against any police employees.
- (g) Make written recommendations to the Mayor and City Council to improve the relationships between the public and the Mansfield Police Division.
- (h) Treat all information received in the course of its duties as confidential and shall not disclose such information unless permitted or authorized by law.
- (i) Report to the Mayor and City Council as they may from time to time request.
- (j) Submit an annual report of its operations to City Council. Such report shall include any recommendations for improving the

functions of the Commission or the Division of Police investigation process.

- (k) By a vote of two-thirds of the members, adopt rules and regulations which it may, from time to time, change by the same majority vote. No rule or regulation shall conflict with any statute, ordinance, collective bargaining agreement or other law. Such rules and regulations shall fix the time and place of regular meetings and shall provide for special meetings, for appearances by private citizens before the Commission and for such other matters as are pertinent to the operation of the Commission.
- (l) Attendance by members of Commission. Members of the Commission shall attend all meetings of the Commission. Upon any member of the Commission being absent from all scheduled meetings of the Commission for two consecutive months, or four consecutive scheduled meetings, without valid excuse, the Chairperson shall cause to be placed on the agenda of the Commission for its next scheduled meeting a motion declaring the seat of such member to be vacant for absence without valid excuse. The Secretary shall immediately notify in writing such member that a motion under this policy of the Commission will be considered at the next scheduled meeting of the Commission declaring his or her seat vacant by reason of absence without valid excuse and that such member will have the opportunity to be heard at such scheduled meeting prior to consideration of the motion by the Commission. Such motion may be passed by the Commission but shall require the concurrence of two-thirds of all members appointed to the Commission for its adoption. A valid excuse shall include, but not be limited to, severe illness of the member or severe illness and death of immediate family. A member's absence shall be subject to a vote of validity at the meeting from which they are absent.

(Ord. 16-099. Passed 6-7-16.)

175.04 ORGANIZATION.

(a) The Police Review and Community-Police Relations Commission shall have three elected officers; Chairperson, Vice-Chairperson and Secretary, who shall each serve for a period of one year.

(b) The Chairperson shall:

- (1) Maintain order and appropriate decorum;
- (2) Preside over all meetings and have the right to vote on all issues;
- (3) Assure that all meetings are conducted in compliance with all applicable City, state and federal laws; and
- (4) Select any member to preside in his or her absence or in the event of personal conflict, if the Vice-Chairperson is unable to preside.

(c) The Secretary shall be responsible for tape recording all meetings, shall send meeting notices to Commission members and the media as required by law and should maintain written minutes of all Commission meetings.

(d) The Clerk of Mansfield City Council shall act as the Clerk for the Commission and shall maintain a permanent file cabinet(s) for Commission records and maintain such records in appropriate order for so long as the Commission shall deem necessary.

(e) No official meeting shall be held unless a quorum is present. The affirmative vote of the majority of the members present at any meeting, when those present constitute a quorum at any regular or special meeting, shall be necessary to pass a resolution or make any decision or recommendation.

(f) The Commission shall meet monthly and shall hold such additional meetings as needed. Additionally meetings may be called upon the concurrence of three members of the Commission. If there is no business to be considered for the next scheduled meeting, a motion to cancel the next scheduled meeting may be entertained.

(g) All meetings and business transacted thereat shall be tape recorded. Written minutes of all meetings and business transacted thereat should be maintained by the Commission Secretary. All such tapes and minutes shall be matters of public record.

(h) Any and all requirements of Ohio's Sunshine Law and Public Records Act that apply shall be followed.

(i) Roberts Rules of Order shall control all meetings.

(j) No Commission member shall act on any matter in which he or she has a conflict of interest.

(k) The Chief of Police or his designee and the Law Director or one of his assistants should be present at each Commission meeting unless otherwise excused.

(Ord. 16-099. Passed 6-7-16.)

175.05 FILING OF COMPLAINTS.

(a) Complaints may be made by an aggrieved person. An aggrieved person is any person directly affected by alleged police misconduct, or a violation of police policy or practice and, includes any person who witnessed alleged police misconduct. All complaints must be made in writing on an official complaint form provided by the Commission and signed by the aggrieved person.

(b) Complaints may be filed with the Police Division pursuant to standard Police Division procedures or the complaint may be presented to the Clerk of City Council or any Commission member. Any Commission member receiving a complaint shall immediately convey said complaint to the Clerk of Council. Any complaints received by a Commission member and conveyed to the Clerk of Council, as well as, those filed directly with such Clerk shall be stamped with a receipt date, copied and maintained in the Commission's permanent file as described in Section 175.04(d). The original of any complaints filed with the Clerk of Council or presented to a Commission member shall immediately be conveyed to the Mansfield Police Division for processing and handling.

(c) The Mansfield Police Division shall publish in its complaint literature where aggrieved persons can obtain a complaint form. All complaint literature shall inform the aggrieved party that he or she may be present when the Commission reviews the disposition of his or her complaint. It shall be the responsibility of the Mansfield Police Division to inform the aggrieved party of the date the Commission will conduct its review.

(Ord. 03-204. Passed 8-19-03.)