

An Open Meeting will be held on February 13, 2014, at 4:00 p.m. in the City Council Chambers located in the basement of City Hall, 1 Civic Plaza NW, to consider amending the Police Oversight Commission's Rules and Regulations by amending Article IV, Section 5 §§ (B)(1), (B)(2), (B)(5), (B)(7). In addition it is proposed that a new section (B)(8) be added, changing the numbering of the last four sections in section (B). The changes proposed are outlined below. The added language is in bold and underlined.

Police Oversight Commission Rules Article IV
Section 5. Inactivation/Dismissal of Citizen Police Complaints.

- A. The IRO, with the approval of the POC, may inactivate or dismiss CPCs.
- B. Complaints may be inactivated for any one of the following reasons:
 - 1. The complaint was not filed within 90 **calendar** days of the incident. In counting the number of days, the day of the incident is not counted, regardless of the time of day. The day after the incident is the first day.
 - 2. The officers complained about are not APD officers **or are APD officers who have since retired or resigned.**
 - 3. The officer is deployed for military duty for an extended period of time.
 - 4. If, after thorough investigation, the officer involved in the alleged conduct cannot be identified.
 - 5. The complaint was successfully mediated, **either formally or informally.**
 - 6. The citizen withdrew the complaint. If the IRO determines the complaint is too serious to ignore, the complaint may be investigated even if the citizen attempts to withdraw it.
 - 7. The complaint contains no allegations of **facts that could constitute a** violations of Standard Operating Procedures.
 - 8. In a minor case, after a preliminary investigation, there are no violations of Standard Operating Procedures found.**
 - ~~8~~ **9.** Allegations concern the perjury of officers during testimony in court. These are determinations to be made by the court or District Attorney.
 - ~~9-10~~ **10.** Complaints of criminal action by the officers. Criminal cases may be investigated first as a criminal matter and after the criminal investigation is completed, the CPC may be reopened.
 - ~~10~~ **11.** The IRO/POC determines the complaint is frivolous on its face or is being brought for the purpose of harassment.
 - ~~11~~ **12.** The IRO/POC determines that the complainant has mental health issues and is unable to comprehend the situation. In this case, CIT may be asked to evaluate the complainant prior to the complaint being fully investigated.
- C. The IRO/POC may require the full investigation of a complaint before inactivating it. The complaint may also be referred to the Internal Affairs for them to conduct an Internal investigation.

Public comments on the proposed rule changes are welcomed and encouraged.

If special accommodations are necessary to attend this meeting or if you have questions about this notice, please call the Independent Review Office of the Police Oversight Commission at (505) 924-3770.