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A Residents' Petition for Reforming the City of Urbana Civilian Police Review Board (CPRB)

From: "Stopping Police Violence CU"

Original Draft: Tracy Chong, Christopher Hansen, Jane McClintock, Bijal Patel

Completed: 6/20/20

Note: This version will only be edited for grammar/formatting. NOT content changes.

Mission: Civilian oversight of the police is a critical piece of effective public safety policy.

Effective oversight provides a means of accountability to the public, ensures independent and thorough investigation of alleged police misconduct, and as a result increases public trust and willingness to cooperate with the police. An effective civilian oversight board promotes the safety of both the general public and members of the police department. In this document, we propose a tailored set of recommendations to improve **this aspect of policing in Urbana**. These recommendations come from concerned residents of Urbana and are meant **as a starting point for the discussion**.

Signing onto this document does not limit you to proposing only these suggestions.

Summary of the current situation: It is clear that the City of Urbana Civilian Police Review Board (CPRB) has **failed to exercise meaningful oversight of Urbana Police Department** since its creation in 2007 and has **lost the trust of the residents of Urbana**. While the language of the ordinance ([Chapter 19, Article III](#)) provides significant limitations to effective oversight, it is no less true that the **deliberate actions or inactions of city employees, Urbana PD, and CPRB Board Members** over the past decade **have failed to uphold even the minimal requirements of the ordinance as currently written**. This has led to a dangerous lack of oversight in policing, as evidenced by the minimal number of appeals heard by CPRB since its establishment, and loss of public trust as evidenced by the hundreds of recent pieces of public input over the past several weeks. City leaders must own these problems, modernize the ordinance, and ensure the ordinance is followed.

Specifically, the CPRB as a body has failed to follow the existing ordinance by:

- Failing to provide quarterly and annual reports for at least 6 years
- Failing to meet at least once every 3 months
- Failing to “maintain a central registry of complaints”
- Failing to issue written findings for complaint appeals
- Failing to review all Taser usages and voting to cease some Taser reviews
- Failing to “work with the Police Department, Human Relations Office, and Human Relations Commission to anticipate and prevent problems”
- Failing to provide community outreach
- Failing to notify complainants of the option for mediation
- Generally failing at their “Establishment and Purpose” as described in the Ordinance
- Failing to “make recommendations to the Police Chief, Mayor, and City Council”
- Failing to acquire a useful level of familiarity with Police Department Policies

In addition, the Urbana Police Department and City staff have systematically limited residents’ access to the CPRB complaint process by:

- Violating public records laws in regards to police documents.
- Ignoring properly submitted complaints.
- Denying properly submitted complaints for invented administrative reasons [reasons that are not specified by the ordinance].
- Failing to forward complaints to the CPRB within 7 days as per ordinance. (The CPRB had not been able to see complaints for at least 4-5 years. The current chair indicates he has not seen a complaint in his 4 years.)
- Failing to share complaint investigations with the CPRB.
- Failing to develop “written standards” for the CPRB (assigned to the Human Relations Office).
- Failing to send proper notices to complainants on time.
- Rejecting complaint submissions due to:
 - Time limits
 - Lack of notary stamp
 - Complainant made an utterance in regards to a lawsuit
 - Complaint not made against a “sworn officer”
 - Complainant witnessed but was not physically present at the location of the incident
 - Numerous invented administrative reasons not mentioned in the ordinance

We, the undersigned residents of Urbana, demand that the Urbana City Council make it a **chief priority in the near term (weeks - months)** to adopt the following reforms to the CPRB as a **first step towards** regaining community trust. For the recommendations that cannot be addressed in the short term, **council members must go on the record with their plan to meet these requirements and concrete steps to achieve these goals (renegotiating the UPD Collective bargaining, etc).**

Specific Changes Recommended to CPRB Structure and Policy:

1. The CPRB must be empowered to effect meaningful oversight of Urbana Police Department

- a. All complaints filed should go directly to the CPRB. Gatekeeping by Urbana PD and city staff should be minimized. Complaints should only be able to be rejected by the CPRB itself, not staff as this undercuts any semblance of independence. Rejection **for any reason** should be added to the public record mentioned in section 2a. UPD may still investigate and report findings to the CPRB, but this would be one element in the CPRB's decision.
- b. All full unredacted complaint investigation reports generated by UPD and city staff should be accessible to CPRB members **and the complainant** prior to the meeting where those findings are to be presented and should be included in the system and accessible in the future by CPRB members.
- c. CPRB members must be trained and knowledgeable both in the scope of their own duties (the CPRB ordinance is less than 10 pages), **and also Urbana PD policy**. As in Champaign, CPRB members are responsible for understanding the full policies. Upon joining the board, Urbana PD staff should provide board members with an unredacted hard copy of all policy and training documents [which should also be available at all CPRB meetings for reference] and be given a detailed training seminar.
- d. The CPRB must be transformed from an appeals-based board to an actual Review Board with the ability to handle appeals. To this end, the CPRB must be granted subpoena power to summon further testimony and **perform its own investigation in addition** to any internal investigation performed by Urbana PD.
- e. CPRB members must be allowed to bring forward and open their own complaint to investigate suspected police misconduct regardless of whether a complaint form is filed. CPRB members should be empowered to continue investigating/reviewing complaints even if the original complainant decides not to pursue.
- f. The CPRB should be compelled by ordinance to review all use of force instances including Taser use and display and brandishing of weapons of any sort.
- g. The CPRB must be granted full access to Urbana Police Department records without anonymity for officers involved. This will require renegotiating the collective bargaining agreement. In the interim all officers should be assigned unique (anonymous) identifying numbers for the CPRB records so that CPRB can track repeat offenders. State FOIA laws already allow any resident to learn of complaints for any officer without anonymity.
- h. All past complaints, since at least the establishment of the ordinance, should be entered into the CPRB database to track for patterns of complaints. These should include and track race/ethnicity, age, gender and location of the person having the police interaction and the officers involved.

- i. Each month, the Urbana PD should present a summary of police actions to the CPRB [X number of arrests, use of force incidents/types].
- j. The CPRB should perform oversight, such a review of body camera footage and police records, on randomly selected normal arrests (where no complaint has been submitted).
- k. The CPRB chair/ vice should be elected by the board. We recommend rotating chairs for the individual meetings.

2. Administrative and structural barriers to filing complaints must be eliminated.

- a. All time limits for submitting complaints must be eliminated. Currently the time-limits policy is being abused. The city has been slow-walking providing the necessary information required to file a complaint to residents (through FOIA) and then rejecting complaints for being filed too late.
- b. The notary requirement for submitting complaints must be eliminated. It is not a state legal requirement as evidenced by the fact that neither the city of [Champaign](#) nor [Chicago](#) require notarization of complaints.
- c. The “First-Hand” account requirement should be eliminated and the definition of “witness” should be broadened and clarified. Anyone who has evidence of police misconduct, whether by video, eyewitness account, or otherwise, should be permitted to report it to the CPRB for consideration.
- d. The full Urbana PD policy should be publicly available (unredacted besides personal information) so that residents understand their rights/ what to expect when interacting with police and can make informed complaints that allege specific, actionable violations.
- e. The complaint form must be written in easy to understand, clear language. The form should make clear the complaint process for residents so that they know their rights. It should be available in English, Spanish, French, Chinese and other languages common in Urbana.
- f. Complaint forms must be available to be downloaded and submitted online. At the time of submission they should be automatically assigned tracking numbers and made available online to CPRB members. Physical complaints should be assigned a number (given to the complainant) and entered into the system upon receipt.
- g. Printouts of the complaint form must be available at the Urbana Free Library, Cunningham Township, Land of Lincoln Legal, Courage Connection, RACES, PACE, and other locations.
- h. Physical (sealed) copies of complaint forms should be accepted at other major city buildings such as the Urbana Free Library and Cunningham Township, for internal delivery to the South Vine Street Building.
- i. Exemption from CPRB complaints for animal control officers, parking enforcement personnel, and police service representatives from Section 19-28 should be eliminated.
- j. Language in the CPRB ordinance that “CPRB review of any complaint shall be suspended at the request of the chief of police or city attorney where a separate

criminal investigation is underway or if a civil action against the city is threatened, underway or pending.” must be removed.

3. Complaints to the CPRB Must be Tracked Publicly while Preserving Privacy Rights

- a. All complaints must be assigned tracking numbers ON RECEIPT and publicly recorded [with limited identifying information such as date received and date considered by CPRB]. Rejection of complaints FOR ANY REASON must be listed on the public record.
- b. The CPRB or HRO must maintain an internal database that tracks all complaints (rejected or not) including data on:
 - Number of officers involved
 - Names of officers involved (after renegotiation of Collective Bargaining)
 - Ward in which the instance occurred
 - Race/ethnicity, gender, and age of persons to whom the alleged harm was done.
 - Race/ethnicity, gender, and age of officers involved.
 - Type of misconduct alleged
- c. Every quarter, the CPRB must publicly release statistics listing the cumulative and quarterly number of complaints received:
 - By Ward
 - By Type of Force Used
 - Race/ethnicity, gender, and age of persons to whom the alleged harm was done.
 - Race/ethnicity, gender, and age of officers involved.
 - By Result (Rejected [and why]/ Considered/ Declared Unfounded, etc.)
 - By Number of unique officers involved.

4. The CPRB must be publicly accountable and directly represent the residents of Urbana.

- a. The appeals process must be specified clearly in the ordinance and should prioritize giving the complainant the opportunity to voice their concerns directly to the board. Specifically, the complainant should be allowed to be present at all times during the board's deliberations and **have the option to opt for a fully public meeting.**
- b. The language in the CPRB ordinance 1932-d should be removed or at least trimmed. (Hearings shall be conducted in closed session and members of the CPRB shall keep confidential all matters disclosed during hearings.) This language is overbroad and precludes collection and publication of any meaningful data for public accessibility. **Every appeal should have a written, public decision reported to the public.**
- c. The council should play a greater role in selecting members of the CPRB. Candidates for the position should be invited to speak at the council meeting where they are being considered for appointment.

- d. Remove the restriction in the CPRB ordinance that “No person with a criminal felony conviction or plea shall be eligible to serve on the CPRB.” Those with first hand experience with the justice system are the most qualified to serve the public’s interest in police oversight. This is not an elected position, and thus there is no state law limiting participation by convicted persons. This requirement directly conflicts with the existing [Urbana Human Rights ordinance section 12-37](#).
- e. CPRB needs meaningful independence from the core city structure. If it is shown that it is impossible for the City to administer meaningful investigations of the police, the role of civilian oversight should be shifted out of the city and into an independent entity such as Cunningham Township.

5. The city council and Mayor must ensure that the broken CPRB is fixed. CPRB members should be limited to two terms (6 years) starting from the original 2007 board assignments to prevent stagnation and ensure meaningful engagement with the public. Upon a supermajority vote of the council one additional term may be granted to a member.

- a. The city council, Mayor, and CPRB must engage in public outreach and notify the public about the CPRB and the complaint process. All CPRB policies [rules of complaint hearings] should be publicly available and linked from the CPRB page on the website.
- b. CPRB members should be given the authority to request an external investigation of a specific incident. [Like what is ongoing with the Lewis case]. If a recommendation is approved by the board on a simple majority vote, the city council should be required to vote on action to proceed, and results should be on the public record.
- c. CPRB members should be subject to removal by majority vote of the council if they willfully neglect their duties (miss 3 or more scheduled meetings, willfully violate the ordinance).
- d. In the CPRB’s quarterly and annual reports they should be required to evaluate the performance of city staff in assisting them in exercising their duty and identify any situations of obstruction where the CPRB ordinance was violated. Written evaluations for CPRB board members will be forwarded to the council prior to annual appointments.
- e. Upon completion of each complaint review, all members must assert whether they believe all CPRB ordinance procedures were correctly followed, and if not, why not. This should be made part of a public report

Signed: [Additional Signatures being collected online]

- Bijal Patel
- Jane McClintock
- Christopher Hansen
- Tracy Chong
- Danielle Chynoweth
- Don Owen

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Content Changes Since Original Posting [ONLY by Bijal patel]:

1. Change in wording to make more precise:
Original text: "Failing to review all Taser usages and voting to cease all Taser reviews"
Changed to : "Failing to review all Taser usages and voting to cease **some** Taser reviews"
Explanation: The CPRB board had voted to eliminate the requirement that they review ALL Taser usage, and so now only review SOME Taser reviews. The original wording was unclear.
2. Added links to the petition to the top and bottom of the document.
3. Added emphasis to "**Signing onto this document does not limit you to proposing only these suggestions.**" at the start of the document.
4. Revised header to give attribution to authors of the original document.