

**BYLAWS  
OF THE  
CITIZEN REVIEW BOARD  
CITY OF FORT COLLINS, COLORADO**

(Adopted February 8, 2006; Amended February 9, 2011, Amended February 10, 2016)

**Article I - Introduction**

- 1.1 The Citizen Review Board (“Board”) was created by the City Council through the adoption of Ordinance Number 76, 1998. This ordinance codified the creation of the Board at Sections 2-136 through 2-142 of the City Code.
- 1.2 These Bylaws are intended to assist the Board in carrying out its functions as set forth in Section 2-139 of the City Code and are specifically authorized by Section 2-141 of the City Code. In the event of inconsistency between these Bylaws and the provisions of the City Code, the provisions of the City Code shall take precedence.

**Article II - Officers**

- 2.1 The officers of the Board shall be a chairperson and a vice chairperson. The Board shall elect these officers from the membership of the Board for a term of one year. Members are eligible for re-election. The election of the chairperson and the vice chairperson shall be held during the annual meeting of the Board in March of each year, or as soon thereafter as practicable.
- 2.2 A vacancy in the office of chairperson shall be filled automatically and temporarily by the vice chairperson and a new chairperson shall be elected to fill the unexpired term at the next regular meeting of the Board or as soon thereafter as practicable. A vacancy in the office of vice chairperson shall be filled by election for the unexpired term at the next regular meeting of the Board or as soon thereafter as practicable.
- 2.3 The chairperson shall preside at regular, special, and executive session meetings of the Board and shall, subject to these Bylaws, decide points of procedure unless otherwise directed by a majority of the Board members present at that meeting. The chairperson shall be the spokesperson for the Board to City Council and to the public at large.
- 2.4 The vice chairperson shall be responsible for assisting the chairperson in performing the chairperson duties as assigned by the chairperson. The vice chairperson shall act in the role of the chairperson in the chairperson’s absence.
- 2.5 Each review subcommittee shall be headed by a subcommittee chairperson who shall be the

first member randomly selected for the subcommittee who is available and able to serve without conflict, as set forth in section 2-138(d) of the City Code. The subcommittee chairperson shall preside at regular, special, and executive session meetings of the subcommittee and shall, subject to these Bylaws, decide points of procedure unless otherwise directed by a majority of the subcommittee members present at that meeting.

### **Article III - Meetings of Entire Board**

- 3.1 Regular meetings of the Board shall be held on the second Wednesday of each month or as otherwise established by the Board at a regular meeting. The time and location of the meetings shall be as determined by the Board at regular meetings.
- 3.2 Special meetings of the Board may be called by the chairperson, provided notice thereof is given to all members not less than 72 hours in advance of the meeting. Notice shall be deemed effective if delivered in writing to the member's home or business location as reflected in the records of the City Clerk, if delivered verbally by direct communication or by leaving a message at the member's home or business, or if the member attends the meeting.
- 3.3 All meetings of the Board shall be open to the public at all times, except that the Board, upon the affirmative vote of two-thirds of the members present, may go into executive session for the purpose of considering such matters as would be permissible for consideration by the City Council in executive session as enumerated in Section 2-31 of the City Code, insofar as such matters may be pertinent to the purposes for which the Board has been established by the City Council. No final policy decision shall be made nor shall any resolution be passed or other formal action taken by the Board in executive session. Public notice of the Board meetings shall be provided as required in the City Code and in the Boards and Commissions Manual.
- 3.4 A quorum of the Board shall consist of a majority of the members of the Board.
- 3.5 All business of the Board and the review subcommittees shall be conducted at a meeting of the Board or at a meeting of the review subcommittees.
- 3.6 Minutes of the meetings shall be kept by City staff and provided to the Board for its approval.

### **Article IV - Meetings of the Review Subcommittees**

- 4.1 Meetings of a review subcommittee shall be called by the subcommittee chairperson who shall provide not less than 24 hours advance notice to each member of the subcommittee, including the substitute member. Notice shall be deemed effective if delivered in writing to the subcommittee member's home or business location as reflected in the records of the City Clerk, if delivered verbally by direct communication or by leaving a message at the

member's home or business, or if the member attends the subcommittee meeting. Public notice of the subcommittee meetings shall be provided as required in the City Code and in the Boards and Commissions Manual.

- 4.2 All meetings of the review subcommittees shall be open to the public at all times, except that the subcommittee shall meet in executive session for the purpose of receiving and considering evidence relating to internal investigations conducted by the Office of Police Services unless the police officer(s) or community service officer(s) against whom the complaint is filed requests that the matter be considered in open session. If such a request is made, the subcommittee shall determine the extent to which the consideration and discussion of evidence will occur in open session. In making this determination, the subcommittee shall consider the extent to which the consideration and discussion will directly concern personnel matters of the officer(s), the need to maintain the confidentiality of information in circumstances where the public dissemination of the information would do substantial injury to the public interest and any other restraints upon public dissemination imposed by law. Additionally, the subcommittee, upon the affirmative vote of two-thirds of the quorum present, may go into executive session for the purpose of considering such matters as would be permissible for consideration by the City Council in executive session as enumerated in Section 2-31 of the City Code, insofar as such matters may be pertinent to the purposes for which the subcommittee has been established by the City Council. No final policy decision shall be made nor shall any resolution be passed or other formal action taken by the Subcommittee in executive session.
- 4.3 Because of the importance of having all members of the review subcommittee present to consider and discuss information at all subcommittee meetings, a quorum of a review subcommittee shall consist of all three regular members and the substitute member of the review subcommittee unless one or more members withdraw from service on the subcommittee due to a conflict or unavailability, in which case a quorum shall consist of all those remaining members. The substitute subcommittee member shall be deemed to be a regular member upon the withdrawal of a regular member due to conflict or unavailability. A regular or substitute member of the subcommittee shall be deemed to have withdrawn from the subcommittee because of unavailability if the member fails for any reason to be present at any meeting of the subcommittee and the regular members who are present for the meeting unanimously choose to proceed with the meeting in the absence of the regular or substitute member.
- 4.4 Minutes of the public portions of subcommittee meetings shall be kept by a member of the subcommittee designated by the subcommittee chairperson. Minutes must be approved by a majority of the regular subcommittee members and such approval may occur at a meeting of the subcommittee or at a meeting of the Board. Once approved, the minutes will be filed with the City Clerk's Office.

## Article V - Subcommittee Procedures

- 5.1 **Selection of Review Subcommittee.** The chairperson of the Board shall randomly select four (4) members of the Board to serve on each review subcommittee. The entire Board membership will be in the selection pool for each subcommittee selection process. Upon the chairperson's selection of the members to serve on a review subcommittee, the Fort Collins Police Services liaison will contact each selected member and determine whether or not the member is available and able, without conflict, to serve on the subcommittee. If a member is unable to serve due to unavailability or a conflict, the chairperson will instruct the member to complete and file with the City Clerk a Conflict of Interest Disclosure Statement (form contained in the Boards and Commissions Manual), if applicable, and the chairperson will then notify the next randomly selected member to serve on the subcommittee. No replacement members shall be selected to serve on a subcommittee once the subcommittee has met and considered or discussed information concerning an investigation file. The first member randomly selected for the subcommittee who is available and able to serve without conflict shall be the review subcommittee chairperson. The first three members randomly selected for the subcommittee who are available and able to serve without conflict shall be the regular members of the subcommittee. The fourth member randomly selected for the subcommittee who is available and able to serve without conflict shall be the substitute subcommittee member.
- 5.2 **Subcommittee Operation.** The subcommittee chairperson shall be responsible for scheduling the first meeting of a review subcommittee pursuant to the provisions of Section 1 of Article IV, above. At the time that the subcommittee chairperson schedules the first meeting of the subcommittee, the chairperson will request that the staff liaison for the Board notify any police officers or community service officers who are the focus of a complainant's allegations of misconduct of their rights to request that the review be conducted in open sessions. The subcommittee chairperson, or the chairperson's designee, may, at his or her discretion, attempt to notify the complainant of any meeting of the subcommittee either by telephone, electronic mail, in writing, or in person. The subcommittee chairperson shall be responsible for ensuring that the work of the subcommittee is completed within the time constraints imposed by the City Code. For purposes of complying with those time constraints, the investigatory file shall be deemed to have been submitted to the subcommittee when it has been delivered to the last of the four members of the subcommittee. Each meeting of the review subcommittee shall commence and be conducted in public session except that the subcommittee may adjourn into executive session pursuant to the provisions of Section 2, Article IV, above. Each member of the review subcommittee shall be provided with a copy of the Police Services internal investigation file prior to the first meeting of the subcommittee. Delivery of the file shall be by personal delivery or by delivery to the members' homes or businesses. Each subcommittee member shall maintain the confidentiality of the file at all times, except as otherwise provided herein. At its first meeting, the subcommittee shall commence its review of the internal investigation file and attempt to determine whether it will be necessary to request testimony or additional

information from the complainant, witnesses and/or police investigators. The subcommittee chairperson shall be responsible for ensuring that the review report submitted to the City Manager and the Chief of Police is also conveyed to the complainant either through Police Services or directly from the subcommittee.

- 5.3 **Role of Substitute Member.** The substitute member shall be allowed to participate in subcommittee discussion and questioning during the subcommittee meetings, including executive sessions; however, the substitute member shall only be allowed to move and vote on subcommittee matters if the substitute has become a regular subcommittee member. Upon the withdrawal of a regular member from the subcommittee due to conflict or unavailability as defined in Article IV, Section 3 above, the substitute subcommittee member shall become a regular member of the subcommittee.
- 5.4 **Review of Internal Investigation.** In reviewing the sufficiency and accuracy of the internal investigation, the review subcommittee shall only consider the information which comes before it or is brought to its attention through the Office of Police Services investigatory file or at a meeting of the subcommittee. Any persons who attempt to provide information to individual members of the subcommittee outside of the meeting of the subcommittee shall be asked by the contacted subcommittee member to appear at a subcommittee meeting and/or provide the information in writing so that the entire subcommittee can make a determination as to whether or not to request that the Office of Police Services further investigate the matter. Any subcommittee member who feels threatened or harassed by any person may report the incident to the Board=s staff liaison, Police Services, and the City Attorney=s Office.

#### Article VI - Amendments

- 6.1 These Bylaws may be amended by a two-thirds vote of the entire membership of the Board at any regular meeting provided that notice in writing of such proposed amendment has been given to each Board member at least ten (10) days prior to such meeting or provided that such amendment was read or provided in writing at the last preceding regular meeting of the Board.

Approved this 10<sup>th</sup> day of February 2016, by the Citizen Review Board.

  
Chairperson

3/9/2016