

**LAS VEGAS
METROPOLITAN POLICE DEPARTMENT
CITIZEN REVIEW BOARD**



POLICY AND PROCEDURE MANUAL

Revised as of 03/04/08

CITIZEN REVIEW BOARD POLICY AND PROCEDURES

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CITIZEN REVIEW BOARD POLICY AND PROCEDURES

Section 1: PURPOSE

These policies and procedures are hereby adopted to facilitate the operations of the Las Vegas Metropolitan Police Department Citizen Review Board (hereinafter the "Review Board") in reviewing and handling citizen complaints filed against peace officers of the Las Vegas Metropolitan Police Department (hereinafter the "Department"). These rules are intended to provide for the fair, impartial, independent and prompt investigation of citizen complaints in a manner, which protects and enhances the public trust in law enforcement, while ensuring a just resolution of complaints for those involved. The review process of the Review Board shall be conducted consistently with the legal rights of the complainants, witnesses and peace officers involved, as well as the public they serve, with the goal of enhancing both public awareness of the review process and encouraging public confidence in the integrity of the review procedures.

As provided by law, the Review Board shall make the procedures for the filing and handling of legitimate complaints public, as well as, the findings and recommendations by the Review Board concerning the complaints. Publication of information regarding procedures, findings and recommendations provides public confidence that legitimate complaints are appropriately resolved, police misconduct is seriously considered and corrective measures and police policy improvement recommendations are undertaken.

These policies and procedures are intended to supplement Chapter 2.62 of the Clark County Code, Chapter 2.64 of the Las Vegas Municipal Code and Chapter 289 Nevada Revised Statutes. In the event of any conflict with these policies and procedures, said Statute and ordinances shall supersede only those provisions found in conflict.

Section 2: DEFINITIONS

All words used in these policies and procedures shall be given their plainly understood meaning. Words, which may be defined within these policies and procedures, shall be construed in accordance with the definition. The following terms shall be further understood to mean:

- (a) "Board" means the board of county commissioners of Clark County, Nevada.
- (b) "Citizen" means a member of the public, regardless of age, legal citizenship or any other matter relating to a characteristic of the complainant.
- (c) "City" means the city of Las Vegas, Nevada.

(d) "Chair" means the chairperson of the Review Board or a panel thereof, the Vice Chair in the Chair's absence, or the designee of the chair.

(e) "Clear and convincing" evidence means the intermediate level of burden of persuasion where the facts show that it is substantially more likely than not that the thing is in fact true.

(f) "Complaint" means a written complaint properly filed with the Review Board.

(g) "Complainant" means a person who files a complaint with the Review Board.

(h) "Council" means the city council of Las Vegas, Nevada.

(i) "County" means Clark County, Nevada.

(j) "Department" means the Las Vegas Metropolitan Police Department.

(k) "Director" means the Executive Director of the Review Board or the Director's designee.

(l) "District Attorney" means the District Attorney for Clark County, Nevada, and all deputy and assistant district attorneys within that office.

(m) "FAC" means the Department committee on fiscal affairs.

(n) "Member" means a member of the Review Board.

(o) "Officer" means the officer against whom a complaint is filed.

(p) "Ordinance" means the city and county ordinance(s) creating the Review Board.

(q) "Panel" means a five-member panel of the Review Board.

(r) "Person" means those who may file a complaint who shall include an adult, a minor with an adult's assistance, an adult filing on behalf of a minor, or a vulnerable adult with assistance from a family member, a guardian or other court appointed representative.

(s) "Review Board" means the Las Vegas Metropolitan Police Department Citizen Review Board.

(t) "Vice Chair" means the vice chairperson of the Review Board.

Section 3: ADMINISTRATION AND PROCEDURE

3.1 Review Board Composition, Term of Membership, Compensation and Vacancies

All matters pertaining to the composition and selection of members, term of membership, compensation of members and vacancies, which arise on the Review Board, shall be governed by law, pursuant to Clark County Code, Chapter 2.62, and Las Vegas Municipal Code, Chapter 2.64.

3.2 Facilitator for General Meetings of the Board

The Executive Director of the Review Board shall be the designated facilitator for all meetings of the full Board. However, the facilitator shall not participate in the deliberations or decisions made by the board. It shall be the responsibility of the facilitator to ensure the orderly proceedings of all meetings and to prepare and present the agenda. The facilitator shall ensure that all parliamentary proceedings are in accordance with Robert's Rules of Order, and that the rules and policies of the Board are complied with in addition to performing such other tasks necessary for said meeting.

3.3 Records of the Review Board

The office of the Executive Director shall maintain custody of all records, documents and materials of the Review Board. The Executive Director shall be responsible for providing all physical evidence, photographs, diagrams, police reports, witness statements and any other subpoenaed items to the hearing panel members for consideration at the time of the hearing. The chairperson of the hearing panel shall submit all requests in writing to the Office of the Executive Director for preparation of subpoenas, requests for production of documents, and any other administrative requests.

The disposition report and agenda of the proceedings of the Review Board's hearing panel shall be maintained by the office of the Executive Director for a period of 5 years. At the conclusion of the proceedings, all records provided by the Department and copies thereof shall be returned to the Department. All other records shall be confidentially maintained by the Office of the Executive Director, absent order of court, for a period of five (5) years.

3.4 Orientation and Training

The Director is responsible for the establishment of an orientation and training program. The Director has the exclusive authority to determine the content of and manner of orientation and training, which shall include, at a minimum, the following subjects:

- a. Department policies and procedures
- b. Department civil service rules regarding conduct
- c. NRS 289.010 through 289.120, inclusive
- d. Department collective bargaining agreements involving officers
- e. Review Board policies and procedures
- f. Review Board jurisdiction
- g. Confidentiality of information
- h. Legal rights of citizens and officers
- i. Community perspectives on the Department
- j. Any other relevant matters, as determined by the Director

All members shall complete orientation and all training before serving on any panel. The Director may remove any member who fails to complete orientation and training, including any additional training provided to members to update or supplement information provided.

3.5 Standing to file a Complaint

An alleged victim, an alleged victim's legal guardian, parent or personal representative or any individual having personal knowledge of alleged officer misconduct shall have standing to file a complaint. Personal knowledge shall mean being an eye or ear witness to an incident involving alleged officer misconduct.

Complaints that are filed by someone other than the alleged victim are not subject to mediation unless the alleged victim also participates.

3.6 Complaint Procedure

A complaint must be submitted in writing on a complaint form approved by this office. The alleged victim, or the complainant's parent, guardian or legal representative must sign the complaint. The approved complaint form is available with instructions in both English and Spanish. This form may be obtained by contacting the executive office of the Review Board.

The complainant shall receive written notice of receipt of their signed complaint. Notice of the filing of a signed complaint along with a copy of said complaint shall be promptly forwarded to the subject officer(s) and to the Department.

A screening panel will review the complaint and render a decision on the complaint within fifteen (15) days of the complaint's first review by the panel. The screening panel may, by law, do one of three things, as set forth in section 3.12(6) below. The complainant, subject officer(s) and Department will be notified of the screening panel's decision and any subsequent hearings that may be held.

3.7 Jurisdiction

Consistent with NRS 289.380, the Review Board shall have jurisdiction to receive and review all citizen complaints or requests for review of an internal investigation concerning peace officers employed by the Metropolitan Police Department.

The Board shall not have jurisdiction regarding conduct of any civilian employees of the Department. " Civilian employees" include clerical or other support staff personnel, secretaries, clerks, custodians, receptionists and maintenance personnel. The term civilian employees does not include any commissioned law enforcement officials of the Department, whether uniformed or non-uniformed.

3.8 Transaction of Business

The official address of the Review Board shall be:
310 South Third Street, Suite 319
Las Vegas, NV 89155

or such other location as designated by the Board or Council. The Review Board shall establish regular meeting places and times, which shall be made known to all members. Meetings may be held at other times and places, as needed, in accordance with law. The offices of the Review Board are open during regular weekday business hours. The office phone number is: (702) 455-6322.

3.9 Review Board Proceedings

In all proceedings not provided for by these rules, or by the enabling ordinances of Clark County Code Chapter 2.62 or the Las Vegas Municipal Code, Chapter 2.64, Robert's Rules of Order, Newly Revised, shall govern the Review Board.

3.10 Special Meetings of the Review Board

Upon petition of six (6) members of the Review Board, special meetings may be held at the call of the Executive Director or his/her designee in the absence of the Executive Director. Review Board members shall be given at least twenty-four hours (24) hours notice prior to any special meeting. The notice and agenda for any special meeting will be posted and distributed in accordance with N.R.S chapter 241, Nevada Open Meeting Law.

Upon petition of six (6) members of the Review Board, special meetings may be held at the call of the Executive Director or his/her designee in the absence of the Executive Director. Review Board members shall be given at least twenty-four hours (24) hours notice prior to any special meeting. The notice and agenda for any special meeting will be posted and distributed in accordance with N.R.S chapter 241, Nevada Open Meeting Law.

3.11 Review Board Staff

The Executive Director shall supervise the administrative, clerical or any other personnel as necessary to discharge the functions of the Review Board. The Executive Director shall promulgate internal office procedures and prepare necessary standardized forms for the intake of complaints and conduct of the investigations by the panels. The daily operations of the Review Board shall be managed by the Executive Director, who shall oversee the regular functioning of the staff assigned to help carry out the duties of the Review Board. The Review Board may, in its discretion, from time to time delegate to the Executive Director certain of the procedural and administrative functions or duties assigned to the Review Board by these Policies and Procedures. The Board shall not, however, delegate to the Executive Director any functions, duties or responsibilities which are required by the Statute or Ordinances to be performed by the Review Board.

3.12 Screening Panel

The Executive Director shall randomly select the members of the panel and shall notify the members of the time and place for said meeting at least twenty- four (24) hours in advance thereof.

Panel meetings shall be held at least once a month and shall be conducted as follows:

(1) At the first meeting of a Screening Panel, a Chair Person shall be selected by other members of the panel to preside over the proceedings for the term of said panel. A vice-chair person may also be selected to act in the chair's absence. The Chair Person shall preside over the incident review and insure that rules are adhered to and each Board member has an opportunity to participate. He/she is also responsible for resolving any procedural conflicts arising during the review process, moderating the deliberation to ensure that each member is allowed to express himself; determining the disposition of the complaint filed by a vote of the board documented on the screening panel's disposition report and/or minutes; and providing notification of the board's actions to the Executive Director.

(2) An agenda will be provided to panel members prior to the meeting.

(3) A quorum of a majority of panel members must be present.

(4) All citizen complaints against officers shall be submitted to the Director who shall thereafter assign a file number to the complaint and submit all such complaints to the panel.

(5) The panel shall review all complaints and decide whether the Review Board has jurisdiction over the matters in the complaint and, if so, whether the

complaint has sufficient merit to justify further consideration by the department or the Review Board. "Sufficient merit" refers to whether the Review Board has jurisdiction to consider the complaint and whether the factual assertions in the complaint establish reasonable cause to believe misconduct may have occurred. Absent jurisdiction and reasonable cause, the complaint shall be dismissed.

(6) After review, the panel may, by majority vote:

- (a) determine not to take further action and summarily dismiss the complaint for insufficient merit or refer the matter for mediation when deemed appropriate;
- (b) refer the complaint to the Department for their internal investigation, or
- (c) refer the complaint to the Hearing panel of the Review Board to review the internal investigation of the Department

(7) This review and determination shall be completed within fifteen (15) days of the complaint being first considered by the panel. This time period shall be tolled, as provided by law.

(8) The panel may only consider the complaint and any attachments thereto, the internal investigation records and such information as may be voluntarily provided by the Department, complainant or officer. The panel may not issue subpoenas or require other information be provided in the review.

3.13 Hearing Panel

Upon referring a complaint for review of an internal investigation to the hearing panel, the hearing panel shall be conducted as follows:

(1) A hearing panel will be formed, as provided by law. A quorum of a majority of panel members must be present for a meeting to occur.

(2) At the first panel meeting, the members shall elect by majority vote a Chair and Vice-Chair of the panel, who shall preside over the proceedings and exercise the powers provided by law.

(3) An agenda will be provided to the panel members before the hearing.

(4) Notice of the date, time, and location of the meeting, the names of panel members and a brief summary of the alleged misconduct or other item before the panel shall be given in advance of the hearing to the subject officer(s), complainant and Department.

(5) Hearings shall be conducted in the following manner unless the chair orders otherwise:

- a. The chair or director will introduce all parties, identifying the complainant, subject officer(s) and their representative(s). The chair

or director will explain the proceeding is a civil hearing where the board is an advisory board to the sheriff and the LVMPD FAC empowered to review complaints against officers, review internal investigations, and make recommendations to the sheriff and inform the public of their recommendations, to the extent allowed by law.

- b. The chair will administer an oath to the first witness or to all the witnesses present.
- c. The panel shall conduct the hearing respecting an officer's rights under the First, Fourth, Fifth and Fourteenth Amendments to the U.S. Constitution. Witnesses will be entitled to all the rights and privileges guaranteed by the Constitution and laws of the United States and the State of Nevada, including the right not to be compelled to incriminate oneself. An officer whose conduct is under review shall have the right to have legal counsel and/or another representative of their choosing present at all times during their testimony. Additionally, any other witness shall have the same right to representation during their testimony. The representative shall not be a witness or a person subject to the same investigation.
- d. The chair may, at their discretion permit the department, complainant, and a subject officer whose conduct is under review or the subject officer's counsel or representative to be present during questioning of any witness. However, the protocol Internal Affairs follows does not permit a witness or their counsel or representative to be present during the testimony of any other witness. Therefore, the chair may sequester all party and/or non-party witnesses prior to the taking of testimony.
- e. The chair shall determine the order of testimony and the chair, other panel members or counsel for the Review Board, may pose questions. It shall be within the discretion of the chair to permit questioning by witnesses or their representatives at the conclusion of questions posed to a witness. IA protocol does not allow the questioning of witnesses by the attorney or representative for any other purpose than to clarify a question posed.
- f. The chair may in their discretion, permit the department, an officer whose conduct is under review or their counsel or representative with the opportunity to present testimony or other evidence to the panel. However, since this is a review of an internal investigation of an officer, the officer shall at a minimum have the opportunity to be heard by the panel.
- g. The standard of proof in the evidentiary hearing shall be by clear and convincing evidence. No finding with respect to an allegation of a complaint shall be sustained unless it is proven by clear and convincing evidence presented at the hearing or otherwise contained in the investigative record.
- h. When either the complainant or subject officer(s) fail to appear, the panel may receive statements from those persons present and relying

on the evidence received, continue with the investigative hearing. For good cause shown, the Chair may continue a hearing due to the unavailability of a complainant, officer, or witness.

- i. The Director may be present to advise the panel as to any matters, except deliberations and voting. The Chair may designate the Director to rule on objections made or other legal issues as they may arise, after consultation with and consent by the chair. The rules of evidence applicable in court proceedings shall not apply and all evidence shall be considered as provided by Chapter 2.62 of the Clark County Code, Chapter 2.64 of the Las Vegas Municipal Code and Chapter 289 Nevada Revised Statutes.
- j. It shall be the duty of each hearing panel member to conduct a fair and impartial hearing, to assure that the facts are fully elicited, and to adjudicate all issues and avoid undue delay. A hearing panel member shall be disqualified from sitting on that hearing panel if he/she has a demonstrated personal bias or prejudice, or the appearance thereof, in the outcome of the Complaint. This does not include holding or manifesting any political or social attitude or belief, which does not preclude objective consideration of a case on its merits.
- k. Each party in need of an interpreter shall make their own arrangements to have an interpreter present. The Chair shall have discretionary authority to provisionally qualify and utilize interpreters if a party is unable to procure the services of an interpreter on their own.
- l. Unless otherwise ordered by the Chair, the entire investigative hearing on a given complaint shall be conducted on one occasion. However, if the hearing panel determines that additional evidence is necessary to reach its findings, it will continue the investigative hearing to a future date unless the panel and the parties agree to allow the hearing panel to receive such material in writing without reconvening.
- m. The proceedings of the hearing panel shall be closed to the public and at the conclusion of the evidentiary proceedings the panel members shall privately deliberate and vote upon the action to be taken. The panel may consider the adverse inference of an admission of criminal activity against an officer at each point where he or she takes the 5th rather than answer the question since this is a civil/administrative proceeding and not a criminal hearing. (Pursuant to *Baxter v. Palmigiano*, 425 U.S. 308 a 1976 Supreme Ct. case.)
- n. The panel shall not consider any information that has not been received as part of the investigative hearing. The hearing panel may reconvene in the presence of all parties to ask further questions, and each party shall have the opportunity to respond to such questions. At the conclusion of the evidentiary hearing, the panel shall issue its written findings and recommendations to the department, the subject officer(s) and complainant. These recommendations should be prepared within ten days of the conclusion of all evidence.

- o. The panel may recommend increasing or decreasing the recommended level of discipline, the imposition of discipline where none was recommended, the exoneration of the officer and any policy, procedures or training recommendations to the Department for future implementation and use by the Department. The hearing panel's determinations shall be decided by majority vote and the panel's written findings and recommendations shall not include any confidential information, as provided by law.

3.14 Confidentiality

As provided by law, all records, proceedings and other matters of the Review Board and panels are strictly confidential and the findings and recommendations of a panel or panel member shall not contain information declared confidential by law. Information regarding the following shall not be deemed confidential and may be included in the findings of a hearing panel.

- The nature of the allegations of the complaint, without specificity to the record of proceedings or actual testimony.
- The name and P# of the officer(s) involved, whether exonerated or found to have engaged in the misconduct alleged
- The name of the complainant(s) making the allegation(s)
- The date, time and location of incident
- The I.A.B. number, if any has been provided
- Any other information that the Board would necessarily include as part of their findings and recommendations that would convey and/or clarify the findings and recommendations of the panel or panel member, without breaching the Board's duty of confidentiality.

Any violation of confidentiality may result in criminal prosecution and/or removal from the Review Board, as provided by law. However, the Review Board shall have authority to notify the complainant in writing of the disposition of their complaint. Further, the Review Board is authorized to notify in writing the officer(s) named in the complaint of the allegations stated therein and the disposition of said complaint.

3.15 Department Imposition of Discipline

The Review Board, by this policy, hereby requests that the Department, in the interests of justice and to affect the purposes of the law creating this Review Board, stay any imposition of punishment until the Review Board's recommendations are received. The Review Board, realizing the importance of timely disciplinary measures, will promptly provide their recommendations to the Department, in accordance with law. The Review Board in effectuating this policy requests that the Department provide the Board with a record of action taken by the Department, as a result of the Board's findings and recommendations, within thirty days from receipt thereof.

3.16 Withdrawal of Complaints

A complainant may withdraw a complaint orally or in writing at any time. A properly filed withdrawal terminates all proceedings on a complaint, unless, the Panel handling the complaint determines it appropriate to continue the investigation and handling of the complaint in the interests of justice.

3.17 Scope of Investigation

Hearing panels may investigate all matters alleged in the complaint, or stemming from the allegations of the complaint, which involve an officer's actions, department policy or procedure, supervision or training. Investigations shall be deferred, as provided by law, pending internal Department investigations or criminal proceedings involving the officer's alleged misconduct or pending a coroner's inquest. Investigations may continue during the period of any related civil actions, within the panel's discretion and subject to court order.

3.18 File Accessibility

Access to Review Board files and records shall be limited to Review Board members, the Executive Director and Review Board staff. All files and documents shall be maintained by the Executive Director in the offices of the Executive Director and shall be made available for review by panel members prior to the scheduled hearings. It is recommended that panel members take the time to review the investigative file before the formal hearing on the incident. No person shall remove any records from the files or make any copies thereof, absent approval of the Executive Director.

3.19 Final Findings and Recommendations

As provided by law, the written findings and recommendations of the hearing panel are public records and shall be available to the public during normal business hours at the Review Board's offices. A copy shall be mailed to the complainant, Department and subject officer(s).

The Review Board's findings shall be classified and recorded on a disposition report as follows:

- ❑ Sustained: The investigation and/or evidence proved that the officer(s) did commit the alleged acts of misconduct.
- ❑ Not sustained: The investigation and/or evidence failed to prove or disprove that the alleged act(s) occurred
- ❑ Exonerated: The investigation and/or evidence proved that the alleged acts occurred but was/were justified, legal and/or properly within Department policy.

- ❑ Unfounded: The investigation and/or evidence proved that the officer(s) did not commit the alleged acts of misconduct.
- ❑ Policy Failure: The investigation and/or evidence proved that the alleged acts occurred but were justified by the Department policy or procedures; however, the Citizen Review Board recommends that the policy or procedure be changed.
- ❑ Supervision Failure: The investigation and/or evidence proved that the alleged acts occurred and were the result of inadequate supervision.
- ❑ Training Failure: The investigation and/or evidence proved that the alleged acts occurred and were the result of inadequate training.
- ❑ Complainant Not Cooperative: No Contact can be made with complainant for a proper investigation to take place, or complainant withdraws complaint. (Note: In some limited circumstances, even when the complainant is not cooperative and not interviewed, Internal Affairs may determine that there is sufficient evidence to reach a disposition.

After completing the review, the Panel, by signature on the complaint form, shall state in writing as follows:

- ❑ Agree with Internal Affairs findings/no comment
- ❑ Agree with Internal Affairs findings/with comment
- ❑ Disagree with Internal Affairs findings/with comment
- ❑ Any recommendation for discipline or training

3.20 Mediation

The Board's screening panel may refer a complaint for mediation as an alternative form of dispute resolution in certain cases. Both the complainant and subject officer(s) must agree to mediation to be conducted by the Neighborhood Justice Center or other appropriate facilitator chosen by the Board. Participation in mediation will result in the complaint being dismissed by the Board. Mediation shall not be available to an officer who has participated in mediation for a serious misconduct allegation or a similar misconduct allegation within the previous twelve months. Serious misconduct violations include any incident involving excessive use of force or resulting in any personal injury. The mediation process shall terminate when either party announces its unwillingness to continue mediation or when the parties resolve the disputed issues. The Mediation Program Protocols, attached hereto, is hereby adopted and incorporated by reference.

3.21 Return of Records

Except as otherwise provided herein, the complaint and all other records of proceedings shall be confidentially maintained by the Review Board and Review Board staff. All records and any copies thereof provided by the Department to the Review Board shall be returned to the Department upon the conclusion of the investigation of the complaint, as provided by law. Internal memorandum of

the Review Board, the Executive Director or Review Board staff shall be confidentially maintained as work product by the Review Board. " Internal memorandum " refers to research, legal and investigative materials prepared in anticipation of the investigation of a complaint. Informal notes of Review Board members, staff or the Executive Director may be removed from the official records and file and destroyed at anytime. " Informal notes " refers to any written matters not prepared in anticipation of an investigation by the Review Board, e.g., a member's handwritten notes of testimony, a staff member's " things to do " notes or any notes which merely reflect a person's thoughts or personal matters.

3.22 Judicial Interpretation

If any section, paragraph, sentence, clause or phrase in this Policy and Procedures manual is held to be invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Policy and Procedures Manual.

3.23 General rules pertaining to members

The general rules pertaining to members of the Review Board, attached hereto, is hereby adopted and incorporated by reference.

3.24 Operating Agreement

The Las Vegas Metropolitan Police Department and the Citizen Review Board have entered into an Operating Agreement, which is attached hereto and is hereby adopted and incorporated by reference.

3.25 Amendments to Policy and Procedure

Any amendments to these policies and procedures must be by majority vote of the Review Board.

WHEREAS, there being a majority vote of the Review Board, and the members having voted to approve these provisions, the foregoing Policy and Procedures is hereby adopted as amended by the Review Board this 4th day of March, 2008.

Approved as to form and Content:

Andrea S. Beckman

Andrea S. Beckman
Executive Director, Citizen Review Board

GENERAL RULES PERTAINING TO MEMBERS OF THE REVIEW BOARD

1. Notification of any change in address and phone number must be provided to the Office of the Executive Director within two weeks of said change.
2. Notification of any grounds for disqualification of a member must be promptly made to the Office of the Executive Director. Such grounds include, but are not limited to, change of residence outside of the City of Las Vegas and unincorporated Clark County; employment by yourself or a sibling, spouse, parent or child with LVMPD, felony conviction, elected official, being a party in litigation against LVMPD, Clark County or the City of Las Vegas Detention Facility.
3. Notification of grounds for disqualification of a member from sitting on a particular panel due to inability to be fair and impartial must be promptly made to the Office of the Executive Director.
4. Notification of unwillingness or inability to remain on the Review Board as a member must be promptly made to the Office of the Executive Director.
5. If a member is selected to sit on a hearing or screening panel, they must notify the Office of the Executive Director at least twenty-four (24) hours prior to a scheduled hearing if they are unable to attend.
6. All members, pursuant to statute, must maintain the integrity and confidentiality of all information obtained in their capacity as a board member, except for information that is public record.
7. All members are required to complete the mandatory orientation and training. Training must be accomplished by attendance at live lectures or review of videotape lectures. Additionally, all members must attend all subsequent training sessions as they arise.
8. Members are to schedule police ride alongs through the Office of the Executive Director, which are mandatory. Additionally, members are encouraged to schedule sit alongs at the Internal Affairs Bureau of LVMPD.
9. Members are responsible for reviewing the pertinent statute and ordinances regarding the Citizen Review Board. (these are on our website at www.citizenreviewboard.com).
10. Pursuant to ordinance, eligible review board members who decline three successive appointments to serve on a panel for reason other than

personal bias or conflict of interest, or who fail to attend three successive meetings of a panel to which they have been appointed, shall automatically be removed from the review board, unless a member of the FAC who originally appointed the member finds good cause for said failure to attend or serve.

11. In the event members come into contact with law enforcement, they shall not disclose their affiliation with the Las Vegas Metropolitan Police Department Citizen Review Board unless specifically asked by law enforcement.



OPERATING AGREEMENT

September 5, 2000

This document will serve as an Operating Agreement between the Las Vegas Metropolitan Police Department and the Las Vegas Metropolitan Police Department Citizen Review Board.

1. The jurisdiction of the Citizen Review Board will be those cases where a citizen initially contacts the Citizen Review Board or in which a citizen does not agree with an Internal Affairs Bureau finding and appeals that finding from the Internal Affairs Bureau to the Citizen Review Board.
2. Internal Affairs Bureau will have to revise a letter that is routinely sent, after adjudication of a case, to the complainant. The revised letter will include an explanation of how to appeal a finding to the Citizen Review Board.
3. Citizen Review Board complaints will only be taken from alleged victims of police misconduct; or in a case of minors, their parents/legal guardians, or direct witnesses of police misconduct.
4. The Citizen Review Board will notify the Office of the Sheriff, by either telephone or fax, of their findings a minimum of two working days prior to notifying the media. The findings and recommendations of the Review Board shall be in writing and shall be made available to the public in a timely manner. However, the officer involved shall be notified of the findings before they are made public record.
5. All requests, by the Citizen Review Board, for records of internal investigations done by the Las Vegas Metropolitan Police Department shall be faxed to the Captain of the Internal Affairs Bureau or designee. All such records, including personnel records, shall be transmitted to the Executive Director of the Citizen Review Board by personal delivery.
6. Personnel files will be redacted to remove personal information about the officer, to include; home address and telephone numbers, family information, social security number, and medical information.



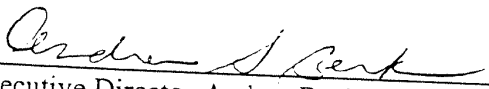
7. Pursuant to City and County Ordinances, the Department shall make available to a hearing panel all personnel records or other material necessary for the panel to conduct a review. Absent compelling circumstances, said records shall be considered and reviewed by a panel in the following circumstances:
- a. After a finding of misconduct has been found by the Board, for the purposes of recommending appropriate sanctions;
 - b. After a finding of misconduct by the Department, where a case has been submitted to the Board for review of findings and sanctions to be imposed;
 - c. Where the officer has testified and placed in evidence his/her prior personnel record;
 - d. Where the officer has a prior pattern of similar misconduct so that the probative value would outweigh any possible prejudicial value. Such conduct must be of a similar nature and would be relevant to show a pattern of harassment, discrimination, bias, prejudice or motive or intent toward a person, group, race, sect, creed, etc. The Executive Director shall review personnel records prior to any hearing, to determine content and relevancy;
 - e. Where a case is being considered for mediation as a possible resolution, to ascertain the appropriateness of mediation and to verify the officer does not have a prior similar act of misconduct where mediation was previously afforded.

These files, once under the Citizen Review Board custody, will be kept under lock and key. No copies will be made nor any disseminations made outside the Citizen Review Board office.

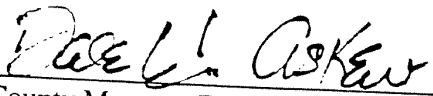
8. In the case of a review of an internal investigation by the Board, where an officer is subject to discipline, the Department shall stay imposition of sentence for a period of fifteen days from the date the Executive Director receives said Department findings. The Board shall notify the Department within said fifteen day time period of their findings and indicate their agreement or disagreement with the Department proposed determination, or request additional time to have the matter heard by a hearing panel. In the event circumstances arise which would make it impossible for the Review Board to meet this time frame, written notification shall be faxed to the Las Vegas Metropolitan Police Department requesting an extension of the stay of imposition of sentence setting forth the basis therein. In the event that the screening panel determines that an evidentiary hearing is necessary to determine the appropriateness of sanctions recommended by the Las Vegas Metropolitan Police Department, the Review Board shall request an extension of said stay on sentence pending their hearing. The Board shall state in writing their reasons requesting the Department to stay imposition of sanctions for a period exceeding the fifteen days.

9. The District Attorney's office is in the process of conducting research to develop an opinion concerning the Garrity Warning being utilized for officers testimonies during Citizen Review Board hearings. If the legal opinion allows for such, the Garrity Warning will be offered to officers prior to their testimonies.
10. The Citizen Review Board will provide the Department with copies of their policies, procedures and forms they will utilize.

Approved as to form and content:


Executive Director Andrea Beckman
Las Vegas Metropolitan Police Department
Citizen Review Board

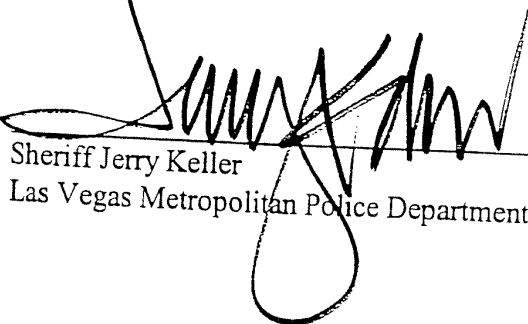
9-6-00
Date


County Manager Dale Askew
County of Clark

9-7-00
Date


City Manager Virginia Valentine
City of Las Vegas

9.7.00
Date


Sheriff Jerry Keller
Las Vegas Metropolitan Police Department

9-6-00
Date



ADDENDUM TO OPERATING AGREEMENT

This document will serve as an Addendum to the Operating Agreement entered into on September 5, 2000 between the Las Vegas Metropolitan Police Department (LVMPD) and the Las Vegas Metropolitan Police Department Citizen Review Board (CRB).

1. Item #8 of the Operating Agreement dated 09/05/00 is rescinded.
2. All citizen complaints filed with LVMPD shall be investigated within thirty days and the citizen shall promptly be advised of the disposition of said case. However, where a complaint will require additional time for investigation, the complainant shall be notified in writing by the LVMPD Internal Affairs Bureau of such delay.
3. The Internal Affairs Bureau of LVMPD shall provide additional written notification to the complainant of their right to file a request for review with the CRB. This written notification shall be made to complainant at the time they are provided with the findings and disposition of said investigation. However, in no event shall the notification be provided to complainant more than eleven months after the date of the incident resulting in the filing of the complaint. Said notification shall clearly state the complainant's right to request a review and the one year time period for filing a complaint with CRB.
4. Although it is the policy of CRB to notify the Department and LVMPD officers in writing whenever a complaint has been filed, notification shall not be necessary when a complaint clearly falls outside of the jurisdiction of CRB and would not require a response by the Department or the Officer.
5. In cases of mutual concern, the LVMPD Internal Affairs Bureau will forward copies of investigative files to the CRB Executive Director upon completion of the investigation. CRB requests for information as to the Department's recommended level of discipline shall be made in writing to the LVMPD Director of Labor Relations.
6. The Office of the Sheriff shall notify the CRB of the Department's decisions to approve or disapprove the Board's recommendations by submitting written findings to the Office of the Executive Director a minimum of two working days prior to notifying the media.



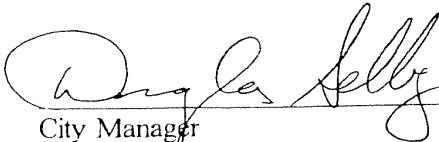
7. The LVMPD and the CRB mutually agree not to comment on the other party's findings until such time as the other party has released their findings.
8. Any reference to stated time periods in the CRB policy manual shall refer to calendar days, unless specifically stated otherwise.
9. The Executive Director of the Citizen Review Board shall provide the Internal Affairs commanding officer with the names of any person(s) who review any confidential or privileged files regarding Metro officers.



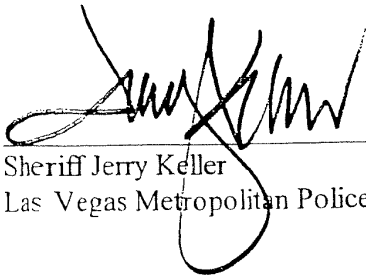
Executive Director Andrea Beckman Date 6-7-02
Las Vegas Metropolitan Police Department
Citizen Review Board



County Manager Thom Reilly Date 6-7-02
County of Clark



City Manager Date 6-11-02
City of Las Vegas



Sheriff Jerry Keller Date 6-18-02
Las Vegas Metropolitan Police Department

Citizen Review Board (CRB) – Mediation Program Protocols

1. The CRB Director shall review the initial complaint and a preliminary assessment should be made as to suitability for mediation. In those cases that appear to be appropriate for mediation, the CRB Director shall ask the complainant whether they would be interested in mediating the complaint. The CRB Director shall explain the mediation program to the complainant (including the fact that there can be no appeal from a mediation) and indicate in the CRB file whether the complainant is amenable to the process. Cases involving an allegation of excessive use-of-force (except in extraordinary circumstances) or an allegation of criminal conduct against an officer would not be considered for mediation.
2. If the CRB Director concludes that a case may be appropriate for mediation, she/he shall immediately confer with the Deputy Chief of the Professional Standards Division in order to determine whether the Bureau agrees with mediation as a possible resolution. No case may be assigned for mediation without the approval of the Deputy Chief of the Professional Standards Division or his/her designee.
3. Upon approval by the CRB Director and the Deputy Chief of the Professional Standards Division for mediation, the CRB file shall be provided to the screening panel who may either accept or reject the recommendations of the Executive Director and Deputy Chief of the Professional Standards Division regarding mediation. If the panel finds mediation to be an appropriate option, they shall refer the case back to the Deputy Chief of the Professional Standards Division indicating their findings.
4. Quality Assurance Bureau policy 09-03 (QAB PO-09-03 attached hereto) which outlines the process utilized by the department for employee mediation shall then govern the procedural notification of mediation to officer. The CRB Notice of Mediation shall be provided to the officer and shall advise the officer(s) that participation in the mediation program is purely voluntary and that upon completion of the mediation, the complaint will be categorized as "CRB Referred-Mediation."
5. The involved officer's commander shall ensure that the involved officer(s) are provided with the notice from Internal Affairs as soon as possible. The officer's signed Notice of Mediation shall be mailed to the Office of the Executive Director for the CRB within two weeks from the initial referral by the screening panel. Said notice shall be placed in the file under the appropriate case number corresponding to the complaint filed and maintained by the Executive Director in accordance with CRB policies and procedures.

6. The Clark County Neighborhood Justice Center will explain the mediation process to the complainant and subject officer(s) upon their initial contact with the parties. If any of the involved officer(s) decline to participate in mediation, the complaint shall be referred back to the CRB screening panel and processed for possible referral to Internal Affairs in accordance with normal CRB policies and procedures.
7. If the involved officer(s) agrees to mediation, the Clark County Neighborhood Justice Center's Coordinator will refer the case to a case manager who shall determine the officer(s)' availability for mediation to be conducted within the next 30 days. The case manager shall then contact the complainant in order to verify his or her willingness to participate in the program. The case manager shall explain to the complainant that upon the conclusion of the mediation, there will be no Internal Affairs investigation and no appeal to the CRB. If the complainant declines to participate in the program, the complaint shall be processed for possible referral to Internal Affairs, in accordance with normal CRB policies and procedures. If the complainant agrees to participate in the program, the case manager shall determine the complainant's availability for mediation to be conducted within the next 30 days.
8. The Clark County Neighborhood Justice Center case manager shall communicate to all the involved parties (by the best means available) the time, date and location of the mediation. The case manager shall forward any mediation literature to all the participants to assist them in preparation for the mediation. At the beginning of the mediation session, the mediators will provide the participants a "consent to mediate" form, which shall include a confidentiality agreement for their signatures.
9. The Clark County Neighborhood Justice Center Coordinator shall be responsible for ensuring the mediation is scheduled and conducted within 30 days of the assignment of the involved mediator(s).
10. Mediations will be conducted in neutral settings by mediators who are not acquainted with the participants. No mediation shall take place in a Police Bureau facility without the express consent of the complainant.
11. If a complainant fails to appear for a scheduled mediation session, without good cause, the involved officer(s) will be provided with the choice of either rescheduling the mediation or having the case dismissed by the CRB. If any of the involved officer(s) fail to appear for a previously scheduled mediation without good cause, the CRB Director will notify the officer's commander, through channels, so that the appropriate action can be taken. The complaint may then be processed for possible referral to Internal Affairs, as per normal CRB policies and procedures.

12. Upon the completion of the mediation and the receipt of a report from the Coordinator indicating that the mediation has taken place, the CRB Director shall categorize the complaint as "CRB Referral-Mediation" and the case shall be closed. No entry relating to the mediation shall be placed in an involved officer's Internal Affairs file. The Coordinator shall provide a report within seven days of the completion of the mediation.


13. No appeal of a completed mediation shall be permitted before the Citizen Review Board. The mediator(s) shall encourage participants to participate in good faith, lay ground rules for acceptable, respectful conduct, and to terminate any mediation where one or both of the parties refuse to adhere to those rules.

14. Mediation shall be confidential and the contents of a mediation session are not subject to disclosure. The parties are not compelled to reach any conclusions or agreements and good faith participation shall be sufficient for successful mediation and dismissal of a complaint.

Quality Assurance Bureau



Procedural Order

To: ALL IAS PERSONNEL	11-04-03	QAB PO-09-03
Subject: Employee Mediation Program		
Additional Information:		
Accreditation Standards: 26.1.4	Manual Reference: QAB Manual	
Approval Signature: 	CAPTAIN MARC JOSEPH Quality Assurance Bureau	

EMPLOYEE MEDIATION PROGRAM PROCESS

Mediation

Department policy, 5/101.25, outlines the process for the Employee Mediation Program. The following guidelines will be adhered to when a recommendation for mediation is received from the Citizen Review Board (CRB).

Citizen Review Board Executive Director

1. Determines that the complainant is willing to participate in the mediation process.
2. Confers with the Deputy Chief of the Professional Standards Division and determines if the case is appropriate for mediation.
3. Provides the CRB file to the Screening Panel who may either accept or reject the recommendation for mediation. If the Screening Panel determines that mediation is the appropriate form of resolution, the case will be formally referred to the Deputy Chief of the Professional Standards Division, along with the complainant's contact information.

Professional Standards Division Deputy Chief

4. Forwards the CRB case and complainant's contact information to the Quality Assurance Bureau Captain.
5. Returns the form, "Notice to Officer Regarding the Possibility of Mediation to Resolve this Complaint", with the officer's original signature, to the CRB Executive Director. The CRB Executive Director must receive the officer's original signature on the form within 14 calendar days from the date of the CRB referral.
6. If mediation takes place, upon receipt of the written results of the mediation, success or failure, from the Neighborhood Justice Center, immediately forwards the written results to the CRB Executive Director.

Quality Assurance Bureau Captain

7. Assigns the case to the appropriate Internal Affairs Section Lieutenant.
8. Provides the Professional Standards Division Deputy Chief the form, "Notice to Officer Regarding the Possibility of Mediation to Resolve this Complaint", with the officer's original signature.

Internal Affairs Section Lieutenant

9. Within 24 hours of receiving the referral, contacts the Bureau Commander of the officer and notifies them of the CRB referral to mediate.
10. Faxes the officer's Bureau Commander and their respective union the CRB Cover Letter, "Notice to Officer Regarding the Possibility of Mediation to Resolve this Complaint", and "Citizen Review Board Screening Panel Findings." The "Notice to Officer Regarding the Possibility of Mediation to Resolve this Complaint" form must be signed by the Officer in the appropriate section stating he/she agrees to mediation or does not agree to mediation.
11. Receives the signed form back from the Bureau Commander within 7 calendar days and immediately provides the original form to the QAB Captain. The IAS Lieutenant will be responsible for status checking and facilitating the return of the signed form within the allotted time frame. The Bureau Commander must be directed to fax the signed form to the IAS Lieutenant and immediately place the original in a 1000 miler directed to the IAS Lieutenant.
12. If the Officer agrees to mediation, contacts the Clark County Neighborhood Justice Center within 24 hours with the complainant's/officer's information which will coordinate/facilitate the mediation process.
13. Receives notice of the success/failure of the mediation process and forwards the written response immediately to the QAB Captain.