

**EXECUTIVE ORDER NO. S-30-15  
AMENDED**

**THE CITIZEN COMPLAINT REVIEW BOARD**

**I. PURPOSE:**

To establish a process through which the current procedure of investigating citizen complaints made against sworn members of the Omaha Police Department is augmented by providing for an independent review and through which recommendations for changes or improvements are made to the Mayor.

**II. ESTABLISHMENT:**

The Citizen Complaint Review Board (CCRB) shall be composed of five (5) individuals and one (1) alternate member appointed by the Mayor.

- A. The Mayor shall appoint one member from each Omaha Police Precinct and one member at-large. All members and alternates shall be registered voters and reside within the City of Omaha.
- B. Members of the CCRB shall be of diverse backgrounds and the Mayor shall endeavor to appoint members reflective of the social, ethnic and economic components that generally comprise the Omaha community.
- C. Appointees shall be subject to a background check. All individuals, excluding City of Omaha personnel, shall be expected to sign an authorization form which permits the Mayor's Office or the Omaha Police Department to perform a background check, including a criminal history. (Attachment A) The Mayor shall take into account the results of the background check in making appointments to the CCRB. No one with a felony arrest or conviction shall be appointed to the Board.
- D. In addition, the Mayor shall appoint one member of the Omaha Police Command Staff, one member from the Human Rights and Relations Department and one member of the City Law Department to participate as advisory staff for the CCRB.

**III. TRAINING:**

With the exception of the City of Omaha personnel who are advisory members of the CCRB, each member appointed by the Mayor to the CCRB shall be provided with a minimum 8 hour orientation/training session which shall be presented by members of the Omaha Police Department, the City Legal Department, the Human Rights and Relations Department and/or the Mayor's Office. This training shall include an overview of the practices, policies and procedures of the Omaha Police Department and general legal guidelines governing police practices including specific training on police use of force and two ride-a-long outings with the Omaha

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Police Department. The specific nature and extent of the training provided herein shall be determined by the Mayor or her designee(s).

**IV. CONFIDENTIALITY**

Due to the provisions of the City Charter governing advisory committees of the Mayor, Section 23-25 of the Omaha Municipal Code, state and federal constitutional protections, as well as the Collective Bargaining Agreement between the City and the Police Union, the proceedings of the CCRB are considered confidential and shall not be open to the public and/or media. Each member of the CCRB shall sign a Confidentiality Agreement in which the member agrees to keep and maintain all information provided to the member in the CCRB meeting as confidential. (Attachment B) Members shall agree that any information provided in a CCRB meeting shall not be discussed or disseminated to anyone other than CCRB members, advisory personnel, Mayor or Mayor's designated staff unless the Mayor provides prior written approval of such. All interaction with the news media regarding any current or potential case before the CCRB shall be approved by the Mayor's office prior to member comment. Failure to abide by the Confidentiality Agreement will result in removal from the Board and may lead to civil action being taken against the member.

**V. TERM:**

The initial appointees shall serve for terms of one (1), two (2), or three (3) years to be determined by the Mayor. Thereafter, all appointments shall be for three (3) year terms. The representatives from the Omaha Police Department and the Law Department shall serve at the pleasure of the Mayor and shall not have a specified term of appointment. Members of the CCRB may be removed for cause by the Mayor. Reasons for removal may include, but are not limited to consistent failure to attend meetings, violation of the provisions or mission of this Executive Order, or personal conduct which brings the City or the CCRB into disrepute.

**VI. RULES OF PROCEDURE:**

The CCRB shall elect a Chairperson, Vice-Chairperson, and Secretary from its membership. Individuals elected to these positions shall hold them for one year. The Vice-chairperson shall serve in the absence of the Chairperson. ROBERTS RULES OF ORDER shall generally govern the proceedings of the CCRB in all cases in which said rules are not inconsistent with the Charter, applicable City ordinances, the collective bargaining agreement and any internal procedures that may be adopted by the CCRB.

**VII. QUORUM AND MEETINGS:**

A quorum of the CCRB shall be four of the five members of the current CCRB members. Meetings shall be held on no less than a quarterly basis, with special meetings if necessary.

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**VIII. OPERATIONS:**

The CCRB may request and receive appropriate materials, equipment and personnel assistance provided to it through the Mayor's Office. Provision of any materials, equipment or personnel assistance shall be at the Mayor's sole discretion. This shall include the rental payments of a post office box for official mail.

**IX. JURISDICTION**

The CCRB shall have jurisdiction to review any citizen complaint against a sworn officer if the complaining citizen files a "Request for Review." That form shall be available on the City website or by request through the Mayor's Office and shall be filed with the CCRB via a post office box.

The Chief of Police may permit the Board access to the Internal Affairs files relating to the incident, but in no case shall the Board have access to any criminal investigative files. The review process shall not commence until such time as the complaint has been processed through the Omaha Police Department in accordance with the City Charter, City ordinances (including the Chapter 23 - Personnel), City rules, the collective bargaining agreement, and/or Standard Operating Procedures of the Omaha Police Department. Due to the provisions of local, state and federal laws as well as the collective bargaining agreement, the CCRB shall not have jurisdiction to review any case where discipline has been issued by the Chief, unless the officer has appealed his/her discipline. In addition, the CCRB shall not have jurisdiction to review any case where the Chief of Police has requested or an outside authority has initiated an investigation or grand jury proceeding (i.e. County Attorney State Patrol, FBI and/or Department of Justice). In addition, the CCRB shall not solicit complaints of any citizen.

**X. DUTIES**

The general duties of the CCRB shall be to:

- (1) review the investigative process and the results of a citizen complaint when so requested by the citizen that filed the complaint and who has also filed a "Request for Review" with the Board.
- (2) identify areas of concern regarding the thoroughness of investigations, violations of Standard Operating procedures or absence of necessary procedures, training issues, etc.
- (3) review the annual aggregate data compiled by the Omaha Police Department and identify any areas of concern.
- (4) render findings and recommendations regarding every request for review to the Mayor regarding the issues identified and recommend action.

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(5) the members of the Board are appointed in an advisory capacity only for purposes of reviewing process and procedures and not investigation. Members are not decision or policy makers for the City of Omaha.

(6) findings and recommendations of the Board shall be submitted confidentially to the Mayor who has the discretion to provide that information to relevant parties.

(7) provide Quarterly Community Education Forums to educate the public on the process, what constitutes a reviewable case, and other matters of public interest, but shall not discuss individual cases. The Board may provide the Mayor feedback on these forums if deemed necessary.

**OVERSIGHT:**

The Mayor's Office will have oversight responsibility for this Executive Order.

BY THE POWER VESTED IN ME AS MAYOR BY SECTION 3.04 OF THE HOME RULE CHARTER OF THE CITY OF OMAHA, 1956, AS AMENDED, I HEREBY PROCLAIM THIS TO BE THE EXECUTIVE ORDER ESTABLISHING AND GOVERNING THE CITIZENS COMPLAINT REVIEW BOARD.

WITNESS my hand as Mayor of the City of Omaha this 10<sup>th</sup> day of August, 2016.



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Jean Stothert, Mayor  
City of Omaha