

1 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE**
2 **CITY OF LITTLE ROCK, ARKANSAS:**

3 **Section 1.** This ordinance will be known as the Little Rock Citizens Review Board (“CRB”) ordi-
4 nance, and shall set forth the duties and responsibilities of such an entity.

5 **Section 2. Definitions.** As used in this ordinance, the following terms shall have the meanings set
6 forth below:

7 *“Annual Report”* shall mean the written annual report of the CRB that shall be delivered to Board of
8 Directors.

9 *“Board of Directors”* refers to the Little Rock Board of Directors which is comprised of the Mayor and
10 the other elected members of the governing body, which is the chief legislative body of the City, as set forth
11 in state law and City ordinance.

12 *“Bylaws”* means the Bylaws of the CRB.

13 *“Chief of Police”* means the Chief of Police of the LRPD, or if appropriate because of a current vacancy
14 in the position of Chief of Police, the individual designated as the Acting Chief of Police by the Mayor.

15 *“City”* means the City of Little Rock, Arkansas, a municipality of the first class organized under the
16 management form of government with additional duties granted to the Mayor pursuant to state law and City
17 ordinance.

18 *“Complaint”* means collectively, unless the context otherwise indicates, an Initial Complaint or Review
19 Request for the CRB.

1 “*Corruption*” includes, but is not limited to abuse of power, theft, embezzlement, falsification of public
2 records, falsification of testimony, the manufacture or falsification of evidence, witness intimidation, wit-
3 ness bribery, or discrimination against any person because of race, gender, religion, national origin, or other
4 protected classification (as defined below).

5 “*CRB*” means City of Little Rock Citizen Review Board.

6 “*CRB Counsel*” means the legal counsel selected by the Mayor to support the CRB.

7 “*CRB Findings*” means the conclusions adopted by the CRB in response to a Review Request.

8 “*CRB Meeting*” means a meeting of the CRB.

9 “*CRB Meeting Notice*” means a published notice, which complies with the Arkansas Freedom of In-
10 formation Act, stating the date, time, and location of a CRB Meeting.

11 “*CRB Member*” means each person, including the Chair, appointed to the CRB.

12 “*CRB Public Session*” means a CRB open meeting conducted on issues within the jurisdiction of the
13 CRB on law enforcement policies and practices where the public is invited and permitted to make comments
14 on such policies and practices.

15 “*CRB Review Meeting*” means a CRB Meeting where a Review Request is reviewed by the CRB by
16 the CRB, including but not limited to, a Meeting where a complainant or LRPD representative is present to
17 discuss an Investigation.

18 “*Discrimination*” means to use the authority of office, or the color of authority, to act differently against
19 anyone because of the person’s race, color, creed, religion, sex, national origin, age, disability, marital
20 status, sexual orientation, gender identify, genetic information, political opinions or affiliation.

1 “*Eligible Person of LRPD*” means a human being within Internal Affairs of LRPD, eligible to accept
2 service of process pursuant to the Arkansas Rules of Civil Procedure, who physically takes possession of
3 officer-involved complaints.

4 “*LRPD*” means Little Rock Police Department.

5 “*Initial Complaint*” means a complaint submitted to the Mayor, City Manager, or the CRB by any
6 person domiciled within the City, or who has had contact with a member of the LRPD either personally or
7 through a client, friend or family member, with the LRPD.

8 “*Initial Disposition Notice*” means the notice sent by the CRB to a complainant detailing the dispo-
9 sition by the CRB of a Review Request after the initial review.

10 “*Investigation*” means a criminal or internal administrative investigation of the LRPD about a matter.

11 “*Investigation Report*” means a completed criminal, or internal, written report by the LRPD which sets
12 forth the findings of the LRPD.

13 “*Meeting*” shall mean an open meeting of the CRB as that term is defined or interpreted by Arkansas
14 law including, but not limited to, the Arkansas Freedom of Information Act.

15 “*Physical Injury*” means impairment of a person’s physical condition, the infliction of substantial pain,
16 or the infliction of bruising, swelling, or a visible mark associated with physical trauma,

17 “*Receipt of the Investigation Report*” is the date and time at the first CRB meeting subsequent to the
18 LRPD making an Investigation Report available to the CRB in response to a Review Request.

19 “*Review Request*” means a request by any person authorized to make an Initial Complaint for the CRB
20 to review an Investigation.

1 (4) Discrimination.

2 (b) *Time of Review*

3 (1) Within sixty (60) days of the Initial Complaint or the Review Re-
4 quest, unless such time has been extended by the Mayor; and,

5 (2) If an Investigation by LRPD has resulted in disciplinary charges,
6 and prior to any appeal being heard by the Civil Service Commission, pro-
7 vided, that the time to file an appeal will not be extended, although the
8 time to hear an appeal shall be stayed pending CRB Findings; and,

9 (c) *CRB Access to LRPD Information*. Subject to a court order from a
10 court of competent jurisdiction, or direction from a prosecuting authority
11 as to the release of information about an ongoing criminal investigation,
12 the CRB shall be provided with all information in the possession, control,
13 or knowledge, of the LRPD; and,

14 (d) *CRB authority to obtain additional information*. The CRB shall have
15 the authority to request additional information, or to obtain the assistance
16 of expert witnesses, as part of its review of an Initial Complaint or a Re-
17 view Request.

18 **Section 5. Contents and Filing of an Initial Complaint.** An Initial Complaint shall be in writing and
19 shall be delivered to the LRPD, which will forward to the CRB. Actual delivery of the Initial Complaint
20 occurs when a hard copy, as opposed to an electronic copy, is physically provided to a human being eligible

1 to accept service of process pursuant to the Arkansas Rules of Civil Procedure who physically takes pos-
2 session of the Initial Complaint. The Initial Complaint shall contain:

3 (a) Identification information for the party filing the complaint including
4 name, address, telephone number, any applicable email address or text
5 message access, and information to establish the person is qualified to
6 make an Initial Complaint;

7 (b) A factual description of the reason for the Initial Complaint which
8 shall include an actual or approximate date, and a description of the spe-
9 cific police behavior in question;

10 (c) A list of the names, addresses, telephone numbers, or other available
11 contact information, of all persons – including LRPD personnel -- known
12 to the complainant who possess knowledge of the incident raised in the
13 Initial Complaint.

14 **Section 6. *Contents and Filing of a Review Request.*** A Review Request shall be in writing, and shall
15 be delivered to the LRPD, which will forward to the CRB. Actual delivery of the Review Request occurs
16 when a hard copy, as opposed to an electronic copy, is physically provided to a human being eligible to
17 accept service of process pursuant to the Arkansas Rules of Civil Procedure who physically takes posses-
18 sion of the Review Request. The Review Request shall contain:

19 (a) Identification information for the party filing the complaint including
20 name, address, telephone number, any applicable email address or text

1 message access, and information to establish the person is qualified to
2 make an Initial Complaint;

3 (b) A description of the reason for the Review Request which shall include
4 an actual or approximate date, and as complete a factual description as
5 possible of the incident and the specific police behavior in question;

6 (c) A summary of the prior review of investigation of the incident de-
7 scribed in subsection (b) of this Section;

8 (d) A list of the names, addresses, telephone numbers, or other available
9 contact information, of all persons – including LRPD personnel -- known
10 to the complainant who possess knowledge of the incident raised in the
11 Review Request.

12 **Section 7. *Action Required Upon Receipt of an Initial Complaint or a Review Request.***

13 Any eligible person at LRPD who takes possession of an Initial Complaint or a Review Request to be
14 considered by the CRB shall immediately make that fact known to the Mayor, or the Mayor's designee.

15 Upon notifying the Mayor's Office, LRPD shall provide a copy of the Initial Complaint or Review Request
16 to the CRB.

17 (a) By immediate it is intended that the eligible person provide a physical or electronically
18 scanned copy to the Mayor, in PDF format, as quickly as possible whether City Hall is
19 open for business at that particular time; and,

1 (b) The Mayor, or the Mayor’s designee, shall provide a copy to the City Manager, the
2 Director of Human Resources, and the Chief of Police; and,

3 **Section 8. Findings of the CRB.** The CRB, in response to an Initial Complaint or a Review Request,
4 shall make one of the following conclusions:

5 (a) Concurrence with the result of the LRPD or a prior investigation; or,

6 (b) Advise the Mayor, City Manager, and Chief of Police, that the findings are not sup-
7 ported by the information provided by LRPD and, if not supported because of a court order
8 that limits access to such information, or because of a decision by the prosecuting attorney
9 not to release certain information, suggest whether additional review is recommended; or,

10 (c) Advise the Mayor, City Manager, and Chief of Police, that the Investigation is incom-
11 plete and that additional review is recommended.

12 **Section 7. Copy of Initial Disposition Notice or CRB Findings sent to complainant.** The complainant
13 who files an Initial Complaint or a Review Request shall be provided with a copy of the Initial Disposition
14 Notice, and of any CRB Findings.

15 **Section 9. Additional Review by the CRB.** The Mayor, or the Board of Directors by Resolution, may
16 request the CRB to review additional cases beyond the scope of review outlined in Section 3 above.

17 **Section 10. Composition and Term of the CRB.**

18 (1) The CRB shall consist of five (5) members appointed by the Mayor who are qualified electors of
19 the City. The CRB shall include:

1 (a) One (1) person, actively involved in neighborhood issues, who shall
2 be designated a representative of the community; and,

3 (b) One (1) person, selected from nominations made by business associa-
4 tions within the City where active involvement by a particular type of
5 membership is required; and,

6 (c) An overall membership that reflects the demographic characteristics
7 of any statistically significant demographic group within the corporate
8 limits of the City as determined by the most recent federal decennial
9 census; and,

10 (d) A membership where each member has successfully completed appro-
11 priate training on law enforcement and the LRPD Rules and Regula-
12 tions, as well as the LRPD General Orders as determined by the Chief
13 of Police working through the LRPD Training Division which may
14 include additional trainers from other entities such as the U.S. Depart-
15 ment of Justice.

16 (2) Except for the initial membership of the CRB, a member of the CRB shall serve a three (3) year
17 staggered term from the date of appointment; provided that additional terms shall be available con-
18 sistent with City resolution or policy statement as to additional consecutive terms of service on a
19 City board or commission; and, provided further:

1 (a) At its first meeting, lots for the initial five (5) members of the CRB shall be individually
2 drawn;

3 (b) One (1) lot shall be for a term of one (1) year, and the member who draws that lot shall
4 serve for one year, which shall not be treated as a full term for purposes of eligibility
5 for reappointment;

6 (c) Two (2) lots shall be for an initial term of two (2) years; and,

7 (d) Two (2) lots shall be for an initial term of three (3) years.

8 (e) For the initial CRB, the Mayor shall designate a person to serve as Chair.

9 (3) Notwithstanding any provision on the limitation of terms, or the length of a term, if a member of
10 the CRB is involved in the review of an action that is not completed before the expiration of the
11 Member's term, or before an appointment to serve an additional term has been made, the serving
12 member involved in the review shall be permitted to complete such review before stepping down
13 even if this should momentarily result in more than five (5) members of the CRB serving at the
14 same time.

15 **Section 11. *Vacancy on the CRB.***

16 (1) A voluntary vacancy occurs anytime a member of the CRB resigns, moves outside the City, ceases
17 to be a qualified elector of the City, or dies; the effective date of a voluntary vacancy is the date an
18 event occurs, or as to resignation, the date a written request, electronic or otherwise, is received by
19 the City;

20 (2) An involuntary vacancy occurs if a CRB member:

- 1 (a) Has unexcused absences from three (3) consecutive meetings of the CRB; or,
2 (b) Has unexcused absences from five (5) meetings of the CRB within any calendar year;
3 provided, only the Chair of the CRB is permitted to excuse an absence, and only for
4 good cause, which shall not include continuous demands on a member's time; or,
5 (c) Has been convicted, plead guilty to, or plead *nolo contendere* to a felony, or a misde-
6 meanor other than any traffic offense other than driving while intoxicated or impaired;

7 (3) In the event of a vacancy, the Mayor shall appoint a successor to complete the term of a CRB
8 member, provided that the membership of the CRB must comply with the provisions of Section
9 (3)(1) of this ordinance;

10 (4) Attendance by a member at any CRB Meeting through telephonic, video, electronic, or other com-
11 munication means, is permitted.

12 **Section 12. *Quorum of CRB.*** At any CRB meeting a quorum of three (3) members is required. Except
13 for the Annual Report, CRB Findings, or a CRB desire to obtain additional information or expert testimony
14 about an investigation, which will always require three (3) votes to be adopted, a majority of members
15 present at a CRB meeting is required to take action.

16 **Section 13. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or
17 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudi-
18 cation shall not affect the remaining portions of the ordinance which shall remain in full force and effect as
19 if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

1 **Section 14. Repealer.** All laws, ordinances, resolutions, or parts of the same, that are inconsistent
2 with the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

3 **Section 15. Emergency Clause.** *The ability for citizens to believe that its municipal police agency*
4 *meets the high standards for law enforcement and fulfills the public trust is essential to realization of public*
5 *safety as a major priority of the municipality; further, the assurance that a system is in place for any person*
6 *who resides within the City, or is impacted by a interaction with a member of the LRPD, can make a com-*
7 *plaint that will be fully, fairly, and objectively reviewed by trained individuals, is crucial to the realization*
8 *of such a goal; an emergency is, therefore, declared to exist, and this ordinance shall be in full force and*
9 *effect from and after the date of its passage.*

10 **PASSED:**

11 **ATTEST:**

APPROVED:

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14 _____
Susan Langley, City Clerk

_____ **Frank Scott, Jr., Mayor**

15 **APPROVED AS TO LEGAL FORM:**

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Thomas M. Carpenter, City Attorney

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