

Community Police Review Board

Code of By-Laws

Adopted this 27th of March 2025

**Preamble
Purposes and
Mission Statement**

The Community Police Review Board for the city of South Bend was created by the South Bend Common Council in 2020.

The mission and purposes of the Review Board are:

1. To encourage aggrieved persons to participate in the process,
2. To provide an additional just and efficient means to safely, fairly, impartially, and timely conduct investigations of alleged police misconduct and to reach an independent determination of whether those allegations are well founded, applying a preponderance of evidence standard,
3. To identify and address patterns of alleged police misconduct, and
4. Based on information obtained through such investigations, to make policy recommendations to improve the South Bend Police Department and reduce incidents of alleged police misconduct.

Article I Authority and Identity

Section 1. Name

The name of the board is the “Community Police Review Board,” which may also be referred to as the Review Board.

Section 2. Authority

Ordinance No. 10721-20, codified in the Municipal Code of the City of South Bend as Sections 2-12 *et seq.*, created and established the Review Board.

Section 3. Power to Adopt Rules and Policies

Pursuant to Section 2-12.1.15 of the Municipal Code, the Review Board is authorized to set rules for its governance and to establish procedures for processing complaints and for ensuring notification to complaining-parties of the status and disposition of complaints.

Article II Membership

Section 1. Composition

The Review Board shall be composed of nine Members appointed by the South Bend Common Council who serve at the pleasure of the Common Council. There shall be at least one Member appointed from each South Bend councilmanic district.

Section 2. Qualifications

To be eligible to serve on the Review Board, a Member:

1. Must be a current resident of the city of South Bend, and
2. Must not be a sworn law enforcement officer.

Section 3. Terms of Office

Each Member will serve a three-year term; provided, however, that:

1. The initial Review Board shall be composed of three Members appointed to a one-year term, three Members appointed to a two-year term, and three Members appointed to a three-year term. And,
2. A Member may be reappointed, but may not be appointed to more than two consecutive terms.

Section 4. Vacancies and Resignations

After a Member's term is completed, the Common Council shall appoint a replacement Member who will serve a three-year term or until the Member's successor is appointed, but for no longer than sixty days beyond the expiration of the term.

If a Member resigns or is unable to complete a term for any reason, a new Member shall be appointed by the Common Council. A new Member shall reside in the same councilmanic district as the departing Member. If the new Member has served eighteen months or more of the original term, the new Member will be eligible to be reappointed for no more than one additional full consecutive term.

Section 5. Training

All Members shall remain current on all mandatory training obligations required by Sections 2-12 *et seq.* In addition to such mandatory training, Members are encouraged to engage in the recommended training under Section 2-12.1.14(d). Records of training shall be delivered to the Director of the Review Office.

Article III Officers

Section 1. Offices

The Review Board shall select from amongst its Members the offices of President, a Vice-President, and Secretary, who shall be elected annually by the Review Board.

Section 2. Duties of Office

A. President

The President shall:

1. Be the chair of the Review Board and presiding officer,
2. Call all meetings of the Review Board to order and preside over all meetings,
3. Appoint all committees and sub-committees and serve as an *ex-officio* member of all such committees and sub-committees,
4. Sign, on behalf of the Review Board, all documents authorized by the Review Board, and
5. Generally perform all duties of a presiding officer.

B. Vice-President

The Vice-President shall perform all duties of the President in the absence of the President. In the case of an absence in the office of President due to death, incapacity or disability, resignation, or removal, the Vice-President shall immediately accede to the office of President until an election is held or the incapacity or disability is removed.

C. Secretary

The Secretary shall:

1. See that a record all proceedings of the Review Board, including a record of attendance, is kept,
2. Attest to the signature of the President on all documents signed by the President, and
3. See that Members of the Review Board are notified of the times and places of meetings.

D. Delegation of Duties

The President may, from time-to-time, delegate other duties to the Vice-President or Secretary.

Section 3. Vacancies

Should an office become vacant by resignation, removal, or otherwise, the Review Board shall select a Member to fill the vacant office. The Member filling the vacancy will serve the remaining unexpired term of the office, and may stand for election at the annual election of officers.

Notwithstanding any other provision of this Article, the Members may, at any time, by majority vote, vote to remove an officer and, thereafter, by majority vote, select a replacement officer.

Article IV Meetings

Section 1. Regular Meetings

The Review Board shall meet as often as necessary to conduct its business but no less than once every two months.

Section 2. Special Meetings

A majority of the Members may elect to call a special meeting; provided, however, that to allow sufficient time to comply with Indiana's notice requirements for public meetings, the majority calling for a special meeting must give at least seventy-two hours' notice (excluding Saturdays, Sundays, and legal holidays) of the day and time of the special meeting.

Section 3. Quorum

Five Members of the Review Board shall constitute a quorum.

Section 4. Voting

For all matters requiring a vote of the Review Board, at least five Members must vote in favor of the item before any action or disposition can be taken.

Section 5. Executive Session

A majority of the Members may elect to meet in a non-public executive session for any reason for which an executive session may be held under Indiana law.

Section 6. Attendance Requirements

All Members shall attend a minimum of seventy-five per cent of the Review Board's meetings. Any Member who fails to meet this attendance requirement is subject to removal by the Common Council within sixty days of written notice to the Member.

Section 7. Transparency and Public Access

All meetings, with the exception of executive sessions, will be open to the public and will be conducted in accordance with Indiana's public meeting laws. Records of all meetings will be kept by the Secretary and published in accordance with public meeting laws.

Article V

Complaint Review Process

Section 1. Initial Review

After an investigation has been returned to the Community Police Review Office, the Review Board shall review the investigation and the action taken or recommended, if any, by the Chief of the South Bend Police Department.

Section 2. Review Board Options

If the Review Board disagrees with the action taken or recommended by the Chief or the investigation conducted by the South Bend Police Department, the Review Board shall notify the officer or officers alleged to have been involved in the complaint. The Review Board may then, by majority vote:

- A. Order the Director of the Review Office to further investigate the allegations of the complaint,
- B. Conduct an informal administrative hearing on the complaint, or
- C. Order the Director to engage in a process of informal mediation to attempt to resolve the complaint.

Section 3. Conduct of Hearings

If the Review Board elects to hold a hearing, the Review Office shall give written notice to all parties and witnesses at least fifteen days in advance of the hearing. All parties shall be informed of the right to have legal counsel or other representative or advocate to represent the party at the hearing. All hearings will be conducted in public in accordance with Indiana's open door and public meeting laws. All testimony at such hearing shall be recorded and given under oath or under penalty of perjury.

Section 4. Dispositions

Upon completion of an investigation by the Review Office or after a hearing conducted by the Review Board, the Review Board shall make a disposition regarding the complaint. The disposition shall be one or more of the following:

- A. Not sustained (when there is insufficient evidence to prove the allegations made in the complaint by a preponderance of evidence),
- B. Sustained (when there is sufficient evidence to prove the allegations made in the complaint by a preponderance of evidence),

- C. Exonerated (when the allegations made in the complaint are false or not actual or the conduct complained of was lawful and proper), and/or
- D. Withdrawn (when the complaining-party requests that no further action be taken on the case).

If the Review Board determines that an officer is exonerated because the complaint is knowingly and intentionally false, the Review Board shall refer the matter to the St. Joseph County Prosecutor.

Section 5. Timeline of Disposition

The disposition of the Review Board must be made within sixty working days after the South Bend Police Department's investigation, if any, is returned to the Review Office or after the conclusion of the investigation conducted by the Director of the Review Office.

Section 6. Disclosure of Disposition

The findings and disposition of the Review Board shall be communicated to the Common Council, the Mayor, the Board of Public Safety, and the complaining-party within ten days of the date of the disposition.

Article VI Additional Duties

Section 1. Other Duties

In addition to the duties described in Article V, the Review Board shall:

1. Collect, track, and report civilian complaints,
2. Suggest revisions to existing, or the addition of new, policies,
3. Facilitate Community Advisory Group meetings and compile resident feedback,
4. Provide policy suggestions to the Common Council, Mayor, and Board of Public Safety, and
5. Recommend to the appropriate authority the additional investigation of complaints when necessary.

Section 2. Advisors and Consultants

To carry its duties under Article V, this Article, Ordinance No. 10721-20, and other applicable laws, the Review Board may, subject to funding, engage advisors and consultants.

Article VII

Subpoena Requests

For the purposes of conducting an investigation or hearing, the Review Board, may, by a majority vote, request the Common Council to issue a subpoena to witnesses and/or for documents, except those documents relating to ongoing criminal investigations, including such public records as may be subject to disclosure.

Article VIII Amendments

These by-laws may be amended from time-to-time by a majority vote of the Members.