

Information Item

Date: February 8, 2021

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Tasha Logan Ford, Assistant City Manager
Angela I. Carmon, City Attorney

Subject:

Report on the History of the City's Efforts to Obtain Subpoena Power for the City of Winston-Salem Citizen Police Review Board

Strategic Focus Area: Safe and Secure Community

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



The Citizen Police Review Board (CPRB) was created in February 1993.

The CPRB serves as an advisory board to the city manager and the public safety committee and removes the public safety committee from the citizen complaint hearing process involving police matters. The Board has the responsibility to review appeals of police complaints, conduct appeal hearings, which includes receiving and evaluating testimony and issuing findings of fact to the city manager, and perform such other duties as may be assigned to it from time to time by the public safety committee or the city council.

The board is composed of 11 members who reside within the City and are appointed by City Council upon recommendation by the Mayor. Following an appeal hearing by the CPRB, the city manager shall review the findings of fact of the board and any other information at his disposal and take such action as he deems appropriate, consistent with state law and city policy. The city manager is required to notify all parties, including the CPRB, of his resolution of the complaint. To date, there has been only one instance where the City Manager has rendered a decision inconsistent with the recommendation of the CPRB.

Shortly after the creation of CPRB, the City requested legislation granting subpoena power to the CPRB, which legislation was filed in April 1993 (Exhibit A). Said legislation did not advance to the floor of the House and Senate for a vote. Over the years, the City attempted, unsuccessfully, at least one additional time, to secure such legislation. The City of Charlotte attempted, unsuccessfully, to obtain subpoena power for its CPRB during the 2017-2018 and 2019-2020 sessions of the North Carolina General Assembly.

The CPRB's initial review of the complaint and appeal, to determine if a hearing is warranted, is based upon the record. Even if subpoena power was granted to the CPRB, such would not afford the CPRB access to the body worn camera footage, which, in many instances, is the best evidence of what transpired. Unless the City's proposed local act regarding such footage passes, the CPRB will not be able to review said footage, without first obtaining a court order.