

Attachment 8 to March 9, 2021 docket memo

Example language from Community Police Review Boards across the country regarding timing of investigations.

[Portland](#): “If a criminal investigation has been initiated against the involved member, or during the course of an IPR administrative investigation a basis for conducting a criminal investigation arises, IPR shall advise the City Attorney and/or District Attorney prior to initiating or continuing an administrative investigation. IPR shall take all steps necessary to meet constitutional requirements and comply with existing provisions of City labor agreements.”

[Pittsburgh](#): “If the District Attorney, Attorney General or U.S. Attorney has initiated criminal proceedings against any police officer or officers who are the subject(s) of a citizen complaint filed with the Board, the Board shall defer its preliminary inquiry and investigation until said criminal proceedings have been withdrawn or concluded.”

[Seattle](#): “In complaints alleging criminal misconduct, OPA shall have the responsibility to coordinate investigations with criminal investigators external to OPA and prosecutors on a case-by-case basis to ensure that the most effective, thorough, and rigorous criminal and administrative investigations are conducted... In cases involving possible criminal actions, if an OPA administrative investigation is not commenced or is paused due to a criminal investigation, that time shall not be counted as part of the 180-day investigation period, and shall be documented in an administrative intake or investigation follow-up log in the investigation file. The OPA administrative investigation shall be paused as long as is necessary so that neither the OPA administrative nor the criminal investigation of the same incident is compromised. The 180-day clock shall resume whenever any administrative investigation steps are taken by OPA... Criminal cases The City Attorney shall maintain a protocol so that, whenever possible, cases referred to prosecutors for possible filing of charges against SPD employees are reviewed concurrently by City, county, and federal prosecutors so as to minimize delay and better serve the public, the named employee, and SPD.”

[Albuquerque](#): “Where an officer has engaged in conduct that may reasonably lead to a criminal charge against the officer, IA and the CPOA have a shared interest in exercising care to avoid interfering with the criminal process while simultaneously maintaining the integrity of the disciplinary process for officers. Consistent with this shared interest, IA and the CPOA will regularly confer and take reasonable steps to coordinate the handling of investigations into matters that reasonably may lead to a criminal charge against an officer. Before taking action related to a serious use of force or officer involved shooting, the Director shall confer with the relevant prosecuting agency and/or federal law enforcement agency to assess the likelihood of an officer being criminally prosecuted based on the incident. The Director may delay or decline to proceed with any action related to a serious use of force or officer involved shooting until completion of the criminal investigation unless, after consultation with the prosecuting agency, the Director determines that proceeding is appropriate and will not compromise a criminal investigation. If the Director seeks to proceed with investigating or presenting to the Board a serious use of force or officer involved shooting despite a prosecuting agency or federal law

enforcement agency indicating that doing so would interfere with a criminal investigation, the Director may proceed only after obtaining approval to do so through a 2/3 vote of the Board. The Board shall provide notice of any such vote permitting the Director to proceed in such circumstances to APD and the police officer involved.”

Atlanta: “Corrections or police personnel who are designated as the subject of a related criminal investigation by a local law enforcement agency may elect not to appear until the conclusion of that investigation.”

Washington DC: “§ 5–1109. Referral of complaint to the United States Attorney. (a) When, in the determination of the Executive Director, there is reason to believe that the misconduct alleged in a complaint or disclosed by an investigation of the complaint may be criminal in nature, the Executive Director shall refer the matter to the United States Attorney for the District of Columbia for possible criminal prosecution. The referral shall be accompanied by a copy of all of the Office’s files relevant to the matter being referred. (b) The Executive Director shall give written notification of such referral to the Police Chief, the complainant, and the subject officer or officers. The receipt of notification by the Police Chief that a matter has been referred to the United States Attorney for the District of Columbia shall not constitute knowledge or cause to know of acts, occurrences, or allegations contained in such referral for purposes of § 1-616.01 [repealed]. (c) The Executive Director shall maintain a record of each referral, and ascertain and record the disposition of each matter referred to the United States Attorney. (d) If the United States Attorney declines in writing to prosecute, the Office shall resume its processing of the complaint, and thereafter the Executive Director may dismiss the complaint in accordance with §§ 5-1107 and 5-1108, conciliate the complaint, refer the complaint to mediation, or refer the complaint for investigation, as appropriate.