



GACP

Georgia Association of Chiefs of Police

Citizen's Bill of Rights for Police Accountability

Georgia Citizens Can and Should Expect Their Police Departments to:

Be Transparent. Police Agencies must willingly comply with State Open Records Laws.

Police departments must not impede or unnecessarily delay public access to public records that concern police conduct.

Be Open. Police Agencies must provide proper notice through public announcements of police uses of force resulting in death and in-police custody death. Likewise, they must provide public notice of decisions to criminally and administratively charge or exonerate officers involved in police use-of-force-related or in-custody deaths.

Be Thorough. Agencies must establish and maintain fair, impartial, and objective internal or external systems for receiving and investigating citizen complaints of police misconduct. Every investigation should be thorough and all findings should be documented. Every investigation must be concluded and a final disposition of the allegations made within a reasonable period of time. Final dispositions must be based on a preponderance of evidence standard and must indicate whether the allegation has been sustained, not sustained, unfounded or exonerated. Once a final disposition on each allegation is reached, the public must be entitled to obtain copies or to otherwise review the results. Personal or identifying information about officers (e.g. birth dates, spouses, children, social security numbers, home addresses, etc.) shall be redacted in compliance with state law. Citizens must be provided access to view finalized police discipline files as allowed by state open records laws.

Be Fair to the Officer. Police Agencies should commence administrative action against officers, including those involving suspensions, demotions, terminations of employment, or loss of certifications only when the investigation has yielded evidence sufficient to sustain findings that the officer has violated laws, policies, or agency rules. To sustain such charges, the findings must be based upon a preponderance of the evidence standard. Discipline or other administrative action must be proportional to the severity of the violation, and must not be administered in an arbitrary or capricious manner or one that discriminates on any illegal basis or on any basis other than one that is rationally connected with the result.

Exhibit a Proper Sense of Urgency. Upon the occurrence of a death in police custody or a death resulting from police use of force, every Police Agency should initiate and/or request an independent investigation of the incident. Such investigation may be a criminal or an administrative investigation. The purpose of the criminal investigation is to determine whether any laws have been violated. The purpose of the internal investigation is to determine whether any policy has been violated. These investigations may be conducted in the following manner:

- a. A criminal investigation conducted by a law enforcement agency with appropriate jurisdiction;
- b. An administrative investigation conducted through an independent internal investigation undertaken by the agency internal affairs department under the authority of the chief law enforcement official of the involved police agency; and/or
- c. A criminal investigation conducted by the prosecuting authority of the concerned jurisdiction. For criminal investigation, the District Attorney will determine whether the investigation should be presented to a Grand Jury of the concerned jurisdiction.