

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 0.7

REVISED JULY 2019

CITIZENS' ADVISORY BOARD

1. BACKGROUND.

a. In 1991, at the direction of the Commissioner, a departmental task force was convened to review and provide recommendations to the Commissioner regarding the California Highway Patrol's (CHP) policies on the use of force.

b. The Citizens' Ad Hoc committee was formed in 1992 to conduct an independent review of the findings of this task force, as well as the Department's policies regarding the use of force. The committee, composed of 6 citizens not associated with the Department, provided recommendations to the Commissioner based on their findings. Twelve recommendations were contained in an April 1993 report to the Commissioner. The recommendations were adopted, and the Ad Hoc Committee was renamed the "Citizens' Standing Committee on the Use of Force." The Citizens' Standing Committee on the Use of Force conducted an annual review of the Department's use of force policies, and periodically reported its findings and recommendations to the Commissioner.

c. In response to the committee's recommendation to broaden its purview, in 1996 the Citizens' Standing Committee on the Use of Force was renamed the Citizens' Oversight Committee (COC).

d. In 2009, due to the nature of the committee as an advisory body to the Commissioner with no statutory authority to make substantive decisions for the Commissioner or for the Department, the COC was renamed the Citizens' Advisory Board (CAB).

e. The meetings held by the CAB are not subject to the requirements of the Bagley-Keene Open Meeting Act (Government Code Section 11120 *et seq.*).

2. MISSION.

a. The mission of the CAB is to provide the Commissioner objective, community-based input regarding issues of significance to optimize accountability and objectivity. Citizen advisory boards play an important role in strengthening

community trust in law enforcement by providing neutral third-party insight and a productive exchange of ideas.

(1) Objectives.

(a) The CAB is to serve as an advisory body to the Commissioner with the primary purpose of providing objective review and input concerning departmental policies, procedures, training, reporting, and controls to determine consistency with the demands of public safety as well as legal, moral, and public expectations. Areas of concern may include, but are not limited to:

- 1 Use of force/enforcement contact issues.
- 2 Civilian complaint investigations.
- 3 Equal employment opportunity issues.
- 4 Management and supervisory practices.
- 5 Personnel practices including selection and hiring procedures.
- 6 Public perception/image.

(2) Members' Role.

(a) To increase the Department's ability to understand their community/constituent concerns and needs relating to the Department.

(b) To function as a "sounding board," both as individuals and as a committee to identify and address issues that affect and/or impact the Department.

(c) To communicate this information to the Commissioner through the advisory board process.

3. BOARD MEMBERSHIP.

a. Every effort shall be made to ensure CAB membership reflects the state's population, taking into consideration geographic, ethnic, gender, and cultural diversity. Members shall be residents of California, mature, responsible, and drawn from among prominent individuals of integrity, reputation, and judgment. Membership qualities should include, but are not be limited to:

- (1) Successful leadership in their profession.

- (2) Community service.
- (3) Broad constituency.
- (4) Personal values:
 - (a) High integrity.
 - (b) Prudence.
 - (c) Confidentiality.
 - (d) Independence.

- b. The CAB consists of 11 members: 1 from each field Division, 1 from Protective Services Division, and 2 representatives at large. The CAB members normally serve a term of 3 years. Should a position become vacant prior to expiration of the 3-year term, the Commissioner may appoint a member to serve the remainder of the term or the position can remain vacant.

- c. At the CAB's maturity, 3 board members' terms should expire each year. The Commissioner, with recommendation from the CAB, will appoint replacement members. The CAB may recommend specific organizations and/or individuals the Commissioner may contact regarding serving on the board.

- d. Extension of a term is not desirable unless needed to ensure the effectiveness and continuity of committee operations. Any term extension requires the Commissioner's approval.

- e. The CAB Chair is selected biennially from among the CAB members by a majority vote and with the concurrence of the Commissioner.

- f. The commander from the Office of Legal Affairs (OLA) will serve as the legal advisor to Executive Management and may serve as the legal advisor to the CAB. Correspondence between the CAB and the commander of OLA will be considered privileged communication, when warranted.

- g. In addition, the Commissioner appoints a Department Representative at the rank of Chief. The Department Representative selects a Liaison at the rank of lieutenant, who provides technical assistance and staff support; however, these individuals do not have committee voting status.

- h. Once appointed to the CAB, contact between CAB members and the CHP Area field commands regarding CAB business should be through the Department

Representative. This does not preclude CAB members from maintaining relationships with respective Division commanders.

4. BOARD SELECTION PROCESS.

a. Candidate Responsibilities. All candidates interested in being considered for CAB membership must provide the following information to their sponsoring Division:

(1) A résumé which should include: relevant background and experience, educational achievements, individual capabilities, a general statement of attributes necessary to fulfill the CAB role, and a vision for the CAB position they are seeking.

(2) References who can “attest to” the candidate’s character and qualifications.

(3) A list that discloses any affiliation with the Department, including any organization that currently, or within the past 5 years, conducts business with the Department.

b. Division Responsibilities.

(1) To establish the CAB, each field Division Chief is requested to submit the names of up to 3 candidates for consideration that will effectively represent the unique and diverse interests of that Division’s population base. Headquarters Division Chiefs are also requested to submit names for consideration for the representatives at large. These requests will be forwarded to the Office of the Commissioner.

(2) When the term of a board member from a specific field Division is scheduled to expire, that field Division Chief will be notified via memorandum from the Commissioner and requested to submit the names of up to 3 candidates for consideration. When the term of a representative at large is scheduled to expire, the respective headquarters Division Chief will be notified and requested to submit up to 3 names for consideration.

(3) It is incumbent upon the Division Chief to ensure interested candidates are provided an overview of the CAB along with the expectations and role of CAB membership, and ensure the candidate understands the personal time commitment necessary to effectively serve on this board.

(4) Division Chiefs shall prepare a separate cover memorandum for each candidate which addresses their suitability for selection to the CAB. The

Division Chief shall prioritize the candidates in ranking order. This, along with the candidates' résumés and supporting documents, shall be forwarded to the Office of the Commissioner.

(5) Once the selection of the new CAB member has been confirmed by the Commissioner, the affected Division Chief will contact all of their nominees and apprise them of the Commissioner's decision.

(6) It should be noted that current or past Department employees, peace officers, members of the 11-99 Foundation, employees of the California Association of Highway Patrolmen, or other entities closely affiliated with the Department are not eligible for consideration due to the potential conflict of interest to the CAB mission.

(7) Candidates will be appointed by the Commissioner, with the recommendation from the members of Top Management. A CAB member may be removed, with or without cause, by the Commissioner. The CAB may request the Commissioner remove a member after a two-thirds vote supporting such action by the CAB members in office.

(8) A member may resign from the CAB at any time by delivering their resignation in writing to the CAB Chair. The CAB Chair will forward the resignation to the Commissioner.

5. OPERATIONAL PROCEDURES.

- a. The Department Representative will provide new board members an orientation that includes a presentation of the CHP's organization and responsibilities. Additionally, an orientation of field programs will be coordinated at the field Division where the CAB member resides.
- b. The CAB is authorized to inspect and review departmental files and documents necessary to achieve its responsibilities, except where it is deemed inappropriate by the commander of OLA, statute, or restricted by the Public Safety Officer Bill of Rights. Obtaining information will be coordinated with affected commands by the Department Representative.
- c. Staff support and logistical arrangements, including payment of costs associated with CAB operations, are coordinated through the Department Representative with approval from the Office of the Commissioner.
- d. Reports of CAB's findings and recommendations are presented to the Commissioner within the time frames agreed upon by the CAB Chair and Commissioner.

6. GENERAL BUSINESS RESPONSIBILITIES.

a. Personnel.

(1) After the affected Division Chiefs have notified their newly selected CAB members, the Department Representative will prepare official correspondence and provide a brief orientation regarding the organization and responsibilities of the CAB. Copies of this General Order and the Charter (Annex A) will be provided for review.

(2) The Department will assist the new CAB member in obtaining a criminal background check utilizing LiveScan. Those convicted of a felony or a crime of moral turpitude will be immediately removed from the CAB.

(3) The Department Representative will schedule an orientation at CHP Headquarters for new CAB members on the day prior to their first official meeting.

(4) During attendance at the first board meeting after selection, new CAB members must provide the Department Representative a signed and dated copy of the Charter (Annex A). The Department Representative will ensure these documents are retained on file as required.

(5) The Department Representative will work with the affected field Divisions to increase the CAB member's familiarization with CHP field operations.

(6) Six months prior to the expiration of a CAB member's term, the Office of the Commissioner will notify the affected Division Chief via memorandum.

b. Expenses.

(1) Citizens' Advisory Board members are volunteers and are not compensated for time spent on committee business.

(2) Travel expenses and per diem for CAB members will be coordinated by the Department Representative consistent with current state rules.

c. Meeting Minutes.

(1) The Department Representative will ensure approved meeting minutes are completed and forwarded to board members for review within 15 days of each meeting.

(2) A copy of the previous meeting minutes should be forwarded to the Commissioner within 15 days of the actual meeting.

d. Citizens' Advisory Board Meetings.

(1) The CAB generally meets quarterly, but at least biannually, and at other times as directed by the Commissioner or as deemed necessary by the CAB Chair or otherwise determined by a majority of members in office.

(2) The CAB Chair and Department Representative will schedule tentative meeting dates, keeping in mind special events that may be of interest and benefit to enhance CAB members' knowledge. This may include such events as the Medal of Valor ceremony or the Memorial Service held at the CHP Academy.

(3) The Department Representative will finalize meeting dates with the Commissioner prior to dissemination.

(4) Approximately 30 days prior to the meeting, the Department Representative will meet with the Commissioner, after consultation with the CAB Chair, and other presenters to review the agenda.

(5) Approved agenda items will be forwarded to board members by the Department Representative at least 15 days prior to a scheduled meeting.

e. Member Recognition.

(1) Prior to the last meeting of a member's term, the Department Representative will request a CHP 123, Certificate of Commendation, in recognition of the member's service from the Office of the Commissioner and schedule a presentation at the member's final meeting.

(2) If the member is not available at their last meeting, the Commissioner may choose to present the CHP 123 to the CAB member personally at another time and location.

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CALIFORNIA HIGHWAY PATROL CITIZENS' ADVISORY BOARD CHARTER, MAY 2019

CALIFORNIA HIGHWAY PATROL

CITIZENS' ADVISORY BOARD

CHARTER

May 2019

Preamble

The mission of the California Highway Patrol (CHP) (hereafter referred to as the Department) is to provide the highest level of Safety, Service, and Security to the people of California. In support of this mission, the Department has a self-regulatory system of checks and balances to maintain public confidence in the integrity and reliability of the Department.

The mission of the Department's Citizens' Advisory Board (CAB) is to provide the Commissioner of the CHP (hereafter referred to as Commissioner) objective, community-based input regarding issues of significance to optimize accountability and objectivity.

The nature of the CAB is that of an advisory body to the Commissioner with no authority or decision-making responsibility. The CAB is not codified in statute by the legislature or under any other legally driven force. Citizen advisory boards play an important role in strengthening community trust in law enforcement by providing neutral third-party insight and a productive exchange of ideas.

NOW, THEREFORE IT IS RESOLVED

I. Authority

The CAB shall serve as an advisory body to the Commissioner with the primary purpose of providing objective review and input concerning departmental policies, procedures, training, reporting, controls, and identifiable risks to the Department as requested by the Commissioner. The goal is for the CAB to represent the public's interest on all matters that may affect public confidence in the integrity, reliability, and credibility of the Department. The CAB may bring forth, to the Department, topics it identifies as undermining the public's trust for consideration by the Commissioner, for CAB evaluation.

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In fulfilling its responsibilities, the CAB shall maintain an open avenue of communication between itself and the Department. All notes, recordings, records, electronic files, documents, and related items associated with the CAB are the property of the Department. All CAB members are precluded from discussing CAB business with anyone not designated by the Commissioner.

The Department's Office of Legal Affairs (OLA) commander will act as an advisor to Executive Management and will serve as the legal advisor to the CAB. When legally warranted, CAB communications with the OLA commander and Executive Management will be considered privileged information. Any request for information, to any member of the CAB, shall be directed to the Department.

II. Membership of the Citizens' Advisory Board

A. Number of Members and Eligibility

The CAB shall consist of 11 members except during a reasonable time period to fill any vacancies. Members shall be California residents, mature, and responsible, drawn from among prominent individuals of integrity, reputation, and judgment. Members shall meet the minimum eligibility requirements as outlined in CHP General Order (GO) 0.7, Citizens' Advisory Board, (Annex A). Candidates will be appointed by the Commissioner with the recommendation of the CAB. Members serve at the will of the Commissioner.

The Department reserves the right to elect members without consultation of the CAB.

B. Terms of Members, Retirement and Removal

The CAB consists of 11 members: 1 from each CHP field Division, 1 from Protective Services Division and 2 representatives at large. Board members normally serve a term of 3 years. Should a position become vacant prior to expiration of the 3-year term, the Commissioner may appoint a member to serve the remainder of the term or leave the position vacant.

At the CAB's maturity, 3 board members' terms should expire each year. The Commissioner, with recommendation from the CAB, will appoint replacement members. The CAB may recommend specific organizations and/or individuals the Commissioner may contact regarding serving on the CAB.

Extension of a term is not desirable unless needed to ensure the effectiveness and continuity of committee operations. Any considered extension requires the Commissioner's approval.

The CAB Chair is selected biennially, from among the CAB members, by a majority vote and with the concurrence of the Commissioner.

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A member is required to actively participate in CAB meetings. A member who fails to attend 2 consecutive regular meetings of the CAB, without adequate notice and justification for such absences, may be subject to removal from the CAB.

A member may resign from the CAB at any time by delivering their resignation in writing to the Chair. The Chair will forward the resignation to the Commissioner. Acceptance of such resignation, unless required by the terms thereof, shall not be necessary to make such resignation effective. A CAB member may be removed, with or without cause, by the Commissioner. The CAB after a two-thirds vote of members in office, may request the Commissioner to remove a member.

C. Chairperson

The CAB shall elect, by a majority vote of members in office, one of its members as Chair of the CAB, after confirmation by the Commissioner, to serve for a two-year term. The Chair shall preside at all meetings of the CAB and may appoint committees, subcommittees, or members to perform certain activities. The Chair shall perform such other functions as are necessary for the execution of the duties of the office or as the Commissioner may designate. The Chair or designee shall act as a spokesperson for the CAB and appear on its behalf before other organizations at the direction of the Commissioner. In the case of a vacancy in the Chair, the Vice Chairperson (Vice Chair) will assume the Chair position until the current term expires.

D. Vice Chairperson

Each year the CAB shall elect, by a majority vote of members in office, one of its members to serve as Vice Chair of the CAB, after confirmation by the Commissioner. The Vice Chair, in the absence of the Chair, shall preside at meetings of the CAB and shall perform such other duties as the Chair may assign. In the absence or inability of both the Chair and Vice Chair to preside at any meeting of the CAB, the other members shall designate a member to act as the Chair of the meeting in their place.

E. Compensation of Members

Members shall not receive compensation, in any form, for services in their capacities as members. Travel and committee business costs shall be handled as outlined in GO 0.7.

F. Conflicts of Interest

Members of the CAB have the responsibility to be sensitive to circumstances that would adversely affect their integrity, objectivity, or the perception of either. Members shall not represent themselves as having authority over the Department in any manner. Should any member of the CAB be financially or

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otherwise closely associated with any issue that comes before the CAB, said member shall disqualify themselves from participating in considering the issue and shall not sit with the CAB during such consideration.

III. Citizens' Advisory Board Staff

The Department will supply sufficient staff as deemed necessary by the Commissioner at the request of the Chair. Routine staffing will be in accordance with GO 0.7.

IV. Meetings of the Citizens' Advisory Board

A. Timing, Notice, Agenda, and Record

The CAB generally meets quarterly, but at least biannually, and at other times as directed by the Commissioner, Chair, or otherwise determined by a majority of members in office.

The Department Representative should meet with both the Chair and Commissioner separately or together, to establish the agenda at least 30 days prior to the scheduled meeting.

Approved meeting dates and agenda items will be forwarded to board members by the Department Representative at least 15 days prior to scheduled meetings.

Meetings of the CAB will normally be held at the CHP Headquarters Campus in Sacramento, but may be held by telephone, only when necessary, and with approval of the Commissioner. Members participating by telephone in a meeting of the CAB shall be by means of a conference telephone or similar communications equipment allowing all persons participating in said meeting to hear each other at the same time. Participation in a meeting by such means shall constitute presence in person at such meeting. Such participation shall be noted in the meeting minutes.

The Department Representative, or designee, will ensure meeting minutes are completed, approved, and forwarded to CAB members within 15 days.

B. Quorum and Voting

A majority of members in office shall constitute a quorum for the transaction of any business. Any meeting must include the Department Representative.

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V. Activities of the Citizens' Advisory Board

In furtherance of the CAB's role as stated in Section I, the CAB is authorized:

- A. To conduct reviews, provide input, and to undertake other projects and actions, at the direction of the Commissioner.
- B. To bring issues forward to the Commissioner for consideration and possible assignment back to the CAB.
- C. To issue a written annual report containing a description of the CAB's activities. The form of the report shall be developed by the CAB and approved by the Commissioner.
- D. To prepare detailed analysis of issues submitted to the CAB when requested to do so by the Commissioner.
- E. To review and reassess this Charter on a periodic basis to ensure its continuing adequacy and relevancy in the light of changing circumstances and, if appropriate, recommend changes to the Commissioner.
- F. The CABs' role is:
 - To increase understanding of their community/constituent concerns and needs relating to the Department.
 - To perform a sounding board function both as individuals and as a committee to identify and address issues that affect and/or impact the Department.
 - To communicate this information to the Commissioner through the Advisory Board process.

VI. Duration

The existence of the CAB shall continue unless terminated by the Commissioner.

VII. Privileges and Limitations of Membership

The membership of the CAB shall be subject to the following privileges and limitations:

- a. The CAB will not take a political position on issues involving or affecting the Department.
- b. Neither the CAB nor any member thereof may incur departmental expense or obligate the Department in any way without prior written approval of the Commissioner.

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- c. The CAB is not empowered to establish policy or investigate charges or operational issues of the Department. However, these areas may be topics of discussion between the CAB and the Commissioner.
- d. Except for the Chair who is the official spokesperson for the CAB, members are prohibited from making any written or oral report of any CAB business to anyone other than the Commissioner or designee.

VIII. Inconsistent/Incompatible Activities

The following types of activities, while not all inclusive, have been determined to be incompatible with or unfavorable to public service insofar as all CAB members are concerned:

- a. Using or attempting to use for private gain or advantage, or the private gain or advantage of another, the prestige, or influence of the CAB position.
- b. Directly or indirectly soliciting or accepting from persons money, gifts, or other valuable considerations for advising or furnishing information concerning matters administered by this Department or the CAB, or for services performed which they are, or may be required to render as part of their role as a CAB member.
- c. Acceptance of anything of value that would not be proffered if not a CAB member.
- d. Using for private gain or advantage, or the private gain or advantage of another, the time, facilities, equipment, or supplies of the state.
- e. Using official knowledge for personal gain, or the private gain or advantage of another.
- f. Divulging information, data, or intelligence from departmental reports, records, correspondence or manuals when the release of such has not been authorized.

Citizens' Advisory Board members must comply with the relevant terms of the CHP Inconsistent and Incompatible Activities policy contained in Highway Patrol Manual 10.3, Personnel Transactions Manual, Chapter 14, Inconsistent and Incompatible Activities, page 14-3, which notes:

" . . . CHP employees have no relationship or engage in any activity that might impair their independence of judgment. They must have no personal or financial

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MAY 2019 (continued)**

interests in suppliers of property, goods, or services that could affect their decisions or actions on the state's behalf. They shall not accept gifts, benefits, gratuities, or unusual hospitality that may in any way influence them in the performance of their duties."

"If any possible conflict of interest situation arises, the individual concerned shall disclose the facts so a departmental inquiry may be made to determine whether a problem exists and, if so, to eliminate it."

Consistent with CHP policy contained in GO 0.3, Courtesy Cards, Communications and Badges, CAB members shall be aware that the CHP is prohibited from issuing courtesy cards or communications that could purport to extend a privilege or immunity from the processes of the Department or any other governmental agency. These guidelines also restrict the provision of badges similar to the official departmental badge.

The CHP will not issue any business card, identification card, or provide any person a courtesy card or communication that could or would purport to extend any special privilege or immunity from departmental processes or those of any other governmental agency.

IX. Amendment of Charter

The Charter shall remain in effect for 3 years from the date of signing. The Charter may be amended by a vote of two-thirds of members in office at a meeting duly called for that purpose, with the concurrence of the Commissioner.

The Commissioner may render any charter null and void without cause.

X. Effectiveness

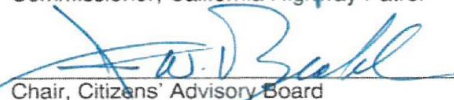
This Charter shall become effective as of the date approved and signed by the Commissioner and the Chair.



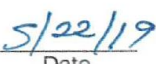
Commissioner, California Highway Patrol



Date



Chair, Citizens' Advisory Board



Date

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