

Liberia National Police (Civilian Complaints Review Board) Regulations of 2016

Arrangement of Regulations

1. Citation
2. Purpose
3. Commencement
4. Coverage
5. Revocation
6. Interpretation
7. Composition of the Review Board
8. Objectives of the Review Board
9. Functions of the Review Board
10. Independence of the Review Board
11. Tenure of Office for Members
12. Officers of the Review Board
13. Secretariat and Staff of the Review Board
14. Committees of the Review Board
15. Conduct of the Business and Affairs of the Review Board
16. Lodging of Complaints
17. Contents of a Complaint
18. Transmission of a Complaint
19. Mediation and Negotiation
20. Hearing of Disciplinary Matters on Appeal
21. Hearings
22. Notice of Hearing
23. Response to Notice of Hearing
24. Statement of the Chairperson
25. Procedure for Examining Witnesses
26. Privileges of Witnesses and Indemnity
27. Evidence During Hearings

28. Assessing the Evidence
29. Findings
30. Procedure after Hearing
31. Recommendations
32. Report
33. Conflict of Interest
34. Employment of Police, Public, or other Officers
35. Funding
36. Annual Report

WHEREAS, there is established by §22.85 (a) of the Liberia National Police Act of 2015 the Liberia National Police Civilian Complaints Review Board (herein after referred to as “the Review Board”);

WHEREAS, the Review Board is mandated under §22.85 (c) (ii) to promulgate rules of procedure for the manner in which complaints are received and processed and feedback relayed to the complainant;

WHEREAS, the Minister is mandated by §22.94 of the Act to make, in consultations with the Liberia National Police Policy Management Board, Regulations not being inconsistent with the Act, to provide policy guidance for the implementation of the Act and in particular to provide for the making of Rules of Procedure for the Review Board;

AND WHEREAS, Section 3 of the Act provides for respect for fundamental human rights, respect for the equality of men and women and gender equity;

NOW THEREFORE, consistent with the statutory mandate as aforementioned, the Minister promulgates these Regulations:

1. Citation

These Regulations shall be cited as the Liberia National Police (Civilian Complaints Review Board) Regulation of 2016.

2. Purpose

The purpose of these Regulations is to establish the rules of operation and internal organisation of the Review Board by way of further development of the applicable legal provisions setting forth its organisational structure; tenure of its members; duties of its officers; the rules for its meetings; the rules of behaviour to be observed by its members; and the manner in which complaints against a Police Officer, Civilian Personnel, and the Liberia National Police, are received, processed, investigated, determined and feedback relayed to the complainant.

3. Commencement

These Regulations shall come into force on the day of 2016.

4. Coverage

These Regulations applies to the Review Board, the principal officers of the Review Board, the members of the Review Board and any other institution or person to whom the provisions of these Regulations are expressly applied.

5. Revocation

Upon the coming into force of these Regulations, any previous Regulations applicable to the Review Board stand revoked and shall cease to have any effect.

6. Interpretation

In these Regulations, unless the context otherwise requires;

‘**Act**’ means the Liberia National Police Act of 2015;

‘**Review Board**’ means the Liberia National Police Civilian Complaints Review Board;

‘**Chairperson**’ means the Chairperson of the Review Board;

‘Minister’ means the Minister for Justice and Attorney General of the Republic of Liberia;

‘Police Officer’ means an employee of the Liberia National Police who has met the recruitment criteria in the Liberia National Police Act of 2015 and has been certified by the Liberia National Police Academy and Training School as having undergone basic police training as a police officer or as having met any other entry level requirements as may be approved in the Liberia National Police Recruitment Guidelines;

‘Principal Officers’ means the Chairperson, Vice Chairperson, and the Secretary of the Review Board;

‘Mediation’ means a process by which the parties discuss their dispute with an impartial person who assists them to reach a resolution;

‘Negotiation’ means an engagement between two or more people or parties intended to reach a beneficial outcome on an issue;

‘Statutory Members’ means members of the Review Board who are members by virtue of the fact that they hold a public office;

‘Secretary’ means the Secretary to the Liberia National Police Civilian Complaints Review Board;

‘Vice Chairperson’ means the Vice Chairperson of the Review Board;

‘Writing’ includes a handwritten letter, a typed letter or electronic mail.

7. Composition of the Review Board

7.1. In accordance with §22.85 of the Act, the Review Board shall comprise:

- (a) The President of the Liberia Bar Association or a representative not below the status of a member of the Executive Council of the Bar, who shall act as the Chairperson of the Review Board;

- (b) A representative of the Minister, not below the rank of Deputy Minister;
- (c) A representative of the Minister for Internal Affairs, not below the rank of Deputy Minister;
- (d) The Chairperson of the Independent National Human Rights Commission or a representative not below the status of a Deputy Chairperson;
- (e) The President of the Federation of Liberia Youth, or a representative not below the status of a member of the Executive Council;
- (f) The Chairperson of the National Civil Society Council or a representative not below the status of a member of the Executive Council;
- (g) The President of the Federation of Liberia National Law Enforcement Association, or a representative who is a former Police Officer.

7.2. In nominating a representative to the Review Board in accordance with Regulation 7.1, the nominating authority shall:

- (a) Ensure that the nominee is of high moral character and is a fit and proper person to be a member of a Review Board charged with upholding and protecting human rights, ethics, professionalism, accountability and lawful conduct in the Liberia National Police;
- (b) Have regard to the nominee's integrity, resourcefulness, progressiveness, and proactivity;
- (c) Have regard to the nominee's knowledge, expertise and experience relevant to the functions of the review board;
- (d) Ensure that the nomination improves gender balance on the review board;
- (e) Consult relevant stakeholders on the nomination; and
- (f) Ensure that the nominee
 - i. Is a Liberian citizen;
 - ii. Does not hold office in a political party;
 - iii. Is not a member of the legislature;
 - iv. Is not a serving member of the Liberia National Police, or retired from being a Police Officer within five years immediately preceding that person's nomination;

- v. Has not been convicted, whether in Liberia or elsewhere, of an offence involving dishonesty or of any other offence for which such person has been sentenced to imprisonment without the option of a fine; and
- vi. Is not an undischarged bankrupt.

7.3. The Minister shall constitute the Review Board, noting that the role of the Minister in constituting the Review Board shall be administrative only, and shall imply no power to reject a representative duly nominated.

8. Objects of the Review Board

It shall be the objects of the Review Board to:

- (a) Hold the Liberia National Police accountable to the public in the performance of its functions;
- (b) Promote adherence to human rights, professionalism, discipline, transparency and accountability within the Liberia National Police;
- (c) Enhance public trust in the Liberia National Police; and
- (d) Enhance a measure of cordiality between the police and the public by additionally employing mechanisms for realising restorative justice in all cases to be handled by the review Board.

9. Functions of the Review Board

9.1. Pursuant to its objects, the Review Board shall perform its functions as set out in the Act and in these Regulations and these shall include to:

- (a) Receive, process and determine any complaint made against the Liberia National Police, any Police Officer or Civilian Personnel;
- (b) Promulgate rules of procedure for the manner in which complaints are received and processed and feedback relayed to the complaint; and
- (c) Establish an alternative dispute resolution program as an option for the public to use to resolve minor complaints against the Liberia National Police, Police Officers or Civilian Personnel.

9.2. The Review Board shall perform any other functions incidental to its objects, the functions set out in Regulation 9.1 and which are necessary for the proper, effective and efficient performance of those functions, including to:

- (a) Monitor the operations of the Liberia National Police that affect the public;
- (b) Audit investigations and actions taken internally by the Liberia National Police in response to complaints made against it or against Police Officers and ensure that the Liberia National Police develops effective internal disciplinary mechanisms;
- (c) Conduct inspections of police facilities;
- (d) Cooperate with other institutions on issues of police oversight;
- (e) Review patterns of misconduct, including human rights violations, and the functioning of the internal disciplinary process of the Liberia National Police; and
- (f) Make recommendations to the Liberia National Police, the Minister and such other state organs as it may deem necessary.

9.3. The Review Board shall perform any functions, not being inconsistent with the Act and these Regulations, delegated to it by the Minister or the Inspector General of Police.

10. Independence of the Review Board

10.1. Except as otherwise provided in the Act and in these Regulations, the Review Board shall not be subject to any person, office or authority in the performance of its functions.

10.2. Except as otherwise provided in the Act and in these Regulations, no person or body shall interfere with the decision-making and other functions and operations of the Review Board.

10.3. Every government officer or institution shall accord the Review Board such assistance and protection as may be necessary to ensure its independence, impartiality, dignity and effectiveness.

10.4. The Review Board shall observe the principle of impartiality and the rules of natural justice in the exercise of its powers and in the performance of its functions.

11. Tenure of Office for Members

11.1. A member of the Review Board, other than the statutory members, shall hold office for a term of three years and shall be eligible to serve an additional term of three years only.

11.2. The membership of the President of the Liberia Bar Association, the Chairperson of the Independent National Human Rights Commission, the President of the Federation of Liberia Youth, the President of the Federation of Liberia National Law Enforcement Association, and the Chairperson of the National Civil Society Council, or of their representatives, shall expire when each of them ceases to hold that office in their respective institution.

11.3. A vacancy shall occur on the Review Board:

- (a) If a member's tenure expires under Regulations 11.1 and 11.2;
- (b) If a member resigns from the review Board;
- (c) If the membership of a person is revoked;
- (d) By reason of the death of a member; or
- (e) If for any other sufficient reason the review Board considers that the member is unable to act as a member.

11.4. A member of the Review Board, other than a statutory member, may at any time resign from the Review Board in writing and addressed to the Minister.

11.5. The Minister may remove a member of the Review Board in writing on the grounds of stated and gross misconduct, whether in the performance of the member's functions or otherwise; or the member's inability to perform the duties of a member of the Review Board arising out of ill health or other sufficient cause.

- 11.6. Where a member of the Review Board is unable to act as a member due to a sufficient cause, the Review Board shall determine whether the inability should result in the declaration of a vacancy on the Review Board.
- 11.7. A person desiring the removal of a member of the Review Board on any ground specified in these Regulations may present a petition to the Minister setting out the alleged facts constituting the ground.
- 11.8. On receipt of a petition for the removal of a member of the Review Board, the Minister shall, on the advice of the person or entity that nominated the member, constitute a Panel of five persons as specified in Regulation 11.9 to hear and determine the petition, and during the hearing, the Minister may suspend the member pending the outcome of the hearing.
- 11.9. Panel constituted under Regulation 11.8 shall comprise:
- (a) A person who holds or has held office as a judge of a Circuit court or higher court who shall chair the Panel;
 - (b) A person who is qualified as a counsellor-at-law;
 - (c) A retired police officer; and
 - (d) Two other persons, at least one of whom shall be a woman, and both of whom shall have no legal background, but shall have such other sufficient competencies and expertise to assess the facts in respect of the ground for removal.
- 11.10. A Panel constituted under Regulation 11.8 shall investigate the matter expeditiously, report on the facts and make binding recommendations to the Minister, who shall act in accordance with the recommendations within seven days.
- 11.11. Where there is a vacancy on the Review Board, the Review Board shall immediately notify the nominating authority who shall nominate a person to be appointed by the Minister to fill the vacancy within one month of the notice.

11.12. A vacancy on the Review Board shall not persist for more than two months.

11.13. Where a vacancy on the Review Board persists for more than two months, and the nominating authority has not nominated anyone to fill the vacancy, the Review Board shall, at the earliest meeting after the expiration of the two months period, write to notify the National Security Advisor of the occurrence of the vacancy, and the National Security Advisor shall take the necessary steps to have the vacancy filled before the next regular meeting.

12. Officers of the Review Board

12.1. The Officers of the Review Board shall comprise:

- (a) The Chairperson;
- (b) The Vice chairperson; and
- (c) The Secretary to the review Board.

12.2. The President of the Liberia Bar Association or their representative shall serve as the Chairperson.

12.3. The Review Board shall appoint the Vice Chairperson from among its members.

12.4. The Review Board shall appoint a Secretary to the Review Board.

12.5. The Chairperson of the Review Board shall:

- (a) Be responsible for the integrity of the operations and processes of the Review Board;
- (b) Represent the review Board at all external engagements unless the Chairperson delegates this function;
- (c) Approve the draft agenda prepared by the Secretary for all meetings of the review Board;
- (d) Convene, preside over, and ensure the effectiveness of all meetings of the review Board; and

- (e) Sign review Board documentation that requires the signature of the Chairperson.

12.6. The Vice Chairperson of the Review Board shall:

- (a) Perform the duties of the Chairperson in the absence of the Chairperson;
- (b) Perform any duties of the Chairperson that the Chairperson may delegate to the Vice Chairperson; and
- (c) Perform any other duties assigned by these Regulations, the Chairperson, or the review Board.

12.7. The Secretary to the Review Board shall:

- (a) Assist the Chairperson to prepare the Agenda for meetings of the Review Board;
- (b) Be the custodian of all official records of the review Board;
- (c) Keep a true and accurate record of proceedings, votes, decisions, and related records of meetings of the review Board;
- (d) Serve as the secretary to all committees of the review Board and keep a true and accurate record of proceedings, votes, decisions, and related records of meetings of Committees of the review Board;
- (e) Prepare and circulate in a timely manner the minutes of the meetings of the review Board and its committees;
- (f) Safeguard minutes of meetings of the review Board in the minutes book when confirmed by members present at a meeting and signed by the Chairperson;
- (g) Produce the minutes book and attest to its contents to anyone entitled to see it;
- (h) Ensure the proper administration of the review Board and its committees;
- (i) Manage the logistics of all meetings of the review Board and its committees;
- (j) Render such advice and assistance to the Chairperson and members of the review Board and its committees as may be required during meetings;
- (k) Ensure the timely distribution of all notices, agendas, reports, and minutes of meetings to the members of the review Board and its committees and others who are entitled to receive such materials;

- (l) Ensure that the members of the review Board and its committees receive all other information relevant to the discharge of their duties in a timely manner and in the appropriate format;
- (m) Ensure that the review Board and its committees act in accordance with all relevant laws and procedures;
- (n) Ensure the proper and timely dissemination of the decisions of the review Board to all relevant persons and to the Liberia National Police as may be applicable;
- (o) Educate the Liberia National Police on the work and decisions of the review Board; and
- (p) Perform such duties as may be assigned by these Regulations, any other Regulations made under the Act, the Chairperson, or the review Board.

13. Secretariat and Staff of the Review Board

13.1. There is hereby established a Secretariat of the Review Board to be headed by the Secretary to the Review Board.

13.2. Without limiting Regulation 12.7, the Secretary to the Review Board may delegate the responsibilities of the Secretary to staff of the Secretariat who shall function to assist the Secretary to effectively and efficiently discharge the Secretary's functions, but the Secretary shall remain responsible for any acts of commission or omission of the staff of the Secretariat.

13.3. The Review Board may, in writing, request for the services of such public officers who the Review Board considers necessary for the proper performance of its functions, and when so requested, the Minister shall ensure such public officers are assigned to the Secretariat of the Review Board.

13.4. The Review Board may:

- (a) Engage consultants to advise it as it considers necessary in the performance of its functions; and

- (b) Co-opt the services of such other persons as it considers fit for the proper performance of its functions.

14. Committees of the Review Board

14.1. The Review Board may establish such Standing and *ad hoc* Committees as are necessary for the performance of its functions.

14.2. Without limiting Regulation 14.1, there is hereby established the following Standing Committees of the Review Board:

- (a) County Civilian Complaints Review Committee in each County in Liberia responsible for receiving complaints on behalf of the Review Board in each County and performing such other functions as the Review Board may determine; and
- (b) District Civilian Complaints Review Committee in each District in Liberia responsible for receiving complaints on behalf of the Review Board in each District and performing such other functions as the Review Board may determine.
- (c) The Review Board may request the County Security Committees and District Security Committees to be established under §5 of the National Security Reform and Intelligence Act, 2011 to act as the County Civilian Complaints Review Committees and District Civilian Complaints Review Committees of the Review Board.
- (d) For the purpose of serving as a County Civilian Complaints Review Committee or District Civilian Complaints Review Committee, a County Security Committee or District Security Committee may co-opt such equivalents of the membership of the Review Board as are present in the County or District, provided that the total number that sits in the County Civilian Complaints Review Committee or District Civilian Complaints Review Committee is an odd number.
- (e) For the purpose of Regulation 14.2 (d), the equivalents of the membership of the Review Board in a County or District may include:
 - i. The President of the local Liberia Bar Association who shall chair the Committee;

- ii. The County Attorney or District Solicitor;
- iii. The County Superintendent or District Commissioner or Statutory District Superintendent;
- iv. A County or District human rights officer or monitor;
- v. The head of the County or District Youth Chapter;
- vi. The head of the County or District Civil Society Council; and
- vii. A County or District representative of the Liberia National Law Enforcement Association.

14.3. Without limiting Regulation 14.1, and at such time that the Review Board is satisfied that it has the capacities to do so, the Review Board may establish some or all of the following Standing Committees:

- (a) The Administrative Committee responsible for overseeing the day-to-day affairs of the Review Board including the supervision of personnel and the provision of support services to the Review Board;
- (b) The Rules and Policy Committee responsible for making rules of procedure to guide the performance of the functions of the review Board and for recommending policy changes to the Liberia National Police through the Minister to enhance professionalism, improve accountability and build public trust in the Liberia National Police;
- (c) The Complaints Committee responsible for receiving, reviewing and making recommendations to the review Board on complaints made by the public and for discharging related functions of the review Board; and
- (d) The Mediation Committee responsible for encouraging negotiated settlements and for mediating disputes referred to it by the Complaints Committee.

14.4. The Review Board shall determine the composition of each committee, except that -

- (a) A committee may comprise members of the Review Board or members and non-members of the Review Board that may be co-opted to assist the Review Board, and such non-members of the Review Board so co-opted shall have no right to vote; and
- (b) A committee of the review Board shall be chaired by a member of the review Board.

- 14.5. The Review Board shall determine the terms of reference, reporting requirements and expected date of completion of assignments of each committee.
- 14.6. The Review Board may at anytime alter the composition, terms of reference, reporting requirements and expected date of completion of an assignment of a committee as it may deem appropriate.
- 14.7. The Review Board may at anytime, and for good cause, dissolve a committee.
- 14.8. The Review Board shall assign appropriate staff and other resources to support the work of a committee.
- 14.9. The rules of the Review Board with respect to the delivery of notices, agendas and supporting documentation shall apply, with necessary modifications, to a committee established by the Review Board.
- 14.10. A committee established by the Review Board under these Regulations shall report to the Review Board on all matters and a recommendation, decision, report, or such other undertaking by the committee, however termed, shall be of no effect until it is approved by the Review Board.

15. Conduct of the Business and Affairs of the Review Board

- 15.1. The conduct and regulation of the business and affairs of the Review Board shall be as provided in Regulations 15.2 to 15.10 and subject thereto, the Review Board may regulate its own procedure.
- 15.2. The Chairperson shall convene at least one regular meeting of the Review Board every month, and shall convene additional meetings:
- (a) At the request by any three members of the Review Board to address any urgent matter;

- (b) In order to address any matter that may arise for consideration in between two meetings and which the Chairperson considers to be an urgent matter requiring the immediate attention of the review Board;
- (c) As often as it is necessary for the discharge of its functions.

15.3. The presence of a majority of the members of the Review Board or of persons validly representing them shall constitute a quorum.

15.4. All meetings of the Review Board shall be presided over by the Chairperson or in the absence of the Chairperson, the Vice Chairperson.

15.5. The Chairperson shall direct the proceedings of the meeting, giving precedence to those who wish to raise a point of order or a preliminary matter.

15.6. Each member of the Review Board shall have one vote and unless a unanimous decision is reached, a decision on any matter before the Review Board shall be by a majority of the votes of the members present and voting, and in the case of an equality of votes the Chairperson or the person presiding shall have the casting vote.

15.7. Voting shall be by show of hands unless the Review Board decides otherwise.

15.8. The result of the vote shall be recorded for each decision adopted by the Review Board and the decision shall be accompanied by a written statement of the minority view, where the minority so requests.

15.9. Any motion to close a debate shall be put to a vote.

15.10. Minutes shall be taken of each meeting of the Review Board and shall include:

- (a) The list of those present;
- (b) A record of the proceedings; and
- (c) The decisions and resolutions adopted.

16. Lodging of Complaints

- 16.1. Any person may make a complaint against the Liberia National Police or a Police Officer and a complaint so made may be:
- (a) In writing;
 - (b) Oral;
 - (c) Electronic; or
 - (d) In such other appropriate format as the review board may prescribe.
- 16.2. A complaint under these Regulations may be made by an individual or a body of persons whether corporate or unincorporated.
- 16.3. Where a person by whom a complaint might have been made under these Regulations has died or is for a sufficient reason unable to act personally, the complaint may be made by the personal representative or by a member of the family or any other individual suitable to represent that person.
- 16.4. A person wishing to lodge a complaint against the Liberia National Police or a Police Officer may submit the complaint to:
- (a) The Minister, if the complaint is against the Inspector General of Police;
 - (b) The review Board;
 - (c) The Professional Standards Department of the Liberia National Police;
 - (d) A County Civilian Complaints Review Committee; or
 - (e) A District Civilian Complaints Review Committee.
- 16.5. A person wishing to make a complaint in writing shall sign, thumb print or otherwise authenticate the written complaint.
- 16.6. Where a complaint is made orally or by telephone, the complaint shall be reduced into writing by the official to whom the complaint is made, or a person chosen by the complainant.

- 16.7. A person who reduces into writing an oral complaint of a complainant shall:
- (a) Read and explain the contents of the written complaint to the complainant;
 - (b) Certify on the document that the complainant has fully understood or appeared to understand and appreciate the contents of the complaint; and
 - (c) Where practicable, and having due regard for confidentiality in certain circumstances, ensure that the complainant appends the complainant's signature, thumbprint, or other appropriate mark on the written complaint; and
 - (d) Where the complaint is made by phone, make arrangements for the complainant to append his or her signature to the written complaint as soon as practicable.
- 16.8. Where a letter written by a person in custody, or a patient in a hospital, is addressed to any one entitled to receive a complaint under these Regulations, it shall be immediately forwarded, unopened and unaltered, to such person by the person in charge of the place or institution where the writer of the letter is detained or of which the writer is a patient.
- 16.9. The Minister, the Review Board, the Professional Standards Department, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee may refuse to act on any complaint if the complaint relates to a decision, recommendation, act or omission of which the complainant has had knowledge for more than six months before the complaint is received by the Minister, the Review Board, the Professional Standards Department, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee.

17. Contents of a Complaint

- 17.1. A person who lodges a complaint under these Regulations shall include:
- (a) The full name and contact address of the Complainant;
 - (b) Whether the complaint is lodged against a Police Officer, or any Command, Bureau, Department, Division, Police Region, Section, Unit, Station, Post, Depot, Detachment, Detail, or other part of the Liberia National Police;
 - (c) Particulars of the complaint together with copies of relevant documents, if available;

- (d) The nature of the harm resulting from the action, inaction or omission of the Police Officer, or any part of the Liberia National Police;
- (e) The relief sought by the complainant; and
- (f) Any other information relevant to the complaint or that may be required by the review Board, the Professional Standards Department, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee.

17.2. A person who lodges a complaint under these Regulations on behalf of another person shall additionally include in the complaint:

- (a) Contact details of the person;
- (b) The capacity in which the person lodges the complaint; and
- (c) The reason why the other person is unable to lodge the complaint personally.

18. Transmission of Complaint

18.1. Before proceeding to investigate a complaint made to it, the Minister or the Professional Standards Department, as the case may be, shall immediately notify and forward a copy of the complaint to the Review Board.

18.2. The Review Board shall refer a complaint made directly to the Review Board to the Professional Standards Department for investigation.

18.3. Upon receipt of a complaint the Professional Standards Department, shall transmit a copy of the complaint to, and request a response from:

- (a) The person against whom the complaint is made; or
- (b) The head of the part of the Liberia National Police against which the complaint is made.

18.4. The person who transmits the complaint under Regulation 18.3 shall ensure that there is evidence of the date of receipt of the complaint.

- 18.5. A person against whom a complaint is made or the head of the part of the Liberia National Police against which the complaint is made, shall submit a response to the Professional Standards Department within ten days of receipt of the complaint or within such extended period as the Professional Standards Department may determine on a case by case basis.
- 18.6. The Head of the Professional Standards Department may assign an investigator, or an officer of the Review Board, with the Review Board's approval, to conduct investigations into a complaint.
- 18.7. The Professional Standards Department may request, through the Review Board, the services of:
- (a) Police Officer;
 - (b) A public officer;
 - (c) A public institution; or
 - (d) A person with expert knowledge relevant to the subject matter of the investigation.
- 18.8. Without prejudice to the generality of these Regulations, the Review Board, the Professional Standards Department, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee may obtain information or documentation from any other person and in the manner, and make the inquiries, that it considers necessary.
- 18.9. With the approval of the Review Board, the Professional Standards Department, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee may pay to a person by whom a complaint is made and to any other person who attends and furnishes information for the purposes of an investigation or hearing under these Regulations sums of money in respect of expenses properly incurred by them, and allowances by way of compensation for the loss of their time, in accordance with the scales and subject to the conditions determined by the Review Board, having regard to similar rates approved by the Government of Liberia.

18.10. The Professional Standards Department shall forward a report of its investigations to the Review Board.

18.11. The Professional Standards Department may forward a report of its investigations, or part thereof, to the parties for their notification.

18.12. Where the complaint is of a character that requires urgent action, the Review Board may at any time before the completion of the investigation or hearing, issue a remedial recommendation to the Inspector General of Police for immediate action and inform the complainant and the Professional Standards Department accordingly.

19. Mediation and Negotiation

19.1. Unless the complaint constitutes misconduct under the Act, the Review Board, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee, after receiving and reviewing a response to a complaint, may encourage the parties to settle the matter by negotiation, invite the parties concerned and settle the matter by mediation or cause the complaint, the response and its initial findings on it to be reported to the superior of an offending Police Officer for quick remedial action.

19.2. The Professional Standards Department, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee may refer a complaint to the Review Board for mediation.

19.3. The Review Board, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee shall reduce into writing the terms of settlement of a complaint by negotiation, mediation, or by referral to the superior of an offending Police Officer, and shall ensure that the parties concerned, and where applicable a neutral third party who facilitated the settlement, sign the written terms of settlement.

- 19.4. The Review Board, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee shall retain a copy of the signed terms of settlement and transmit a copy to the Inspector General of Police.
- 19.5. The terms of settlement after negotiation, mediation, or referral to the superior officer are binding on the parties.
- 19.6. The Professional Standards Department shall conduct all investigations expeditiously and shall conclude all investigations within one month of reference of a complaint to them, unless the Review Board extends the time for the investigation upon written request.

20. Hearing of Disciplinary Matters on Appeal

- 20.1. Where an appeal is made to the Minister in a disciplinary matter under the Liberia National Police (Disciplinary) Regulations of 2016 and the Minister refers the appeal to the Review Board, the Review Board shall conduct the appeal by way of a hearing.
- 20.2. The Review Board shall, upon a hearing under these Regulations, submit its recommendations to the Minister and the Minister shall act in accordance with the recommendations in issuing his or her appellate decision.

21. Hearings

- 21.1. Where, upon the receipt of the appeal, the Review Board is of the view that a hearing of the complaint is warranted, the Review Board shall invite all persons material to the complaint to attend at the hearing of the complaint at such dates as it may deem appropriate.
- 21.2. The invitation from the Review Board shall be in writing and shall state the date, time and place of the hearing.

- 21.3. The date for attendance shall not be less than seven days after the date of the notice, and the notice shall be delivered to the persons to attend the hearing as soon as practicable and no later than three days before the hearing.
- 21.4. The Review Board shall inform a person, who appears before the Review Board in answer to a complaint, of the particulars of the complaint or allegation; of the person's right to a lawyer of their choice; of the opportunity to provide a response to the complaint or allegation; and of the opportunity to question a witness against such person.
- 21.5. A person who appears at a hearing or is otherwise connected to the complaint and/or the investigation may appear in person or may be represented by a lawyer of the person's choice.
- 21.6. The Review Board shall give a person who appears before the Review Board a fair hearing.
- 21.7. The Review Board shall conduct all hearings expeditiously and shall conclude all matters before it within two months, unless the Minister extends the time upon written request by the Review Board.
- 21.8. The Review Board shall not be bound by technical rules of evidence applicable to proceedings before a court of law.
- 21.9. The Review Board shall keep all the records of a complaint, subsequent investigation, and any hearing in writing.
- 21.10. For the purpose of these Regulations, a County Civilian Complaints Review Committee or a District Civilian Complaints Review Committee may hold a hearing on behalf of the Review Board at the County or District level, provided that the County Civilian Complaints Review Committee or the District Civilian Complaints Review Committee

shall submit its recommendations to the Review Board for the consideration of the Review Board.

22. Notice of Hearing

22.1. The Review Board may at any time serve a notice to appear before the Review Board to a person,

- (a) Whose conduct is the subject of the inquiry; or
- (b) Who has an interest, personal or otherwise, in the inquiry; or
- (c) Who the members of the review board deem necessary to appear before the review board to give evidence.

22.2. The notice shall:

- (a) Include a statement of the reasons for the invitation;
- (b) The questions which the person invited is likely to be required to answer;
- (c) Indicate clearly the place, date, and the time at which that person is required to attend the hearing;
- (d) State the rights of that person to be represented by a lawyer of that person's choice; and
- (e) Where the person is a witness, state the rights and privileges to be accorded a witness as are reasonably necessary for the purpose of protecting that witness's interests.

22.3. Where the person receiving the notice is the complainant, or a person against whom a complaint is made, the notice shall be a Notice of Hearing, and shall additionally require the recipient to submit before the hearing:

- (a) A statement of that person's case;
- (b) The records and documents which that person intends to rely on; and
- (c) The names, addresses and any other particulars of witnesses, who that person intends to call to support that person's case.

22.4. For the purposes of these Regulations, a notice is duly served if;

- (a) It is sent by electronic mail, or any other electronic mechanism; or
- (b) It is delivered by hand; or
- (c) It is sent by registered mail through the post, to the last known address or place of residence of the person required to be served; or
- (d) It is published in a medium of mass communication which has national coverage or circulation; or
- (e) In any other manner that the review board may determine.

22.5. Whenever possible, the recipient of a Notice shall sign for receipt of the notice.

23. Response to Notice of Hearing

23.1. A person on whom a Notice of Hearing is served shall, within two weeks after the service, submit to the panel a response to the notice.

23.2. Where, before or at any stage of the hearing it appears to the Review Board that a Notice of Hearing is defective, the Review Board shall give directions for the amendment of the notice.

23.3. Where the notice is amended, the person invited to the hearing shall be,

- (a) Served with the amendment; and
- (b) Given seven days within which to respond to the amendment.

24. Statement of the Chairperson

The Chairperson of the Review Board shall, before the start of the hearing address the hearing, explaining in simple language the purposes of the hearing, the rules of procedure to be followed, and the complaint and supporting evidence in the case.

25. Procedure for Examining Witnesses

25.1. The complainant, the person against whom a complaint has been made, or their lawyers, may address the Review Board at the opening and closing of the hearing, call witnesses, cross-examine any opposing witnesses and re-examine their witnesses.

- 25.2. The Chairperson or any other member of the Review Board may examine a witness after the parties or their lawyers have cross-examined and re-examined the witness.
- 25.3. The Review Board may, in order to expedite proceedings, place reasonable limitations with regard to the time allowed in respect of the examination, cross-examination or re-examination of a witness or an opening or closing address.
- 25.4. The Review Board shall ensure that anyone attending at the hearing comports themselves well and uses decorous language.

26. Privileges of Witnesses and Indemnity

A witness appearing before the Review Board is entitled to the same privileges and indemnity to which a witness before a Court of Record is entitled.

27. Evidence During Hearings

- 27.1. For the purposes of **the conduct of hearings**, the Review Board, a County Civilian Complaints Review Committee, and a District Civilian Complaints Review Committee, as the case may be, has the power:
- (a) To require a person to disclose truthfully, any information within the knowledge of that person and which is relevant to the proceedings;
 - (b) To examine a witness on oath or affirmation and to administer the oath or affirmation;
 - (c) To issue a subpoena through the courts of law, requiring the attendance of a person before the Review Board, a County Civilian Complaints Review Committee, or a District Civilian Complaints Review Committee and require the production of any article, document or other record relevant to the proceedings;
 - (d) To bring contempt proceedings, in a court of competent jurisdiction, against a person who refuses to comply with an order or a directive of the Review Board, a County Civilian Complaints Review Committee, or a District Civilian Complaints Review Committee or acts in a manner contemptuous of the Review Board; and

- (e) To require a person to fill a form providing the information required by, and within the period specified in the form.

28. Assessing the Evidence

Once the hearing has been concluded, the Review Board shall assess the report of the investigation and the evidence obtained during any hearing.

29. Findings

Based on the report of the investigation and the evidence at any hearing so assessed, the Review Board shall make findings of fact and draw conclusions as to whether or not the complaint has been substantiated.

30. Procedure after Hearing

30.1. Where after a hearing under these Regulations, the Review Board is of the view that any decision, recommendation, act or omission that was the subject matter of the investigation:

- (a) Amounts to a breach of any of the fundamental rights and freedoms provided in the Constitution of Liberia or any other law;
- (b) Amounts to a disregard for gender equality and gender equity;
- (c) Appears to have been contrary to law;
- (d) Was unreasonable, unjust, oppressive, discriminatory or was in accordance with a rule of law or a provision of legislation or a practice that is unreasonable, unjust, oppressive, or discriminatory;
- (e) Was based wholly or partly on a mistake of law or fact;
- (f) Was based on irrelevant grounds or made for an improper purpose; or
- (g) Was made in the exercise of a discretionary power and reasons should have been given for the decisions;

The Review Board shall make a further report on this in its decision and the reasons for it to the Minister, the Inspector General of Police and such other person that may be required to take action.

31. Recommendations

Where a complaint has been substantiated, the Review Board shall make relevant recommendations for implementation by the Minister, the Inspector General of Police and such other person as may be required to take action.

32. Report

- 32.1. The Review Board shall compile a full report of **the hearing** in respect of every complaint.
- 32.2. The Review Board shall submit a copy of its report and recommendations, excluding any portions that the Review Board may decide to keep classified, to the complainant, the person against whom the complaint is made and any other public or private person or agency that may require it.
- 32.3. The Inspector General of Police, the Minister, and any other person required to take action to effect recommendations following from a complaint shall initiate action within one calendar month and complete action within three calendar months of receipt of the report and recommendation or part thereof, unless an extension of time is granted by the Review Board.
- 32.4. Any person who is not satisfied with a decision of the Review Board may appeal to the Minister.
- 32.5. The Inspector General of Police shall report to the Review Board on a quarterly basis on all actions that the office has taken following the recommendations of the Review Board.
- 32.6. Nothing in these Regulations shall be construed to prevent or hinder the investigation or prosecution of Police Officers for any crime, or the initiation of disciplinary action or civil action against a Police Officer.

33. Conflict of Interest

- 33.1. A member of the Review Board or of a Committee of the Review Board shall not use any information acquired in the course of official business for private gain.
- 33.2. A member of the Review Board, a Committee of the Review Board, the Professional Standards Department, a County Civilian Complaints Review Committee, or a District Civilian Complaints Review Committee, who has a direct or indirect interest in a matter for consideration, shall disclose the nature of the interest to the Review Board.
- 33.3. A disclosure of interest under Regulation 32.1 shall form part the record of the consideration of the matter and the member making the disclosure, unless the Review Board otherwise determines in respect of that matter:
- (a) Shall not be present during the deliberation on the matter; and
 - (b) Shall not take part in the decision on that matter.
- 33.4. A member who knowingly contravenes these Regulations and fails to disclose an interest in a matter to the Review Board shall cease to be a member of the relevant body.
- 33.5. The Review Board shall report every case of conflict of interest in Regulation 32.3 to the Minister.

34. Employment of Police, Public, or other Officers

- 34.1. The Review Board shall be staffed by such police, public or other officers as the Review Board considers necessary for the proper, effective, and efficient performance of its functions, and when so determined, the Inspector General of Police or the Minister as the case may be shall cause to be appointed such police, public or other officers to the Review Board upon a written request by the Review Board.
- 34.2. The Review Board may:
- (a) Engage consultants to advise it as it considers necessary in the performance of its functions; or

- (b) Co-opt the services of such other persons that it considers fit for the proper performance of its functions.

35. Funding

35.1. The expenses of the Review Board including allowances that may be paid to the members of the Review Board shall form part of the budget of the Ministry of Justice.

35.2. For the purpose of Regulation 35.1, the Review Board shall submit its budget estimates to the Ministry of Justice.

36. Annual Report

Before the end of the first quarter of the calendar year, the Review Board shall forward to the Minister an annual report for the preceding year, indicating the complaints received and processed by them, the quality of investigations conducted by the Professional Standards Department, the recommendations made by the Review Board in respect of the complaints, and the level of compliance with the recommendations, and shall provide a copy of the report to the Inspector General of Police.