

6-15 - CITIZENS' POLICE INCIDENT REVIEW BOARD.

6-15.1 - Purpose.

The citizens' police incident review board is necessary to:

- A. Serve the interests of the community at large, and promote the professionalism of the Santa Fe police department.
- B. Foster trust and enhance community/police relations by increasing police accountability and credibility.
- C. Improve community/police relations through the citizens' police incident review board process.

(Ord. #1997-21, § 1)

6-15.2 - Creation of citizens' police incident review board.

There is hereby created the "citizens' police incident review board" hereinafter referred to as the "review board."

(Ord. 1997-21, § 2)

6-15.3 - Membership status.

- A. *Appointment.* The review board shall be composed of five (5) members. At least one (1) member shall be selected and appointed from each district by the mayor with approval of the city council.
- B. *Term.* Members shall serve terms of three (3) years with the initial terms of one (1), two (2), and three (3) years being decided by lot so as to provide for staggered terms. Two (2) members shall serve three (3) years, two (2) members shall serve two (2) years, and one (1) member shall serve one (1) year.
- C. *Removal for Just Cause.* During the member's unexpired term, a member may only be removed for just cause by a majority vote of the governing body.
- D. *Vacancies.* Vacancies shall be filled in the same manner as the initial appointments and shall continue for the remainder of the unexpired term.
- E. *Conflict of Interest.* Should a matter come before the review board in which a member has a conflict of interest or appears to have a conflict of interest which may influence his or her ability to hear an issue or case in an impartial manner, that member shall abstain from participating therein, including hearing and/or discussing the particular matter. The member shall indicate to the chairperson the existence of the conflict, and thereafter the member shall be excused from

hearing and/or participating in the matter. In a case of an apparent conflict of interest, any member shall bring the possible conflict to the attention of the review board if this member seeks to participate in the deliberations on the case. The remaining members of the review board shall then vote to determine whether that member may participate.

(Ord. #1997-21, § 3)

6-15.4 - Qualifications and training.

- A. *Qualifications.* Members shall be a minimum of twenty-one (21) years of age and residents of the city of Santa Fe. Members shall not have a felony conviction, a significant misdemeanor criminal record or have been a commissioned law enforcement officer within the last five (5) years, or a member of the immediate family of a current police officer. Immediate family is defined as a spouse, mother, father, sister, brother or child.
- B. *Training.*
- (1) Once appointed, members shall undergo mandatory training in police operations prior to reviewing any police misconduct cases. The review board shall develop a formal training program with the assistance of the police chief, internal affairs department, and the Santa Fe training unit as well as any other consultant the review board may deem appropriate. Mandatory training shall include methods for reviewing internal affairs investigative reports on police, confidentiality requirements, search and seizure law, felony or high risk encounters, and police use of force guidelines. Training in other areas may include but is not limited to:
 - (a) New Mexico open meeting laws;
 - (b) General information about review boards and their history;
 - (c) Officer's rights in relation to citizen complaints;
 - (d) Ride-along program;
 - (e) Information on police training programs offered by the Santa Fe police department and law enforcement academy;
 - (f) Police culture and its impact on citizen review;
 - (g) Sensitivity training involving diverse groups living in Santa Fe, especially with whom police interact more frequently;
 - (h) Civil rights and human rights of suspects and complainants.
 - (2) The review board and the police chief shall conduct an annual review of the review board's training regime. At the time of the annual review the review board may request additional training, as may be necessary to carry out the review board's powers and duties.
 - (3) The city shall assume the cost of training subject to funding appropriated by the governing body.

- (4) The police chief shall provide information regarding the review board process to the members of the police department.

(Ord. #1997-21, § 4)

6-15.5 - Officers.

- A. *Chairperson and Vice-Chairperson.* The review board shall elect the chairperson and the vice-chairperson of the review board.
- B. *Ex-Officio Advisor.* A non-voting police department liaison shall be selected by the police chief with the approval of the president of the police officer's union and the review board. The advisor shall consult with the review board on police matters and shall attend all review board meetings pertaining to the review of an internal affairs investigation.

(Ord. #1997-21, § 5)

6-15.6 - Powers and duties.

- A. *Citizen Interaction.* The review board shall:
- (1) Provide necessary information and support to citizens who are filing complaints.
 - (2) At the option of the complainant, accept formal written complaints by acquiring only the following information: the name of the complainant, address, phone number and the general nature of the complaint. Such complaints shall be forwarded to internal affairs for initial investigation.
- B. *Review Board Interaction with Police Chief, City Manager and Governing Body.* The review board shall:
- (1) Present an annual report to the police chief, city manager and the governing body regarding the activities of the review board.
 - (2) On an as needed basis, make recommendations to the governing body for amendments to the rules and procedures of the review board process.
 - (3) Recommend procedures, programs and legislation to the police chief or governing body to minimize the circumstances which give rise to incidents of police misconduct.
- C. *Internal Affairs.* The review board may:
- (1) Review police officer incidents, after the police department completes its own internal affairs investigation, involving allegations or concerns regarding the excessive or unnecessary use or display of force; false arrest; ethical violations, racial, or sexual insults, slurs or gestures; police high speed pursuits or any other incident which diminishes the community's confidence and trust in police officers and creates controversy, concern or distress in the community.

- (2) Review the internal affairs file related to the incident the review board is examining:
 - (a) Each member of the review board shall also have access to the findings of internal affairs investigations of similar incidents for the employee being investigated;
 - (b) The internal affairs files are confidential and shall not be disclosed to the public. In order to ensure confidentiality, the internal affairs files shall only be viewed by the review board at the police department under the supervision of the internal affairs records custodian and any notes taken by the review board shall remain in the review board's confidential files secured in the police department;
 - (c) An internal affairs officer familiar with the investigation shall present to the review board all findings of fact and a review of all evidence collected and received.
 - (3) Report to the police chief and the city manager the review board's findings and state one (1) of the following conclusions:
 - (a) Concur with findings of internal affairs investigation (with or without comment);
 - (b) Disagree with the internal affairs findings with recommendations;
 - (c) Advise that the findings of the internal affairs investigation are not supported by the information available to the review board;
 - (d) Advise that the internal affairs investigation is incomplete. In this instance, the review board may request through the police chief that the city manager appoint an independent investigator for further investigation, or request that internal affairs supplement the investigation in those areas determined to be deficient by the review board. The independent investigator shall be a licensed New Mexico attorney. The city manager shall maintain a pool of such investigators who shall be selected on a rotational basis, if appropriate under the circumstances.
 - (e) Make recommendations concerning further action it deems the police department should take in light of the circumstances.
- D. *Notification of Outcome to Complaint.* A citizen whose complaint has been investigated and the investigation is complete, may request and shall receive in writing from the internal affairs' designee, within forty-five (45) days, all information permitted by law.
- E. *Public Inspection of Records.* The inspection of the review board's records will be governed by the New Mexico Inspection of Public Records Act, NMSA § 14-2-1 (1994 Cum. Supp.).
- F. *Procedural Rules.* The review board shall follow Robert's Rules of Order as the procedural rules for carrying out the review board's duties.

(Ord. #1997-21, § 6)

6-15.7 - Meetings.

The review board shall meet at least once a month or on an as-needed basis. Any deliberations of the review board which do not address alleged improper conduct or performance of duties of a specific police officer and which are therefore excepted under the Open Meeting Act pursuant to NMSA § 10-15-1(E)(2) shall be open to the public and conducted pursuant to the Open Meetings Act and the city's open meetings policy.

(Ord. #1997-21, § 7)

6-15.8 - Compensation.

Members of the review board shall not receive any salary or compensation for services.

(Ord. #1997-21, § 8)

6-15.9 - Penalty.

A violation of the confidentiality provisions of this section by any person, is punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term of not more than ninety (90) days, or by both fine and imprisonment. The provisions of Section 1-3 SFCC 1987 shall apply.

(Ord. #1997-21, § 9)