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ORDINANCE NO. 3135

AN ORDINANCE OF THE CITY OF CHANDLER, CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 10, CHANDLER CITY CODE ESTABLISHING A CHANDLER CITIZEN'S PANEL FOR REVIEW OF POLICE COMPLAINTS AND USE OF FORCE, AND PRESCRIBING ITS MEMBERSHIP, POWERS AND DUTIES.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, that Chapter 10 of the Chandler City Code is hereby amended by adding Section 11 to read as follows:

Section 10-11. Chandler Citizens' Panel for Review of Police Complaints and Use of Force.

10-11.1 Established.

(a) There is hereby established a Chandler citizens' panel for review of police complaints and use of force ("panel") to be composed of fifteen (15) citizen members and six (6) police department members, three (3) of which will be alternates.

(b) When functioning as a review sub-panel as described in Sec. 10-11.4, each sub-panel shall consist of five (5) citizen members and three (3) police department members. The citizen members and chairperson of each sub-panel shall be selected by the City Manager.

(c) This panel shall act in an advisory capacity to the Chief of Police.

10-11.2 Appointment of Citizen Members; Terms of Office.

(a) The (15) members of the panel shall be selected from residents of the city and appointed by the Mayor, subject to approval of the Council.

(b) The term of office of citizen members shall be for three (3) years, except for the initial citizen members of the panel. Such terms shall be staggered so that the term of no more than five (5) citizen members shall conclude in any given year.

(c) A vacancy during a term in office shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

(d) Citizens who are selected for appointment shall have no felony convictions or convictions for misdemeanors involving moral turpitude. A criminal history records check of each citizen

selected for appointment shall be conducted prior to appointment. Each appointed citizen member shall have completed the Chandler Police Department's Citizens' Academy or complete the Academy within one (1) year of their appointment.

(e) Citizen members of the panel shall receive no compensation for their services as panel members.

10-11.3 Police Department Members Designated.

(a) The Chief of Police shall select six (6) police department employees, three (3) of whom are alternates, to serve as members of the panel.

(b) The three (3) police members shall consist of one (1) Division Commander, who shall serve for an indefinite term, one (1) first line supervisor, and one (1) line officer, both of whom shall serve for a two year term. Alternates shall consist of (1) Division Commander, who shall serve for an indefinite term, one (1) first line supervisor, and one (1) line officer, both of whom shall serve for a two year term. Alternates may serve on the panel only in the absence of their counterpart.

(c) The appointed Division Commander shall serve, in addition to his or her duties as a panel or sub-panel member, coordinate the mailings, meeting rooms and staffing required in order to conduct meetings of the panel and sub-panels.

10.11-4 Powers and Duties.

The Chandler Citizen's Panel for Review of Police Complaints and Use of Force shall have the following powers and duties:

(a) To establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties; to set a time for meetings which shall be held as needed if there is business to transact; to establish the manner in which special meetings shall be held and the notice to be given thereof; and to provide that eight (8) citizen members and three (3) police members shall constitute a quorum.

(b) To require attendance of the members at regular meetings and to provide that absence from three (3) consecutive regular meetings without consent of the panel shall be deemed to constitute the resignation of such member and such position shall thereupon be deemed vacant.

(c) To meet in sub-panels selected by the City Manager and conduct a review of the record of the following:

(1) All police shootings and police incidents when direct physical force by the police results in serious physical injury or death. Serious physical injury shall mean that as defined in A.R.S. § 13-105.34.

(2) The findings of the Police Department's investigation of unsustained, unfounded, or exonerated citizen complaints, when that citizen requests a review of the Police Department's findings. A request for review must be made within thirty (30) days from the date the citizen is notified of the findings of the Police Department investigation.

(3) Any Police Department incident, at the request of the Chief of Police.

(d) After a review of the record, each review panel shall make one of the following recommendations in a report to the Chief of Police:

(1) Agree with the findings of the Police Department investigation.

(2) Disagree with the findings of the Police Department investigation.

(3) Recommend to the Chief of Police that further investigation is warranted.

(4) Upon review of a use of police force incident, the review panel shall make a further recommendation as to whether the use of police force was within Police Department policy.

The recommendation shall be made within six (6) months of receiving the police department report pertaining to a complaint. The panel may extend the period for making a recommendation for up to one (1) year upon a majority vote of the panel.

(e) The panel may make recommendations to the Chief of Police concerning training programs, revisions of policies or procedures, commendable actions, preventive or corrective measures except for employee discipline and community concerns regarding police action and procedures.

(f) Three (3) citizen members and two (2) police members shall constitute a quorum for a sub-panel.

(g) The meetings of the sub-panels dealing with confidential personnel matters shall be executive sessions and shall be subject to the confidentiality of A.R.S. § 38-431.03.

(h) The panel shall make a report each July to the Chandler City Council of the number of reviews they have conducted and the recommendations they have made during the past year.

10-11.5 Review with the City Manager.

The Chief of Police shall review the recommendations of the Review Panel and sub-panels with the City Manager every quarter. The Chief may review recommendations with the City Manager more often, if he deems it necessary or for the good of the City or the Police Department to do so.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this 11 day of May, 2000.

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this 25 day of May, 2000.

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3135 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 25 day of May, 2000, and that a quorum was present thereat.

Carolyn Deeson
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

PUBLISHED: 5/31/00
6/7/00