

TEMPE CODE

DIVISION 12. TEMPE CITIZENS' PANEL FOR REVIEW OF POLICE COMPLAINTS AND
USE OF FORCE

Sec. 2-285. Established; composition.

(a) There is hereby established a Tempe citizens' panel for review of police complaints and use of force ("panel") to be composed of fifteen (15) citizen members and four (4) police department members consisting of two (2) sergeants and two (2) line level officers, who shall serve for a two (2) year term. The police department members shall be selected by the chief.

(b) When functioning as a review sub-panel as described in § 2-288, each sub-panel shall consist of six (6) citizen members and two (2) police department members consisting of one sergeant and one line level officer. The citizen members of each sub-panel shall be selected by the city manager. The police department members of each sub-panel shall be selected by the chief.

(c) The chief shall appoint an assistant chief to serve as the non-voting chairperson/facilitator of the panel and each sub-panel.

(d) This panel shall act in an advisory capacity to the chief of police and the city manager.

(e) The fifteen (15) citizen members of the panel shall be selected from residents of the city. The mayor will make three (3) selections and each council member will make two (2) selections.

(f) The term of office of citizen members shall be for three (3) years and shall commence on the first day of January of each year and end on the 31st day of December, three (3) years thereafter, 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.

(g) Citizen members of the panel may not serve more than two (2) complete consecutive terms. Any citizen member vacancies shall be filled for the remainder of the unexpired term in the same manner as such citizen member received original appointment.

(h) The city manager may for cause remove any citizen member of the panel

(i) Prospective citizen panel members may not serve if any of the following apply:

(1) Have been arrested by the Tempe police department within the last five (5) years;

(2) Have any felony convictions;

- (3) Are related directly to a Tempe police department employee;
- (4) Are a current or former Tempe police department employee;
- (5) Are a former employee of any other police agency within five (5) years of their police employment; or
- (6) Are an adversary party, a representative of an adversary party, or have any financial litigation or claim against the city relating to the police department or any individual in the police department.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.01, 01-24-08; Ord. No. 2008.68, 11-20-08)

Sec. 2-286. Repealed.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.01, 01-24-08)

Sec. 2-287. Repealed.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.68, 11-20-08)

Sec. 2-288. Powers and duties.

(a) The Tempe citizens' panel for review of police complaints and use of force shall have the following powers and duties:

- (1) To review such rules and regulations as it deems necessary for its government and for the faithful performance of its duties; and
- (2) To provide six (6) members of the panel for each sub-panel. A total of six (6) members of the sub-panel (officers and citizens) shall constitute a sub-panel quorum. The affirmative vote of five (5) members of each sub-panel shall be required for passage of any matter before the panel.

(b) The sub-panel shall have the following powers and duties:

- (1) To review all police shootings and any police incidents wherein direct physical force by the police results in serious injury or death. Serious injury is defined as physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb;
- (2) To review 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's investigation; and

To review any police department incident, at the request of the chief of police.

(c) After a review of the record, each review panel shall make one of the following findings in a written 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) Advise the chief of police that further investigation is warranted; or
- (4) Upon a review of a use of police force incident, the review panel shall make a further finding whether the use of police force was within police department policy.

(d) 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) as it relates to the sub-panel findings of the incident being reviewed.

(Ord. No. 99.13, 7-15-99; Ord. No. 2008.68, 11-20-08; Ord. No. 2009.37, 10-22-09)

Secs. 2-289—2-294. Reserved.