

A-2
**PUBLIC SAFETY PROFESSIONAL STANDARDS REVIEW PANEL
AND THE RESPONSIBILITIES THEREOF**

- 1.0 PURPOSE:** The purpose of this regulation is to establish a Longmont Department of Public Safety (LDPS) Professional Standards Review Panel and to define the responsibilities of such a panel. The purpose of the Professional Standards Review Panel is to provide a review of investigations of public safety employees conducted by the Professional Standards Unit and to provide recommendations to the Chief of Public Safety. This Administrative Regulation does not replace or eliminate any other personnel procedure provided in the Personnel Rules or other Administrative Regulations.
- 2.1 POLICY/PROCEDURE:** Under Section 3.04.050 of the Longmont Municipal Code the City Manager has the authority to discipline employees, to judge employees' general performance, to introduce new, improved or modified services, methods and techniques and to generally manage the City's operations and direct the work force.

The City of Longmont's policy is that all internal investigations by the LDPS of its employees (both sworn and civilian) and their conduct will maintain the integrity of the LDPS, protect citizens from employee misconduct, and protect employees from false or malicious allegations. In keeping with the 1997 strategy from Strategic Plan 2000 of involving citizens in the police discipline process, the City Manager hereby expands this strategy to establish a LDPS Professional Standards Review Panel with the power and duties described in this regulation.

2.01 Membership/Term of Office/Facilitator

- A. The City Manager shall appoint the members of the Panel, which shall be comprised of five citizens each of whom is a "qualified elector" of the City, as defined by the Longmont City Charter, who shall serve without compensation, who shall hold no other public City office or position in the City administration; one Sergeant in the Police Department; one police officer; one civilian employee of the Longmont Department of Public Safety; one Fire Department Lieutenant or Captain; and one firefighter or engineer. Citizen appointees shall: have no felony conviction(s), have no misdemeanor conviction(s) within five years of the date of their appointment, have no current restraining orders or protection orders, or restraining or protection issued within the last five years, have no current employment with any law enforcement agency, have no immediate family member who is a Longmont Department of Public Safety employee, and be willing to make a five-year commitment to the Panel, which may meet on a weekly basis. Longmont Department of Public Safety employee appointees shall continue to meet all requirements of their City position.

- B. Appointments shall be for a five-year term, except that each panel member shall continue to serve beyond the member's appointed term until the appointment of the member's successor. When a position becomes vacant during a term, the City Manager can appoint a member to serve the remainder of the term. A quorum is met when there are five panel members present.
- C. The City Manager shall appoint alternate members of the panel, which shall be comprised of one citizen, one police officer and one fire fighter or engineer. The alternate members of the panel shall be allowed to review the report, attend review panel meetings but cannot provide a recommendation of findings unless a quorum has not been met. A quorum is met when there are five Panel members present.
- D. Upon completion of their terms, both citizen and staff board members will become alternates and are eligible to serve on the Panel during the temporary unavailability of citizen or Longmont Department of public safety employee Panel member(s), respectively.
- E. In the event a Panel member resigns or otherwise cannot fulfill the obligations of their full term, the City Manager may appoint a replacement member, with any additional appointments maintaining the same category makeup as specified in Section A above. For example, in replacing a citizen member, the replacement shall also be a citizen.
- F. The City Manager shall appoint a Facilitator who will not have review or recommendation authority but shall facilitate the Panel in performing its duties.
- G. Panel members and alternates should not participate in the review of any matter in which they have a conflict of interest or the appearance thereof. In the event a potential conflict is not discovered until after the review has begun, a member or alternate should alert the Facilitator to the fact that a potential conflict has arisen. The Facilitator may confer with the City Attorney to seek guidance in mitigating the potential for conflicts of interest by the Panel.

2.2 Ground for Dismissal of Panel Members: The City Manager or Director of Public Safety may dismiss or temporarily remove any Panel member based on the following grounds:

- A. Failure or inability to keep information about the Professional Standards investigation confidential, per Section 2.5 below; or
- B. Arrest or conviction of any felony, misdemeanor, traffic misdemeanor offense, imposition of a restraining or protection or comparable City ordinance violation; or

- C. Conflict of interest with any Longmont Department of Public Safety employee, complainant, or witness involved in the Professional Standards investigation; or
- D. Based on the determination that the member can no longer effectively serve on the Panel, or when participation would undermine the confidence of Longmont Department of Public Safety employees or citizens in the integrity of the Panel's review.

2.3 Powers and Duties: The Panel shall have the following powers, authority, and duties:

- A. Review Authority. After the Professional Standards Unit or a Supervisor completes an investigation of alleged misconduct against a Longmont Department of Public Safety employee, the Professional Standards Unit shall give its confidential report on the matter to the Panel. The Panel shall meet to review the investigation as to fairness, thoroughness, and completeness. If the Panel believes the investigation is fair, thorough, and complete, the Panel shall proceed to the Recommendation Authority.

If the Panel believes the investigation is not fair, thorough, and complete, and the information lacking is significant to the Professional Standards investigation, the Panel shall return the investigation to the Professional Standards Unit or Supervisor for additional information. If the investigation is returned by the Panel, it is at the discretion of the Chief of Public Safety to authorize the further investigation. If/When the additional information is compiled, the Professional Standards Unit or Supervisor shall provide it to the Panel. The Panel shall again meet to review the Professional Standards investigation. The Panel shall then proceed to the Recommendation Authority below. Any Panel review or additional investigation shall be completed within one week unless the Chief of Public Safety grants a longer period for good cause.

- B. Recommendation Authority. After completing the review, each member of the Panel shall recommend a finding on the Professional Standards investigation. The finding shall be one of the following:
 - 1. Exonerated - The alleged action occurred but was justified, lawful and proper, or the employee was not a party to the alleged misconduct.
 - 2. Sustained - The allegation was supported by a preponderance of the evidence to indicate the employee committed an act that was unlawful, improper, or in violation of department procedures.

3. Not Sustained - There is insufficient evidence to clearly prove or disprove the allegation(s).
4. Unfounded - The complainant admits to false allegations. The allegations were false, not factual. The incident did not occur.
5. No Finding - The investigation was terminated because the complainant dropped the complaint or failed to cooperate with the investigation, and it was not otherwise possible to return a finding other than "not sustained."

2.4 The Panel need not reach a majority or consensus recommendation on the Professional Standards investigation. Each Panel member shall make a recommendation, either individually or by signing a group recommendation. Each member shall provide his or her recommendation to the Chief of Public Safety for their review. Any Panel member may submit written comments with the member's recommendation. Alternates shall only provide recommendations on findings if a quorum is not met. If multiple alternates are available to establish a quorum the alternate seniority list shall be Citizen, Police Officer, Fire fighter/engineer. Alternates shall be selected in that order until a quorum is met.

2.5 Training of Panel Members: Before serving on the Panel, each citizen and Department of Public Safety employee shall attend and complete the following training, which the Police Department and Legal Advisor shall provide:

1. Review of Procedures of the Longmont Department of Public Safety, Fire Department, and Police Department.
2. Review of Professional Standards Unit process and pertinent disciplinary processes.
3. Review of use of force policies and law and self-defense techniques used by the Police Department and Fire Department.
4. Accompany two different Longmont police officers, during two different shifts, for a minimum of four hours of each shift. Panel members who are Police Officers or Police Sergeants are exempted from this provision.
5. Accompany one fire engine crew for a minimum of four hours. Panel members who are Fire fighters, engineers, fire Lieutenants or Fire Captain are exempted from this provision.

2.6 Confidentiality of Records and Proceedings

- A. All records of the Professional Standards investigation are confidential records of the Professional Standards Unit, Police Department investigations, Fire Department Investigations, and criminal justice

investigation files compiled for law enforcement purposes, and personnel files for purposes of this Administrative Regulation. The Longmont Department of Public Safety, Panel members, and others shall handle them appropriately to prevent unauthorized release, consistent with applicable law.

- B. No records may be downloaded, copied, photographed or retained by any Panel members. Knowing, Intentional or Willful release of any records could result in criminal prosecution.

According to applicable law, the Panel and Facilitator shall conduct its proceedings in executive session and not as open meetings since they concern personnel matters and entail the consideration of documents protected under the Colorado Open Records Act and the Colorado Criminal Justice Records Act. The Professional Standards Unit Sergeant shall publish notice of Panel meetings according to CRS 24-6-401, et seq. At its first regular meeting of each calendar year, the Panel shall designate a public place or places for posting such notice and shall inform the City Clerk of that designation.

1. Facilitator shall open each meeting of the Panel, and if there is a motion from a Panel member that the Panel should meet in Executive Session, the Facilitator will call for a vote on the motion. Such request must be voted on and be approved by a 2/3 majority of Panel members present before an Executive Session may be commenced. The motion shall set forth the matter by identifying the PSU case number to be discussed during the Executive Session.

3.1 RESPONSIBILITY:

- It is the City Manager's responsibility to appoint members to the Panel in accordance with this regulation.
- It is the responsibility of all members of the Panel to provide a review of investigations in accordance with the Administrative Regulation.
- It is the responsibility of the Longmont Department of Public Safety to cooperate with the Panel in all investigations.

4.0 REFERENCE/EXHIBITS: This regulation replaces the prior version of A-2

NEXT REVIEW DATE: April 2026

DEPARTMENT RESPONSIBLE FOR REVISIONS: Department of Public Safety and City Manager

APPROVAL:



EFFECTIVE DATE:

4-5-2023

