

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.

2.01 Membership/Term of Office/Facilitator

- A. **Regular Members.** The City Manager shall appoint the members of the Panel, which shall be comprised of ten members as follows: 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 paid 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 orders 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 four-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. **Background Checks, CJIS Clearance & Training.** Because full participation in the work of the panel often requires access to criminal justice records, current and prospective members and alternates of the Panel must complete all required forms and training as well as submit to fingerprint-based background checks and periodic re-investigation and training required to comply with the Criminal Justice Information Services requirements as administered by the Colorado Bureau of Investigation. Citizen members must submit to a background check administered by the Department of Human Resources before appointment, and all members must disclose to the panel facilitator any new arrests, convictions or restraining or protection orders that may arise during their term.
- C. **Term & Quorum.** Appointments shall be for a four-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. Members willing to continue to serve at the end of their initial term may be automatically re-appointed for a second four-year term by the City Manager. A quorum is met when there are five panel members present, at least 3 of whom must be citizen members.
- D. **Alternates.** The City Manager shall appoint five citizen alternate members of the panel who shall be subject to the same eligibility requirements as members. Alternates shall serve a term of 2 years. In the event an alternate is needed for a staff member vacancy, the City Manager shall appoint a staff alternate of the same classification as the vacant member. The alternate members of the panel shall be allowed to review the report and attend review panel meetings but cannot provide a recommendation of findings pursuant to Section 2.4 unless a quorum has not been met.
- E. **Vacancies and Selection of Alternates for a Quorum.** In the event a Panel member resigns or otherwise cannot fulfill the obligations of their full term, the City Manager shall select from the list of alternate members to serve the remainder of the departed member's term or appoint a member if needed to fill an employee panel member vacancy. Selection of alternates to fill a panel vacancy must maintain the same category makeup as specified in Section A above. For example, in replacing a citizen member, the replacement shall also be a citizen. Where citizen alternates are needed to achieve a quorum for a given meeting, they shall be selected on a rotating basis, such that the last alternate seated will not be eligible to be serve again until the other alternates have been invited to serve.

- F. **Panel Facilitator.** The City Manager shall appoint a Facilitator, typically the PSU Sergeant, who will not have review or recommendation authority but shall facilitate the Panel in performing its duties such as by convening a panel, reaching out to alternates as needed, and providing members with records and department policies or personnel rules pertinent to their review. The Facilitator shall set the location of meeting, which will typically take place in the Safety and Justice Building but will always be in a City facility. A staff member from Human Resources may attend meetings of the Panel but not vote or act as a member.
- G. **Conflicts.** 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 to keep information about the Professional Standards investigation confidential, per Section 2.5 below; or
- B. Failure to comply with administrative regulations and policies that pertain to use of city resources and access to criminal justice records (A-4 - Use of City Resources, A-4.5 - Use of City Information Technology Resources, and Public Safety Department Policy 824 – CJIS Security Policy); or
- C. Arrest or conviction of any felony, misdemeanor, traffic misdemeanor offense, imposition of a restraining or protection or comparable City ordinance violation; or failure to disclose same to the panel facilitator within 14 calendar days of the occurrence; or
- D. Conflict of interest with any Longmont Department of Public Safety employee, complainant, or witness involved in the Professional Standards investigation; or
- E. Based on the determination that the member can no longer effectively serve on the Panel, including any instance in which a member becomes ineligible for CJIS clearance, 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.

2.5 Training of Panel Members: As soon as practicable upon serving on the Panel, each citizen member and alternate and Department of Public Safety employee member shall attend and complete the following training, which the Police Department shall provide, in consultation with Human Resources and City Attorney or designee as needed:

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. Release of any records could result in criminal prosecution. Meetings of the panel concern personnel matters and entail the consideration of documents protected under the Colorado Open Records Act and the Colorado Criminal Justice Records Act. They are not meetings to discuss public business.

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 the City Clerk's Office to handle recruitment and manage membership of the committee. The City Clerk's Office in conjunction with Human Resources and Public Safety will determine the eligibility of applicants prior to any interviews.
- 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. See also City A-4 and A4.5 as well as Department of Public Safety Policy 824 (CJIS Security Policy).

NEXT REVIEW DATE: August 2028

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

APPROVAL:

A handwritten signature in black ink, appearing to be 'J. P. [unclear]', written over a horizontal line.

EFFECTIVE DATE: 7/24/2025