

AN ORDINANCE TO CREATE A NEW CHAPTER 37 OF THE CODE OF THE CITY OF SARATOGA SPRINGS, NY, ENTITLED “CIVILIAN REVIEW BOARD”

BE IT ORDAINED by the City Council of the City of Saratoga Springs, NY, as follows:

SECTION 1: A new Chapter 37 of the Code of the City of Saratoga Springs, entitled “Civilian Review Board”, is hereby enacted to read:

CHAPTER 37  
CIVILIAN REVIEW BOARD

37-1 FINDINGS AND PURPOSE

The City Council of the City of Saratoga Springs finds that the establishment of a civilian review board to act as a liaison between the community and the Police Department is a proper way to provide communication, promote transparency and accountability, submit complaints, review policies, and further public safety and the general public interest.

The Council intends that members of the Civilian Review Board (CRB) shall be chosen to represent a range of culturally and economically diverse experiences and views, with consideration to the effect each appointment will have in maintaining that diversity of representation. The Council further intends that all members of the CRB be able to objectively, dispassionately, and fairly represent the community in all matters before the Board.

37-2 DEFINITIONS

**INTERACTION** – Any situation or circumstance in which the person filing the complaint with the CRB was physically present at the time of the alleged act of the officer or officers.

**ABUSE OF POWER** – Any deliberate exercise of authority in an official capacity by a sworn police officer that is in excess of or unrelated to a lawful objective.

37-3 CIVILIAN REVIEW BOARD

1. There is hereby created a board to be known as the Saratoga Springs Civilian Review Board (CRB). The CRB shall consist of five (5) members, who shall all at the time of their appointment be over eighteen (18) years of age, with one member being under thirty (30) years of age, and who shall all be residents of the City of Saratoga Springs for at least three (3) continuous years immediately prior to their appointment, and continuously for the duration of their appointment. Three

members shall constitute a quorum of the Board. Members shall serve until their successors are appointed, however, any member may be removed for cause at any time by a vote of at least four Council members.

2. The Mayor shall propose each person for appointment to the CRB, but each appointment shall be approved by at least four Council members. Of the initial members appointed, two shall serve a term of three years, two shall serve a term of two years, and one shall serve a term of one year, as assigned by the Mayor. After the expiration of said initial members' terms, the terms of members shall thereafter be three (3) years. No person shall serve as a CRB member for more than six (6) consecutive years. No City elected officer (as that term is defined in Section 2.1 of the City Charter), appointed officer, or employee of the City of Saratoga Springs, or any immediate relative of any officer or employee, shall be a CRB member.
3. Persons interested in becoming a member of the CRB shall submit application in writing on forms provided by the Mayor's Office and approved by the City Council. The application shall be signed by the applicant and shall indicate the applicant's understanding that the entire application shall be a public document and shall be posted on the city's website for public review at least 30 days before being submitted for approval.
4. Applicants who have been previously convicted of one or more criminal offenses shall be evaluated pursuant to the factors in Article 23-a of the Corrections Law.
5. All CRB members shall serve without compensation and shall be subject to both an initial background check and continuing education and training.
6. The Mayor's Office shall be responsible for establishing funding for the CRB, and shall establish requirements for education and training of members.

At its first meeting each year, the members of the CPB shall elect one of its members to serve as chair for that year. Any CRB member shall be eligible to serve as chair. The chair shall have responsibility to preside at meetings of the CPB and to organize agendas for each meeting, in the chair's discretion.

#### 37-4 FUNCTIONS OF THE BOARD

The CRB shall have authority to perform the following advisory functions:

1. To recommend amendments to the policies, rules, regulations and orders, not inconsistent with the laws of the State of New York, for the administration of the city Police Department, and to submit such recommendations to the Commissioner of Public Safety.
2. To develop procedures and forms for the investigation of formal written complaints by any person who alleges that, during that person's interaction with an officer or officers of the Saratoga Springs Police Department, the person was subjected to the use of excessive force or the abuse of power. All complaints must be filed with the CRB within ninety (90) days of the interaction.
3. All procedures and forms developed by the CRB shall be subject to approval by the City Council.

4. To review all records held by the Police Department that are reasonably necessary to conduct a review of a submitted complaint. However, upon the written recommendation of legal council retained by the City for that purpose, the Mayor may suspend the CRB's review of any complaint where a separate investigation or judicial proceeding is underway, or where a civil action against the City is underway or pending. Upon the conclusion of such separate proceedings, the CRB may resume or undertake its review.
5. To recommend, following the review of a complaint and a finding that an officer has acted in a manner indicating excessive use of force or abuse of power, that further action be taken by the Commissioner of Public Safety to resolve the complaint.
6. To keep records of its proceedings, including files of all complaints and materials reviewed.
7. To make annual reports in writing to the City Council and to the public indicating the number of complaints reviewed by the CRB, as well as a summary of any policy or procedure recommendations and other actions taken.

#### 37-5 CONSTRUCTION AND SEVERABILITY

1. This Chapter favors the promotion of public documentation and openness in the resolution of complaints of police misconduct. It shall be deemed to supersede any and all local laws, ordinances, and administrative orders of the City of Saratoga Springs which are inconsistent with or conflict with any provisions of this Chapter.
2. No action, finding or determination made pursuant to this Chapter shall in any way conflict with or abridge the rights of complainants or officers guaranteed by the Constitution of the United States, the Constitution of the State of New York, or any federal or state law, rule, regulation, or administrative order.
3. If any clause, sentence, paragraph, section or part of this Chapter shall be adjudged by any court of competent jurisdiction to be invalid or otherwise unenforceable, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined. In its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 2: This ordinance shall take effect the day after publication as provided by the City Charter of the City of Saratoga Springs, NY

ADOPTED: