

ORDINANCE NO. ____

AN ORDINANCE CREATING AND ENACTING
CHAPTER 19D OF THE ROCHESTER CODE OF
ORDINANCES RELATING TO THE ESTABLISHMENT
OF THE POLICE POLICY OVERSIGHT
COMMISSION.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER DO ORDAIN:

Section 1. Chapter 19D of the Rochester Code of Ordinances is hereby created and enacted to read as follows:

19D. POLICE POLICY OVERSIGHT COMMISSION

19D.01. Police Policy Oversight Commission Established. Subdivision
1. There is hereby established a Police Policy Oversight Commission
("Commission").

Subd. 2. The Mayor shall appoint, with the Common Council's advice and consent, seven members of the Commission as follows:

- A. One person recommended for membership by the Rochester branch of the National Association for the Advancement of Colored People ("NAACP") and subsequently appointed by the Mayor;
- B. One person recommended for membership by the Olmsted County Human Rights Commission ("OCHRC") and subsequently appointed by the Mayor;
- C. Five people appointed by the Mayor based on their interest and involvement in social justice and human rights. Community-based organizations shall be encouraged to recommend to the Mayor candidates for commission membership;

Subd 3. The Commission members shall serve staggered three-year terms.

- A. Upon creation of the Commission, three members will be appointed for a term of three years each, three members will be appointed for a term of two years each, and one member will be appointed for a term of one year. Each initial term of

office shall expire on December 31st of the year the term is scheduled to expire. All subsequent appointments will be made for three-year terms. All members shall serve until their successors have been appointed and qualified.

- B. Individuals who may be reasonably perceived as having interests that conflict with the neutral and unbiased nature of the Commission are not eligible for appointment. This prohibition includes, but is not limited to, current or former peace officers, current City employees, former City employees whose work included substantial involvement with the Police Department, or any individual who is or was a party to litigation involving the City and its Police Department.

Subd. 4. Members will not receive a salary for their services, but may be compensated for any approved expenses incurred in the performance of their duties in accordance with guidelines established by the Council.

Subd. 5. The Commission shall meet at least four times a year. The Commission shall hold its first meeting within 45 days after the day this Chapter becomes effective. At the first meeting, the members shall adopt rules concerning the following business:

- A. Time, dates, and places of future meetings;
- B. Election of officers; and,
- C. Voting and quorum requirements.

Subd. 6. The Commission shall elect from its members a chairperson and such officers as it may deem necessary. The Commission shall make such rules as it may deem advisable and necessary for the conduct of its affairs and for the purpose of carrying out the intent of this chapter.

Subd. 7. Support staff services shall be provided by Police Administration and legal services shall be provided by the City Attorney's office. Requests for information or assistance shall be made through the Department's Professional Standards Manager. Consultant or clerical services may be contracted for only if approved by the Common Council.

Subd. 8. Commission members will receive relevant training, education and information regarding police policy and procedure as provided by the Police Department.

19D.02. Commission Duties. Subdivision 1. Following its establishment, the Commission shall review and comment on the policies, practices and procedures adopted or to be adopted by Police Administration as they relate to the legal requirements of state and federal law and the expectations of the community. The Commission shall also, to the extent allowed by the Minnesota Government Data Practices Act, review those incidents in which a member of the public has alleged that a member of the Department has engaged in conduct violating an existing policy, practice or procedure, or that an existing policy, practice or procedure is unlawful. The Commission may make policy and procedure recommendations to the Department as well as educational initiatives that may be of benefit to the public and/or the department.

Subd. 2. In the event the Commission believes a policy, practice or procedure to be in conflict with state or federal law, the Commission will bring that conflict to the attention of the City Attorney who will make a determination regarding the legality of the policy, practice or procedure at issue.

Subd. 3. In the event the Commission believes a policy, practice or procedure is inconsistent with the expectations of the community, the Commission will initiate discussions with the chief of police in order to resolve that inconsistency. Should the inconsistency not be resolved, the Commission may notify the Mayor and ask for a determination regarding the issue in question. In the event the issue still remains unresolved, and the Mayor and Commission feel it is of sufficient gravity or consequence to warrant Council intervention, the Mayor may refer the issue to the Common Council for resolution. The Common Council may consider the issue and, at the discretion of the Council, resolve it either by consensus or through a public hearing and subsequent issuance of a formal resolution.

19D.03. Annual Report. The Commission shall, with the Department's assistance, draft and provide an annual report to the Mayor outlining its activities during the preceding year and providing a general overview of the Department's adherence to its approved policies, practices and procedures. The Commission may note specific concerns or deficiencies for the Mayor to consider.

19D.04. Allegations of Police Officer Misconduct. Subdivision 1. Pursuant to the Peace Officers Disciplinary Procedures Act, the Commission shall not have the authority to investigate or make a finding of fact or determination regarding a complaint against an officer or impose discipline on an officer. The Commission may make a recommendation regarding the merits of a complaint. However, the recommendation shall be advisory only and shall not be binding on nor limit the authority of the chief of police or the City of Rochester.

Subd. 2. Any complaints regarding employee misconduct made to the Commission or its members are to be referred to the Department's Professional Standard's Manager for appropriate review and investigation in accordance with the Peace Officers Disciplinary Procedures Act.

Section 2. This ordinance shall be effective as of the date of its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2015.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2015.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)