

By-Laws and Rules of the Police-Civilian Internal Affairs Review Commission of the City of Mechanicville, New York

The Police-Civilian Internal Affairs Review Commission (hereinafter referred to as the Commission) shall seek to fulfill the purpose and goals established by Article II of the City of Mechanicville Charter, S39-6, adopted in January of 1997.

Consistent with the understanding of the Mayor, the City Council, the Mechanicville Police Department and the people of the City of Mechanicville, the Commission will serve as an independent, autonomous body concerned with the welfare of all of the people of the City of Mechanicville. To further the mission, the Commission will promote and enhance the relationship of mutual respect, understanding and trust between the people of the City and the Mechanicville Police Department.

The Commission shall review all complaint investigations concerning members of the Mechanicville Police Department including, but not limited to, complaints of excessive use of force, inappropriate use of firearms, discrimination, poor public relations, and violation of civil rights. The public can submit a complaint via the website or in writing to the Commission.

The Commission shall execute their duties and responsibilities and apply the powers granted to them in accordance with the provisions set forth in Article II Section 39-6 of the City Charter and in compliance with all State laws applicable to the conduct of the Commission.

Effective with the date of approval of these by-laws and rules the Commission shall assume responsibility for all civilian complaints of misconduct by officers and employees of the Mechanicville Police Department. The Commission shall act upon any pending complaints as if the same had been filed originally with the Commission.

Article I – Name

- Section 1. Name of Commission – The name of the Commission shall be the Police Civilian Internal Affairs Review Commission.

Article II – Location

- Section 1. Location of the Commission official mailing address shall be
36 North Main St, Mechanicville NY 12118

All persons wishing to correspond with the Commission for any reason, including submittal of a complaint shall direct correspondence to the Commission at its official mailing address.

Article III – Membership

- Section 1. There is hereby created the Commission consisting of seven (7) voting members to be appointed by the Mayor with consent of the Council. All members shall be residents of the City. Six (6) members shall be citizen members and one (1) shall be a member of the Mechanicville Police Benevolent Association (PBA) who shall be recommended by the PBA to the Mayor for appointment. Members shall, to the extent possible, be representative of the City's diversity of neighborhoods, races, and cultures, abilities, incomes and sexual orientations. No City Council member shall serve on the Commission.
- Section 2. The original appointments to the Commission by the Mayor of the six (6) citizen members shall be for terms of one (1), two (2) and three (3) years as designated by the Mayor. Thereafter, citizen members shall be appointed for a three (3) year term.
- Section 3. The original appointment of the Commission by the Mayor of the Mechanicville Police Benevolent Association representative shall be as recommended by a majority PBA

vote, and he or she will serve one two year term. No PBA member shall serve more than two (2) consecutive terms. No member of the PBA or his or her immediate family shall be eligible to serve as a citizen member.

- Section 4. The Commission shall meet a minimum of quarterly and up to twice a month as determined by a majority of the Commission. The Commission shall elect a Chair and Vice Chair to preside over its proceedings and shall also elect a Secretary who will be responsible for the minutes of Commission meetings. The Commission Chair shall be elected from among the citizen members. Any costs associated with Commission minutes or paperwork involved will be borne by the Department of Public Safety.
- Section 5. Attendance at Commission Meetings; removal for excessive absences. The qualification of members of the Commission, the removal of members and the filling of vacancies on the Commission shall be governed by the Mayor. Upon the unexcused absence of any member of the Commission from three (3) consecutive regular meetings of the Commission during any 12 month period, the Commission may, by two-thirds vote of the entire Commission, recommend to the Mayor that it remove such member for cause. After completion of the roll call at each regular meeting, the Chair shall announce each absence that the Chair has excused for substantive and valid excuse and the same shall be recorded in the minutes of such meeting.
- Section 6. Completion of orientation program by new members. Within thirty (30) days following the appointment of a new member, such new member shall complete the orientation program. No member may participate as a voting member without completion of such program.
- Section 7. Resignations from the Commission. Any member of the Commission seeking to resign from it shall submit his or her

resignation in writing to the appropriate appointing authority and also to the Chair of the Commission.

- Section 8. Filling of Commission vacancies in a timely manner. Upon the creation of a vacancy on the Commission due to a resignation, death, disqualification or removal of a member, the Commission shall give notice to the Mayor, and shall also request the appropriate appointing authority to fill the vacancy within thirty (30) days in order to facilitate satisfaction of the quorum requirements of the Commission.

Article IV: Officers

- Section 1. Election of Officers. The members of the Commission shall annually elect from their membership at the first regular meeting of the Commission in January. Nominations for the election of offices shall be made at the regular meeting immediately preceding the meeting at which elections are to take place. The term of the Chair and other officers shall commence on the date of their election and shall end upon the date when their successors have been elected and qualified.
- Section 2. Duties of Officers – Chair – The Chair shall:
- a) Be the presiding officer at all regular, special and emergency meetings of the Commission and shall be authorized to call special and emergency meetings;
 - b) Serve as Chair of the Commission on public official liaison;
 - c) Perform all duties incident to such office and such other duties as may be prescribed by these by-laws and rules;
 - d) Decide on all points of order and procedure during the meetings, and the Chair's decision shall be final unless overruled by a majority vote of the members;
 - e) Be the principal spokesperson on behalf of the Commission and may designate another member of the Commission as

a media liaison officer to assist the Chair with respect to media relations.

Duties of Vice-Chair - The Vice Chair shall:

- a) In the absence of the Chair, or in the event of the Chair's resignation, death, disqualification, removal or inability or demonstrated continued refusal to fulfill the powers and duties of the office of the Chair, the Vice-Chair shall perform the duties of the Chair and, when so acting shall have all the powers and duties and be subject to all the restrictions upon the Chair.

Duties of Secretary – The Secretary shall:

- a) The Secretary shall have the primary responsibility for the preparation of the minutes of all meetings of the Commission, including minutes of executive sessions of the Commission as authorized under the Open Meetings Law of the state.

Section 3. Training required. Each member of the Commission shall, prior to assuming official duties, participate in a training program which shall include topics related to police work, investigation, relevant law, cultural diversity, gender, sexual orientation, disability, and the emotional impact of abuse. They shall also participate in two (2) ride along with an officer on actual patrol duties during the year. Failure to complete the training program shall constitute cause to terminate a member's appointment by the Mayor as recommended by the Chair. Any and all training will be provided by the Chief of Police at no cost to the city. Additionally, a violation of law regarding government data practices shall constitute cause to terminate a member's appointment by the Mayor as recommended by the Chair.

Section 4. Request for appearances and gathering of additional information. The Commission may request that individuals

appear before it to state facts to supplement files. The Commission may also request Internal Affairs staff to gather such additional information so may be needed for a determination by the Commission.

- Section 5. Recommendations. The Commission, after review and deliberation of an investigation, shall, by majority vote, and make its recommendation on the case. Such recommendation by the Commission shall be upon a finding that the complaint be sustained; or that the complaint not be sustained; or that the officer be exonerated; or that the complaint is unfounded; or that the matter does not involve guilt or lack thereof but rather a failure of a departmental policy to address the situation. The Commission shall also, by majority vote, make a recommendation as to any action to be taken concerning an involved officer.
- Section 6. Determination and disposition of investigation by Chief of Police and Mayor. Failure of the Commission to reach a majority decision shall cause the investigation to proceed directly to the Chief of Police and Mayor for determination and disposition.
- Section 7. Chair to inform Chief and Mayor in writing. If a majority decision is obtained, the Chair of the Commission shall, in writing inform the Chief of Police and Mayor of the recommendation along with the rationale therefor.
- Section 8. Action when Chief, Mayor, and Commission disagree. In the event that the Chief of Police and the Mayor disagree with the action recommended by the Commission, the Chief shall notify the Commission in writing, of the action the Chief and Mayor intend to impose. The Commission Chair, Chief of Police, and Mayor shall have five (5) working days to discuss any concerns they may have before any action is finalized. This provision does not prohibit the Chief of Police and Mayor from taking immediate action in any case.

Article V: Official Statement of the Commission

Section 1. Official statement of the Commission. It is the intention of the Commission to promote full, active and meaningful participation by the members of the Commission in the undertaking of their responsibilities as members. It is the further intention of the Commission to encourage the exercise of thoughtful discretion in order to curtail or minimize the potential for inconsistent public statements made by members of the Commission that may be construed by the public or the media in a manner detrimental to the fulfillment of the Commissions mission. Only the Chair or his or her designated media liaison officer shall make official statements for the Commission. Except when expressly authorized by the Chair to speak on behalf of the Commission, each member shall refrain from speaking for the Commission and shall make diligent efforts to avoid the appearance of doing so. When a member is invited to participate in an event or to make a presentation in his/her official capacity as a member of the Commission, such member shall make diligent effort to notify the Chair. Nothing herein shall be deemed, however, to prohibit a member from expressing individual opinions or perspectives.

Article VI – Meetings

Section 1. Conduct of meetings. The Commission shall conduct all of its meetings consistent and subject to all city ordinances and published policy directives. Further the Commission shall be subject to statutes regarding government data practices, open meetings, peace officers bill of rights and related law. The Agenda for the Commission meetings shall be as follows:

1. Call to Order
2. Roll Call
3. Acceptance of minutes of last meeting

4. Changes to the Agenda
5. Public Comment
6. Communication made to the Commission from the Mayor and Chief of Police
7. Commission member announcements
8. Report from the Chair
9. Old business
10. New business
11. Review of complaints
12. Adjournment

- Section 2. The Commission will meet quarterly, meeting in the months of January, March, June, and October at a time and place to be determined by the Commission. In the event that a serious and emergent matter involving the public interest for which the prompt attention of the Commission is necessary or appropriate shall arise in either of such months, the Chair shall exercise prudence and due diligence in calling a special emergency meeting to address such a matter at that time.
- Section 3. Public Notice of Meetings. The Commission shall give public notice of regular meetings and special and/or emergency meetings. The meeting notification requirements of the Open Meetings Law of the state shall apply to the meetings.
- Section 4. Making of motions. Motions may be made or seconded by any member of the Commission, including the Chair.
- Section 5. Confidentiality of privileged information. Members of the Commission shall maintain the confidentiality of all confidential or privileged information received in the course of their service on the Commission in according with the provisions of State and Local law. Members shall maintain a thorough knowledge of the legal protection accorded by the State and local law to the privacy of police records, including the penalties for the violations of laws which guarantee the

security of such records and the individual rights of privacy and confidentiality.

- Section 6. Recommendation for removal of a member for violations of provisions relating to confidential and private information. The Commission, by a vote of five (5) may recommend to the Mayor the removal of a member from the Commission for cause based upon a violation of the provisions of State and Local law that guarantees the security of confidential records or the right of privacy for individuals, including, but not limited to, complainants and any officer or other employee of the Mechanicville Police Department who is subject of a complaint.
- Section 7. Conflicts of interest; member recusal. Members who believe they have a conflict of interest on a matter about to come before the Commission shall state the reason for the conflict of the interest, leave the meeting before discussion of the matter begins, and remain out of the meeting during the discussion of the matter and during any vote taken thereon.
- Section 8. Voting. Five (5) members of the Commission shall constitute a quorum. The Commission shall take no action at a meeting other than to recess or adjourn in the absence of a quorum. Except as otherwise provided herein, the affirmative vote of not fewer than five (5) members is required for adoption of any action or motion. Upon request of any member, voting on a motion or resolution shall be by roll call and will be recorded by yeas and nays. Every member of the Commission, including the Chair, is required to cast a vote upon each motion. A member who abstains shall state the reason for abstention.

Article VII – Review of Complaints

- Section 1. Commission rules to be utilized in the review of complaint investigations and the making of findings. The Commission shall adhere to the following rules for each case:

- A) The Chair shall announce each case.
- B) The Chair shall review with the Commission the preliminary report of the Police Department's findings or the response made by the Mayor and the Chief. Such review shall also include consideration of the preliminary or final finds made by the individual appointed by the Commission as an observer, monitor and investigator, as well as any other information that may have been received regarding the complaint.
- C) The Commission shall consider the content of the preliminary report, the response from the Mayor and the Chief and all other relevant information as described. Video and audio tapes may be reviewed.
- D) Upon completion of the review of such report or response, discussion shall be conducted by the members regarding such Report or response.
- E) At the conclusion of all discussion, written findings by the Commission shall be made and forwarded to the Chief of Police, but not to the affected officer and the complainant. Included in the written findings shall indicate the vote of the Commission on the particular case, indicating the number of ayes and nays on the matter. There shall be no indication of the names of the member who cast such votes.
- F) The written findings of the Commission shall be signed by the Chair.

Article VIII – Public Access to Commission Records

Section 1. Commission compliance with Freedom of Information Law. The Commission shall comply with Article 6 (Freedom of Information Law).

Article VIII – Amendments

- Section 1. By-laws and rules amendments. These By-Laws and Rules may be amended only at a regular meeting of the Commission, provided that written notice of the proposed amendment be given to each member no later than the regular meeting prior to the meeting at which the members will vote on the proposed amendment.

