

FIRST AMENDMENT

Bill No. 99-26

Ordinance No. 5149

AN ORDINANCE RELATING TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; AMENDING TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE ESTABLISHMENT OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD, DESIGNATING THE QUALIFICATIONS AND MEANS OF SELECTION OF MEMBERS, PROVIDING FOR THE TRAINING OF MEMBERS, SETTING FORTH THE JURISDICTION OF THE REVIEW BOARD, PROVIDING FOR THE ESTABLISHMENT OF A SCREENING PANEL AND OTHER PANELS OF THE REVIEW BOARD, SPECIFYING PROCEDURES FOR THE CONDUCT OF THE PANELS, AND PROVIDING FOR APPEALS OF PANEL RECOMMENDATIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH

Sponsored By:
Councilman Arnie Adamsen

Summary: Provides for the establishment of the Las Vegas Metropolitan Police Department Citizen Review Board.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 2 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, consisting of the provisions set forth as Sections 2 to 12, inclusive, of this Ordinance.

SECTION 2: Pursuant to the authority of Chapter 289 of the Nevada Revised Statutes, there is created the Las Vegas Metropolitan Police Department Citizen Review Board. The Review Board may advise the Las Vegas Metropolitan Police Department and its Committee on Fiscal Affairs on issues concerning peace officers employed by the Department, refer to the Department complaints against officers, and review internal investigations by the Department regarding discipline. The purpose of the Review Board is to act as an advisory body to the Department and its Committee on Fiscal Affairs, and to inform the public of the Review Board's recommendations to the extent permitted by law. The Review Board shall perform its functions without regard to race, color, religion, sex, age, handicap, sexual orientation, national origin or political affiliation.

SECTION 3: (A) "Citizen" means a member of the public.

(B) "City" means the City of Las Vegas.

- 1 (C) "Council" means the City Council of the City.
- 2 (D) "County" means Clark County, Nevada.
- 3 (E) "Department" means the Las Vegas Metropolitan Police Department.
- 4 (F) "Director" means the Director of the Citizen Review Board, or the Director's
- 5 designee.
- 6 (G) "District Attorney" means the District Attorney of Clark County, Nevada.
- 7 (H) "Duties," as used in Section 8 of this Ordinance, are the Review Board's
- 8 functions of the referral to the Department of complaints against officers, and the review of internal
- 9 investigations by the Department.
- 10 (I) "FAC" means the Department's Committee on Fiscal Affairs.
- 11 (J) "Officer" means a peace officer employed by the Department.
- 12 (K) "Panel" means a five-member panel of the Review Board.
- 13 (L) "Review Board" means the Las Vegas Metropolitan Police Department Citizen
- 14 Review Board.

15 SECTION 4: (A) There shall be a Director of the Review Board, who shall be

16 appointed by the County Manager, in consultation with the City Manager, with the advice and consent

17 of the Board of County Commissioners and the Council, and who shall serve at the pleasure of the

18 County Manager with the consent of the Board of County Commissioners and the Council.

19 (B) The County and the City may, upon mutual agreement, provide such funding,

20 staffing, legal counsel and other resources as they determine, according to their sole discretion, to be

21 necessary for the performance of the functions of the Director and the Review Board. Neither the

22 Director, the Review Board, nor any panel of the Review Board shall incur any expense for which

23 funding has not been approved by the City and the County.

24 SECTION 5: (A) The Review Board shall consist of 25 members, 13 of whom

25 shall be appointed by the members of the FAC who are representatives of the County, and 12 of whom

26 shall be appointed by the members of the FAC who are representatives of the City.

27 (B) A person appointed to the Review Board must:

- 28 (1) Be a resident of Clark County, excluding any incorporated cities other

1 than the City of Las Vegas;

2 (2) Not be currently employed as a peace officer. No more than five
3 members of the Review Board may be former peace officers;

4 (3) Not be a current employee in any capacity of the Department; a former
5 peace officer employed by the Department; or a spouse, child, sibling or parent of such a person;

6 (4) Not be a current elected official;

7 (5) Not be a person convicted of a felony; and

8 (6) Not be or have been a party in litigation against the Department, or
9 against the County or the City with regard to any detention facility.

10 (C) The members shall be appointed from a list of names submitted by interested
11 persons. Notice that applications for appointment to the Review Board are being accepted shall be
12 published at least once in a newspaper having general circulation in the County at least 30 days before
13 the list is initially established. Applications for appointment shall be submitted to the Director.
14 Applicants must state whether they meet each of the eligibility criteria set forth in Subsection (B) of
15 this Section. Applicants shall waive confidentiality and privacy as to records of criminal history,
16 employment history, and such other information as is necessary to verify their eligibility and
17 suitability for appointment, and shall authorize disclosure of such information for that purpose.
18 Information about an applicant which is of a confidential nature shall not be disclosed, except:

19 (1) In the course of administration of this Chapter;

20 (2) To authorized representatives of the County or City; or

21 (3) Upon lawful order by a court of competent jurisdiction.

22 (D) The Director shall prescreen applications and disqualify any applicant who does
23 not meet the minimum requirements set forth in Subsection (B) of this Section. Any applicant who
24 is disqualified shall be so advised by the Director. The Director shall forward all applications,
25 together with any grounds for disqualification, to the members of the FAC who are representatives
26 of the City and the County.

27 (E) The County and City members of the FAC shall alternately appoint persons to
28 the Review Board from the list of applicants submitted to them, with the County members making the

1 first selection.

2 (F) The members of the FAC who are representatives of the City may by mutual
3 agreement select and appoint persons to the Review Board from the list of applicants submitted to
4 them. If the City members of the FAC are unable to agree, each will alternately make an appointment
5 until the requisite number of persons has been selected. In such case, the first selection shall be made
6 by the person with the greatest amount of time served as a member of the Council. If the City
7 members of the FAC have equal amounts of service time, the person to make the first selection shall
8 be determined by a toss of a coin.

9 (G) In order to fill vacancies on the Review Board, the Director shall maintain an
10 updated list of applicants available for appointment. The Director may update the list by adding the
11 names of additional applicants and deleting the names of persons who become disqualified or who
12 notify the Director that they are no longer interested in serving on the Review Board. The Director
13 may accept applications at any time, but may solicit applications only through advertisement as
14 described in Subsection (C) of this Section. Except as otherwise provided herein, applications shall
15 remain active for a period of three years from the date of submittal. All subsequent applicants shall
16 be subject to the same prescreening and background investigation requirements as the initial
17 applicants. Vacancies shall be filled by action of the current representatives of the entity which
18 originally appointed the position. When openings exist for both County and City members of the
19 Review Board, the members of the FAC who represent the County and the City will appoint Review
20 Board members and fill vacancies for unexpired terms from the most recent list of applicants
21 according to the procedures set forth in Subsection (E) of this Section. The members of the FAC who
22 represent the City will appoint Review Board members and fill vacancies for unexpired terms from
23 the most recent list of applicants according to the procedures set forth in Subsection (F) of this
24 Section.

25 (H) The Director shall forward to the District Attorney's Office, for background
26 investigation, the application of each person tentatively selected for appointment. The District
27 Attorney's Office will return the results of its investigation, including any areas of concern and any
28 grounds for disqualification it has discovered, to the Director, who shall forward them to the

1 applicable appointing authority. The appointing authority shall then make the appointment final, or
2 select another applicant according to the procedures set forth in this Section. The appointing authority
3 shall advise the Director of any applicant who is disqualified, and the Director shall notify the
4 applicant.

5 (I) The Director shall maintain a current list of Review Board members, and shall
6 notify the FAC of all appointments to the Review Board.

7 (J) The initial City appointments to the Review Board shall consist of four
8 members whose terms expire the first Monday in January, 2000; four members whose terms expire
9 the first Monday in January 2001; and four members whose terms expire the first Monday in January,
10 2002. Thereafter, members shall serve for terms of three years. When a member resigns or otherwise
11 has membership terminated, a new member will be selected to serve for the remainder of the former
12 member's term. No member shall be appointed more than three times, and no member shall be
13 appointed to more than two three year terms.

14 (K) City appointees to the Review Board serve at the pleasure of the members of
15 the FAC who represent the City, and may be removed from the Review Board without cause or notice
16 upon mutual agreement of the City members of the FAC. Any member of the Review Board who
17 ceases to meet the qualifications set forth in this Section 5 shall automatically be removed from the
18 Review Board.

19 (L) Members of the Review Board shall serve without compensation, but may be
20 entitled to reimbursement for expenses upon prior approval by both the Board of County
21 Commissioners and the City Council, or as otherwise provided by agreement between the County and
22 the City.

23 SECTION 6: Before serving on any panel, members of the Review Board must attend
24 a program of training related to law enforcement, which training shall include, at a minimum, the
25 policies and procedures of the Department; the Department's Civil Service Rules related to conduct;
26 the provisions of NRS 289.010 to 289.120, inclusive; the collective bargaining agreements covering
27 the Department and its officers; and the conduct of proceedings pursuant to this Chapter. Additional
28 training shall, on occasion, be provided to Review Board members to update or supplement the

1 information previously provided.

2 SECTION 7: (A) The Review Board shall have jurisdiction to:

3 (1) Advise on issues concerning officers, including:

4 (a) Conducting reviews and making recommendations to the
5 Department concerning Department policies, procedures and programs; and

6 (b) Conducting reviews and making recommendations to the
7 Department concerning the provision of police protection and services;

8 (2) Refer to the Department citizen complaints against officers; and

9 (3) Review internal investigations of officers which have been completed
10 by the Department and make recommendations to the Department regarding any discipline against
11 officers.

12 (B) The Review Board shall not have jurisdiction to consider:

13 (1) Discipline or actions taken against an officer based upon conduct which
14 did not involve a citizen, including but not limited to tardiness, attendance, insubordination, and
15 productivity;

16 (2) Conduct of an officer which is the subject of an ongoing criminal
17 investigation or prosecution, including appeals and other forms of judicial review;

18 (3) Conduct which is the subject of an ongoing investigation by the
19 Department, including grievances;

20 (4) Conduct which was previously submitted to a screening panel pursuant
21 to this Chapter and which the panel did not refer to the Department or to a hearing panel;

22 (5) Conduct previously reviewed by a hearing panel;

23 (6) Conduct occurring on or prior to the date of the creation of the Review
24 Board, which shall be deemed to be the latter of the effective dates of the County and City ordinances
25 establishing the Review Board;

26 (7) Complaints received more than one year after the date of the incident
27 giving rise to the complaint. An ongoing criminal investigation shall toll the period for submitting
28 a complaint to the Review Board; or

1 (8) Any other conduct or matter for which jurisdiction is not provided under
2 this Chapter.

3 SECTION 8: (A) The Review Board shall meet in panels of five to carry out its
4 duties with regard to the referral of complaints to the Department and the review of internal
5 investigations conducted by the Department.

6 (B) The Review Board may convene en banc for administrative purposes, including
7 but not limited to the receiving of training and the establishing of internal procedures. The Review
8 Board may also convene en banc to consider issues of general concern regarding officers.

9 (C) Panel members will be randomly selected by the Director, who shall notify the
10 members of their selection. No more than one former peace officer may be selected to serve on any
11 particular panel.

12 (D) If a panel member is selected but is unavailable to serve, the Director shall
13 randomly select another member until the panel is filled. Eligible Review Board members who
14 decline three successive appointments to serve on a panel for reasons other than personal bias or
15 conflict of interest, or who fail to attend three successive meetings of a panel to which they have been
16 appointed, shall automatically be removed from the Review Board, unless a member of the FAC
17 representing the entity through which the member was selected finds that the member had good cause
18 for declining to serve on a panel or for failing to attend.

19 SECTION 9: (A) Upon the appointment of the initial members of the Review
20 Board, the Director shall randomly select the members of the first panel, hereinafter referred to as the
21 screening panel.

22 (B) The initial term of the members of the screening panel shall expire the first
23 Monday in July, 2000. Thereafter, the Director shall randomly select screening panel members, who
24 shall serve terms of six months, expiring the first Monday of the following January or July. When a
25 screening panel member resigns or otherwise has membership terminated, the Director shall randomly
26 select a new member, who shall serve the remainder of the former member's term. No screening panel
27 member shall be eligible during that member's term on the screening panel to serve on any other
28 panel. No member of the Review Board shall serve on two consecutive screening panels.

1 (C) Regular meetings of the screening panel shall be held at least once a month.
2 Special meetings shall be held upon the call of the panel chair or of two members of the panel.

3 (D) Citizen complaints against officers and requests to review internal
4 investigations regarding officers shall be submitted to the Director, who shall refer all complaints and
5 requests for review to the screening panel. The Director shall have no authority to dismiss or reject
6 a complaint or request for review.

7 (E) The screening panel shall review complaints and requests for review to
8 determine whether:

- 9 (1) The Review Board has jurisdiction to consider the matter; and
10 (2) The matter has sufficient merit to warrant further consideration by a
11 hearing panel or the Department.

12 (F) Upon review, the screening panel may:

- 13 (1) Determine not to refer a matter to a hearing panel or to the Department;
14 (2) Refer to the Department a complaint against an officer; or
15 (3) Refer to a hearing panel a request for review of an internal investigation.

16 (G) The screening panel must complete its review and make its determination as
17 to any complaint or request for review referred to it within 15 days after the date the matter is first
18 considered by the screening panel. The 15 day period shall be tolled during any ongoing investigation
19 or proceeding which interferes with the panel's jurisdiction, as described in Section 7 of this
20 Ordinance, or during any litigation concerning the screening panel's jurisdiction.

21 (H) Review by the screening panel shall be confined to the complaint or request for
22 review, the records of the internal investigation for which review is requested, and such information
23 as may be voluntarily provided by the complainant, the Department, or the officer whose conduct is
24 the subject of a complaint or request for review. The screening panel shall have no authority to take
25 testimony, issue subpoenas or require the production of books, papers and documents.

26 SECTION 10: (A) Upon a determination by the screening panel to refer to a hearing
27 panel a request for review of an internal investigation of an officer, the Director shall randomly select
28 the members of the hearing panel.

1 (B) The hearing panel may review the internal investigation and make
2 recommendations to the Department regarding any disciplinary action against the officer, including,
3 without limitation:

- 4 (1) Increasing or decreasing the recommended level of discipline; or
- 5 (2) Exonerating the officer who has been the subject of the internal
6 investigation.

7 (C) The chair of the hearing panel shall report the findings and recommendations
8 of the panel to the Department, to the officer who is the subject of the investigation under review, and
9 to the person who requested the review. The findings and recommendations of the panel shall be in
10 writing and shall be approved by the panel. In the event that no findings and recommendations are
11 approved by a majority of the panel, or a panel member dissents from the majority's decision,
12 members of the panel may submit individual findings and recommendations to the chair to be reported
13 to the Department, the officer, and the person who requested the review. All findings and
14 recommendations shall be reported to the Department within the time for making determinations set
15 forth in Subsection (N) of Section 11 of this Ordinance.

16 (D) In the case of an internal investigation into a citizen complaint for which an
17 officer is potentially subject to discipline, the Department may submit its proposed determination and
18 any supporting materials to the Director for review by the screening panel. The screening panel shall
19 make its recommendations to the Department within 15 days after the date that the proposed
20 determination is received by the Director. The screening panel shall report its findings and
21 recommendations as set forth in Subsection (C) of this Section.

22 SECTION 11: (A) The Director shall comply with all legal notice requirements for
23 panel meetings. In addition, the Director shall provide notice of the proceedings to the Department
24 and, if applicable, to the complaining party and the officer whose conduct is under review, which
25 notice shall include:

- 26 (1) The date, time and location of the meeting;
- 27 (2) The names of the members of the panel; and
- 28 (3) A summary of the alleged misconduct or other item to be considered

1 by the panel.

2 (B) At its first meeting, a panel shall choose one of its members as chair. The panel
3 may also choose a vice chair to act in the chair's absence. Except as otherwise provided in Subsection
4 (H) of Section 9 of this Ordinance, the chair shall preside over all meetings of the panel, and shall
5 have the power to regulate all proceedings and take any action necessary for their efficient conduct,
6 including the power to:

- 7 (1) Administer oaths and affirmations;
- 8 (2) Issue subpoenas (within the scope of the panel's jurisdiction) to compel
9 the attendance of witnesses to testify before the panel;
- 10 (3) Require the production of books, papers and documents;
- 11 (4) Determine the admissibility of evidence;
- 12 (5) Limit the scope of testimony; and
- 13 (6) Dispose of procedural motions and requests.

14 When the chair is not present, the vice chair or designated temporary chair shall be empowered to
15 perform all acts prescribed for the chair.

16 (C) A majority of the panel members shall constitute a quorum at any meeting, and
17 a majority of those present and eligible to vote may take official action. No member shall be eligible
18 to vote on the findings and recommendations of a panel unless that member attended all meetings at
19 which the panel received evidence on that item.

20 (D) Subpoenas issued by the chair of a hearing panel shall give reasonable notice
21 of the date, time and place for the taking of testimony. The chair may authorize the payment of
22 reasonable expert witness fees when necessary, subject to the availability of funds. If a witness
23 refuses to attend and testify or produce books, papers or other documents as required by subpoena,
24 the panel may petition the district court to order the witness to appear and testify or to produce the
25 requested books, papers or documents.

26 (E) The Department shall make available to a hearing panel any personnel file or
27 other material necessary for the panel to conduct a review. Upon completion of proceedings before
28 a screening panel or hearing panel, the panel shall return to the Department all materials and copies

1 of materials received from the Department, unless the matter is one which has been referred to a
2 hearing panel by a screening panel.

3 (F) Panel members shall consider all matters in a fair and impartial manner. A
4 panel member who has a personal bias or prejudice in the outcome of a proceeding shall not sit on a
5 panel hearing that matter. Personal interest in the outcome of a proceeding does not include holding
6 or manifesting a political or social belief where such belief does not preclude objective consideration
7 of a case on its merits. Examples of personal bias include, but are not limited to:

- 8 (1) A familial relationship or close friendship with persons material to the
9 proceedings;
10 (2) Having witnessed events material to the proceedings;
11 (3) Being a party to or witness associated with the proceedings;
12 (4) Having a financial interest in the outcome of the proceedings; or
13 (5) Holding a bias that is sufficient to impair the panel member's
14 impartiality.

15 Prior to the commencement of any proceeding before the panel, the Department and, if applicable, the
16 complaining party or officer whose conduct is under review, may submit a motion to disqualify a
17 panel member for personal bias, stating with particularity the grounds for such disqualification. After
18 consideration, the panel shall either deny the motion and direct the proceedings to go forward or cause
19 the disqualified member to be removed. A panel member shall abstain from voting on any motion to
20 disqualify that member. A panel member may withdraw from a proceeding where the member deems
21 himself or herself unqualified to participate for any reason. When a member is disqualified, the
22 proceedings shall be continued in order to allow the Director to randomly select another panel
23 member. When the person disqualified is a member of the screening panel, the member shall abstain
24 from voting. Such disqualification shall be effective only as to the matter in which the motion to
25 disqualify was submitted.

26 (G) The chair of a hearing panel shall determine the order of taking testimony.
27 Questions may be posed by the chair, other panel members, or counsel for the Review Board. The
28 officer whose conduct is under review shall have the right to have counsel or another representative

1 of the officer's choosing present during the questioning of the officer. The chair, at his or her
2 discretion, may permit the Department, an officer whose conduct is under review, or their counsel or
3 representatives to be present during the questioning of any witness. Following questioning by the
4 chair, by other panel members and by counsel for the Review Board, the chair, at his or her discretion,
5 may permit the Department, an officer whose conduct is under review, or their counsel or
6 representatives to question the witness. The scope of questions, as well as any additional questioning,
7 shall be determined by the chair.

8 (H) The chair of a hearing panel, in his or her discretion, may permit the
9 Department, an officer whose conduct is under review, or their counsel or representatives an
10 opportunity to present testimony and other evidence to the panel. When a hearing panel is reviewing
11 an internal investigation of an officer or a complaint against an officer, the officer shall, at a minimum,
12 have the opportunity to be heard by the panel.

13 (I) In any proceeding before a hearing panel, the officer who was the subject of the
14 investigation under review may represent himself or herself, or be represented by counsel or by
15 another person of the officer's choosing. The officer is solely responsible for obtaining such
16 representation, as to which the Review Board, the panel, the FAC, the Department, the County and
17 the City have no obligation.

18 (J) Evidence may be admitted if it is of a type commonly relied upon by reasonable
19 and prudent persons in the conduct of their affairs. Patently unreliable, irrelevant, immaterial or
20 unduly repetitious evidence may be excluded. Notice may be taken of judicially cognizable facts and
21 of generally recognized technical or scientific facts.

22 (K) At the conclusion of evidentiary proceedings, if any, the panel members shall
23 privately deliberate and vote upon the action to be taken.

24 (L) The proceedings of a screening panel or hearing panel shall be closed to the
25 public. All records submitted to the panel which contain information declared confidential by law,
26 including by judicial precedent, and all records of proceedings before the panel, except public notices
27 and the panel's findings and recommendations, are deemed confidential. Custody of all records and
28 copies of records which are designated as confidential pursuant to this Subsection shall be maintained

1 by the Director, who shall make the records available to the panel members for review at the office
2 of the Director and during proceedings of the panel. No panel member shall record, copy or remove
3 from the office of the Director or the location of proceedings before the panel any confidential record
4 or copy of any confidential record. It shall be unlawful for any person to disclose records or the
5 contents of records designated as confidential by this Subsection which that person has obtained
6 through proceedings under this Chapter, except:

- 7 (1) In the course of administration of this Chapter;
- 8 (2) To authorized representatives of the Department; or
- 9 (3) Upon lawful order by a court of competent jurisdiction.

10 Any person violating the confidentiality provisions of this Subsection (L) shall be guilty of a
11 misdemeanor and upon conviction shall be punished by imprisonment for a term not to exceed six
12 months, or a fine not to exceed one thousand dollars, or both such fine and imprisonment. Violation
13 of the confidentiality provisions of this Subsection (L) shall also be grounds for removal of a member
14 from the Review Board. The findings and recommendations of a panel or panel member shall not
15 contain information declared confidential by law, including by judicial precedent, unless such
16 information is designated as confidential and is disclosed in accordance with the provisions of this
17 Section that pertain to confidential records.

18 (M) A panel shall not abridge the rights of an officer which are granted pursuant to
19 any applicable collective bargaining agreement, contract, or law.

20 (N) A hearing panel must complete its review and make its determination as to any
21 request for review referred to it by the screening panel within 90 days after the date the matter is first
22 considered by the hearing panel. The 90 day period shall be tolled during any ongoing investigation
23 or proceeding which interferes with the panel's jurisdiction, as described in Section 7 of this
24 Ordinance, or during any litigation concerning the panel's jurisdiction or a subpoena issued by the
25 panel. Upon expiration of the 90 day period, a panel shall have no authority to continue a review or
26 make a recommendation.

27 (O) Consideration of a citizen complaint against an officer or a request for review
28 of an internal investigation of an officer by a panel shall not stay the imposition of discipline or other

1 action by the Department. The screening panel or the hearing panel to which the matter has been
2 referred, however, may recommend to the Department that discipline be stayed pending investigation
3 or review.

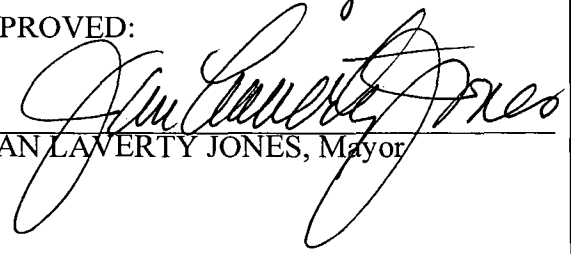
4 SECTION 12: An officer who is the subject of an internal investigation which has been
5 reviewed by a hearing panel may appeal the panel's recommendation through the procedures
6 established in the applicable collective bargaining agreement. In the absence of such procedures, or
7 in the case of an officer who is not covered by a collective bargaining agreement, appeal shall be
8 through the procedures established in the Department's Civil Service Rules.

9 SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
11 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
16 invalid or ineffective.

17 SECTION 14: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this 24 day of May, 1999.

21 APPROVED:

22 By 
23 JAN LAVERTY JONES, Mayor

24 ATTEST:

25 
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28 Val Heed 5-25-99
Date

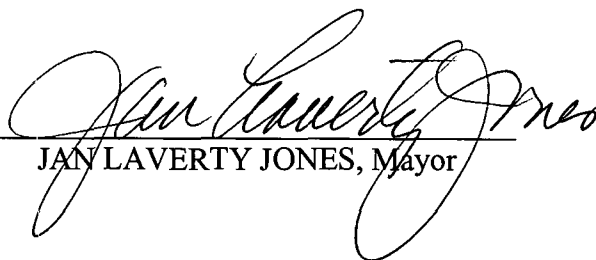
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 10th day of May, 1999 and referred to the following committee composed of
3 Councilman Adamsen and Mayor Jones for recommendation; thereafter the said committee
4 reported favorably on said ordinance on the 24th day of May, 1999 which was a regular
5 meeting of said Council; that at said regular meeting, the proposed ordinance was read by title
6 to the City Council as a first amendment and adopted by the following vote:

7 VOTING "AYE": Mayor Jones and Councilmen Adamsen, McDonald, Reese and Brown

8 VOTING "NAY": NONE

9 EXCUSED: NONE

10 APPROVED:

11 
12 JAN LAVERTY JONES, Mayor

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk
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RECEIVED
CITY CLERK

AFFP

DISTRICT COURT
Clark County; Nevada

1999 MAY 21 A 10:45

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
748534

2296311LV

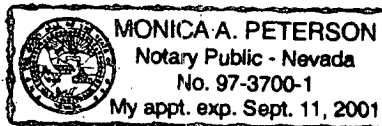
was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/13/99 to 05/13/1999, on the following days: MAY 13, 1999

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13

day of May 1999

Monica A. Peterson
Notary Public



BILL NO. 99-26

AN ORDINANCE RELATING TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; AMENDING TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE ESTABLISHMENT OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD, DESIGNATING THE QUALIFICATIONS AND MEANS OF SELECTION OF MEMBERS, PROVIDING FOR THE TRAINING OF MEMBERS, SETTING FORTH THE JURISDICTION OF THE REVIEW BOARD, PROVIDING FOR THE ESTABLISHMENT OF A SCREENING PANEL AND OTHER PANELS OF THE REVIEW BOARD, SPECIFYING THE PROCEDURES FOR THE CONDUCT OF THE PANELS, AND PROVIDING FOR APPEALS OF PANEL RECOMMENDATIONS, PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

SPONSORED BY: Councilman
Larry Brown

SUMMARY: Provides for the establishment of the Las Vegas Metropolitan Police Department Citizen Review Board.
At a City Council meeting

MAY 10, 1999
BILL NO. 99-26 WAS READ BY TITLE
AND REFERRED TO RECOMMENDING
COMMITTEE:

COUNCILMAN ADAMSEN and MAYOR
JONES

COPIES OF THE COMPLETE BILL ARE
AVAILABLE FOR PUBLIC INFORMATION
IN THE OFFICE OF THE CLERK, 1ST
FLOOR, CITY HALL, 400 EAST STEWART
AVENUE, LAS VEGAS, NEVADA.

PUB: May 13, 1999
Las Vegas Review-Journal

RECEIVED
CITY CLERK

1999 JUN -8 A 11: 30

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, being 1st duly sworn, deposes and says:
That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
769697

2296311LV

was continuously published in said Las Vegas Review Journal or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/27/99 to 05/27/1999, on the following days: MAY 27, 1999

Signed

Barbara Linford
28

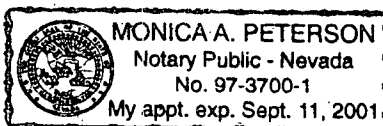
SUBSCRIBED AND SWORN BEFORE ME THIS THE

day of

1999

Notary Public

May
Monica A. Peterson



FIRST AMENDMENT
BILL NO. 99-26
ORDINANCE NO. 5149

AN ORDINANCE RELATING TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; AMENDING TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE ESTABLISHMENT OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD, DESIGNATING THE QUALIFICATIONS AND MEANS OF SELECTION OF MEMBERS, PROVIDING FOR THE TRAINING OF MEMBERS, SETTING FORTH THE JURISDICTION OF THE REVIEW BOARD, PROVIDING FOR THE ESTABLISHMENT OF A SCREENING PANEL AND OTHER PANELS OF THE REVIEW BOARD, SPECIFYING THE PROCEDURES FOR THE CONDUCT OF THE PANELS, AND PROVIDING FOR APPEALS OF PANEL RECOMMENDATIONS, PROVIDING PENALTIES FOR THE VIOLATION HEREOF, PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SPONSORED BY: Councilman
Larry Brown

SUMMARY: Provides for the establishment of the Las Vegas Metropolitan Police Department Citizen Review Board. The above and foregoing ordinance was first proposed and read by title to the City Council on the 10th day of May, 1999 and referred to the following committee composed of Councilman Brown and Mayor Jones for recommendation; thereafter the said committee reported favorably on said ordinance on the 24th day of May, 1999, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as a first amendment and adopted by the following vote:
VOTING "AYE" Councilmen Adamsen, McDonald, Reese, Brown and Mayor Jones
VOTING "NAY" NONE
EXCUSED: NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: May 27, 1999
Las Vegas Review-Journal

Bill No. 99-26

Ordinance No. _____

AN ORDINANCE RELATING TO THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT; AMENDING TITLE 2 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, BY ADDING THERETO A NEW CHAPTER PROVIDING FOR THE ESTABLISHMENT OF THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT CITIZEN REVIEW BOARD, DESIGNATING THE QUALIFICATIONS AND MEANS OF SELECTION OF MEMBERS, PROVIDING FOR THE TRAINING OF MEMBERS, SETTING FORTH THE JURISDICTION OF THE REVIEW BOARD, PROVIDING FOR THE ESTABLISHMENT OF A SCREENING PANEL AND OTHER PANELS OF THE REVIEW BOARD, SPECIFYING PROCEDURES FOR THE CONDUCT OF THE PANELS, AND PROVIDING FOR APPEALS OF PANEL RECOMMENDATIONS; PROVIDING PENALTIES FOR THE VIOLATION HEREOF; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith

Sponsored By:
Councilman Arnie Adamsen

Summary: Provides for the establishment of
the Las Vegas Metropolitan Police Department
Citizen Review Board.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 2 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, consisting of the provisions set forth as Sections 2 to 12, inclusive, of this Ordinance.

SECTION 2: Pursuant to the authority of Chapter 289 of the Nevada Revised Statutes, there is created the Las Vegas Metropolitan Police Department Citizen Review Board. The Review Board may advise the Las Vegas Metropolitan Police Department and its Committee on Fiscal Affairs on issues concerning peace officers employed by the Department, refer to the Department complaints against officers, and review internal investigations by the Department regarding discipline. The purpose of the Review Board is to act as an advisory body to the Department and its Committee on Fiscal Affairs, and to inform the public of the Review Board's recommendations to the extent permitted by law. The Review Board shall perform its functions without regard to race, color, religion, sex, age, handicap, sexual orientation, national origin or political affiliation.

SECTION 3: (A) "Citizen" means a member of the public.

(B) "City" means the City of Las Vegas.

(C) "Council" means the City Council of the City.

- 1 (D) "County" means Clark County, Nevada.
- 2 (E) "Department" means the Las Vegas Metropolitan Police Department.
- 3 (F) "Director" means the Director of the Citizen Review Board, or the Director's
- 4 designee.
- 5 (G) "District Attorney" means the District Attorney of Clark County, Nevada.
- 6 (H) "Duties," as used in Section 8 of this Ordinance, are the Review Board's
- 7 functions of the referral to the Department of complaints against officers, and the review of internal
- 8 investigations by the Department.
- 9 (I) "FAC" means the Department's Committee on Fiscal Affairs.
- 10 (J) "Officer" means a peace officer employed by the Department.
- 11 (K) "Panel" means a five-member panel of the Review Board.
- 12 (L) "Review Board" means the Las Vegas Metropolitan Police Department Citizen
- 13 Review Board.

14 SECTION 4: (A) There shall be a Director of the Review Board, who shall be

15 appointed by the County Manager with the advice and consent of the Board of County

16 Commissioners, and who shall serve at the pleasure of the County Manager with the consent of the

17 Board of County Commissioners.

18 (B) The County and the City may, upon mutual agreement, provide such funding,

19 staffing, legal counsel and other resources as they determine, according to their sole discretion, to be

20 necessary for the performance of the functions of the Director and the Review Board. Neither the

21 Director, the Review Board, nor any panel of the Review Board shall incur any expense for which

22 funding has not been approved by the City and the County.

23 SECTION 5: (A) The Review Board shall consist of 25 members, 13 of whom

24 shall be appointed by the members of the FAC who are representatives of the County, and 12 of whom

25 shall be appointed by the members of the FAC who are representatives of the City.

26 (B) A person appointed to the Review Board must:

- 27 (1) Be a resident of Clark County, excluding any incorporated cities other
- 28 than the City of Las Vegas;

1 (2) Not be currently employed as a peace officer. No more than five
2 members of the Review Board may be former peace officers;

3 (3) Not be a current employee in any capacity of the Department; a former
4 peace officer employed by the Department; or a spouse, child, sibling or parent of such a person;

5 (4) Not be a current elected official;

6 (5) Not be a person convicted of a felony; and

7 (6) Not be or have been a party in litigation against the Department, or
8 against the County or the City with regard to any detention facility.

9 (C) The members shall be appointed from a list of names submitted by interested
10 persons. Notice that applications for appointment to the Review Board are being accepted shall be
11 published at least once in a newspaper having general circulation in the County at least 30 days before
12 the list is initially established. Applications for appointment shall be submitted to the Director.
13 Applicants must state whether they meet each of the eligibility criteria set forth in Subsection (B) of
14 this Section. Applicants shall waive confidentiality and privacy as to records of criminal history,
15 employment history, and such other information as is necessary to verify their eligibility and
16 suitability for appointment, and shall authorize disclosure of such information for that purpose.
17 Information about an applicant which is of a confidential nature shall not be disclosed, except:

18 (1) In the course of administration of this Chapter;

19 (2) To authorized representatives of the County or City; or

20 (3) Upon lawful order by a court of competent jurisdiction.

21 (D) The Director shall prescreen applications and disqualify any applicant who does
22 not meet the minimum requirements set forth in Subsection (B) of this Section. Any applicant who
23 is disqualified shall be so advised by the Director. The Director shall forward all applications,
24 together with any grounds for disqualification, to the members of the FAC who are representatives
25 of the City and the County.

26 (E) The County and City members of the FAC shall alternately appoint persons to
27 the Review Board from the list of applicants submitted to them, with the County members making the
28 first selection.

1 (F) The members of the FAC who are representatives of the City may by mutual
2 agreement select and appoint persons to the Review Board from the list of applicants submitted to
3 them. If the City members of the FAC are unable to agree, each will alternately make an appointment
4 until the requisite number of persons has been selected. In such case, the first selection shall be made
5 by the person with the greatest amount of time served as a member of the Council. If the City
6 members of the FAC have equal amounts of service time, the person to make the first selection shall
7 be determined by a toss of a coin.

8 (G) In order to fill vacancies on the Review Board, the Director shall maintain an
9 updated list of applicants available for appointment. The Director may update the list by adding the
10 names of additional applicants and deleting the names of persons who become disqualified or who
11 notify the Director that they are no longer interested in serving on the Review Board. The Director
12 may accept applications at any time, but may solicit applications only through advertisement as
13 described in Subsection (C) of this Section. Except as otherwise provided herein, applications shall
14 remain active for a period of three years from the date of submittal. All subsequent applicants shall
15 be subject to the same prescreening and background investigation requirements as the initial
16 applicants. Vacancies shall be filled by action of the current representatives of the entity which
17 originally appointed the position. When openings exist for both County and City members of the
18 Review Board, the members of the FAC who represent the County and the City will appoint Review
19 Board members and fill vacancies for unexpired terms from the most recent list of applicants
20 according to the procedures set forth in Subsection (E) of this Section. The members of the FAC who
21 represent the City will appoint Review Board members and fill vacancies for unexpired terms from
22 the most recent list of applicants according to the procedures set forth in Subsection (F) of this
23 Section.

24 (H) The Director shall forward to the District Attorney's Office, for background
25 investigation, the application of each person tentatively selected for appointment. The District
26 Attorney's Office will return the results of its investigation, including any areas of concern and any
27 grounds for disqualification it has discovered, to the Director, who shall forward them to the
28 applicable appointing authority. The appointing authority shall then make the appointment final, or

1 select another applicant according to the procedures set forth in this Section. The appointing authority
2 shall advise the Director of any applicant who is disqualified, and the Director shall notify the
3 applicant.

4 (I) The Director shall maintain a current list of Review Board members, and shall
5 notify the FAC of all appointments to the Review Board.

6 (J) The initial City appointments to the Review Board shall consist of four
7 members whose terms expire the first Monday in January, 2000; four members whose terms expire
8 the first Monday in January 2001; and four members whose terms expire the first Monday in January,
9 2002. Thereafter, members shall serve for terms of three years. When a member resigns or otherwise
10 has membership terminated, a new member will be selected to serve for the remainder of the former
11 member's term. No member shall be appointed more than three times, and no member shall be
12 appointed to more than two three year terms.

13 (K) City appointees to the Review Board serve at the pleasure of the members of
14 the FAC who represent the City, and may be removed from the Review Board without cause or notice
15 upon mutual agreement of the City members of the FAC. Any member of the Review Board who
16 ceases to meet the qualifications set forth in this Section 5 shall automatically be removed from the
17 Review Board.

18 (L) Members of the Review Board shall serve without compensation, but may be
19 entitled to reimbursement for expenses upon prior approval by both the Board of County
20 Commissioners and the City Council, or as otherwise provided by agreement between the County and
21 the City.

22 SECTION 6: Before serving on any panel, members of the Review Board must attend
23 a program of training related to law enforcement, which training shall include, at a minimum, the
24 policies and procedures of the Department; the Department's Civil Service Rules related to conduct;
25 the provisions of NRS 289.010 to 289.120, inclusive; the collective bargaining agreements covering
26 the Department and its officers; and the conduct of proceedings pursuant to this Chapter. Additional
27 training shall, on occasion, be provided to Review Board members to update or supplement the
28 information previously provided.

1 SECTION 7: (A) The Review Board shall have jurisdiction to:

2 (1) Advise on issues concerning officers, including:

3 (a) Conducting reviews and making recommendations to the
4 Department concerning Department policies, procedures and programs; and

5 (b) Conducting reviews and making recommendations to the
6 Department concerning the provision of police protection and services;

7 (2) Refer to the Department citizen complaints against officers; and

8 (3) Review internal investigations of officers which have been completed
9 by the Department and make recommendations to the Department regarding any discipline against
10 officers.

11 (B) The Review Board shall not have jurisdiction to consider:

12 (1) Discipline or actions taken against an officer based upon conduct which
13 did not involve a citizen, including but not limited to tardiness, attendance, insubordination, and
14 productivity;

15 (2) Conduct of an officer which is the subject of an ongoing criminal
16 investigation or prosecution, including appeals and other forms of judicial review;

17 (3) Conduct which is the subject of an ongoing investigation by the
18 Department, including grievances;

19 (4) Conduct which was previously submitted to a screening panel pursuant
20 to this Chapter and which the panel did not refer to the Department or to a hearing panel;

21 (5) Conduct previously reviewed by a hearing panel;

22 (6) Conduct occurring on or prior to the date of the creation of the Review
23 Board, which shall be deemed to be the latter of the effective dates of the County and City ordinances
24 establishing the Review Board;

25 (7) Complaints received more than one year after the date of the incident
26 giving rise to the complaint. An ongoing criminal investigation shall toll the period for submitting
27 a complaint to the Review Board; or

28 (8) Any other conduct or matter for which jurisdiction is not provided under

1 this Chapter.

2 SECTION 8: (A) The Review Board shall meet in panels of five to carry out its
3 duties with regard to the referral of complaints to the Department and the review of internal
4 investigations conducted by the Department.

5 (B) The Review Board may convene en banc for administrative purposes, including
6 but not limited to the receiving of training and the establishing of internal procedures. The Review
7 Board may also convene en banc to consider issues of general concern regarding officers.

8 (C) Panel members will be randomly selected by the Director, who shall notify the
9 members of their selection. No more than one former peace officer may be selected to serve on any
10 particular panel.

11 (D) If a panel member is selected but is unavailable to serve, the Director shall
12 randomly select another member until the panel is filled. Eligible Review Board members who
13 decline three successive appointments to serve on a panel for reasons other than personal bias or
14 conflict of interest, or who fail to attend three successive meetings of a panel to which they have been
15 appointed, shall automatically be removed from the Review Board, unless a member of the FAC
16 representing the entity through which the member was selected finds that the member had good cause
17 for declining to serve on a panel or for failing to attend.

18 SECTION 9: (A) Upon the appointment of the initial members of the Review
19 Board, the Director shall randomly select the members of the first panel, hereinafter referred to as the
20 screening panel.

21 (B) The initial term of the members of the screening panel shall expire the first
22 Monday in July, 2000. Thereafter, the Director shall randomly select screening panel members, who
23 shall serve terms of six months, expiring the first Monday of the following January or July. When a
24 screening panel member resigns or otherwise has membership terminated, the Director shall randomly
25 select a new member, who shall serve the remainder of the former member's term. No screening panel
26 member shall be eligible during that member's term on the screening panel to serve on any other
27 panel. No member of the Review Board shall serve on two consecutive screening panels.

28 (C) Regular meetings of the screening panel shall be held at least once a month.

1 Special meetings shall be held upon the call of the panel chair or of two members of the panel.

2 (D) Citizen complaints against officers and requests to review internal
3 investigations regarding officers shall be submitted to the Director, who shall refer all complaints and
4 requests for review to the screening panel. The Director shall have no authority to dismiss or reject
5 a complaint or request for review.

6 (E) The screening panel shall review complaints and requests for review to
7 determine whether:

8 (1) The Review Board has jurisdiction to consider the matter; and

9 (2) The matter has sufficient merit to warrant further consideration by a
10 hearing panel or the Department.

11 (F) Upon review, the screening panel may:

12 (1) Determine not to refer a matter to a hearing panel or to the Department;

13 (2) Refer to the Department a complaint against an officer; or

14 (3) Refer to a hearing panel a request for review of an internal investigation.

15 (G) The screening panel must complete its review and make its determination as
16 to any complaint or request for review referred to it within 15 days after the date the matter is first
17 considered by the screening panel. The 15 day period shall be tolled during any ongoing investigation
18 or proceeding which interferes with the panel's jurisdiction, as described in Section 7 of this
19 Ordinance, or during any litigation concerning the screening panel's jurisdiction.

20 (H) Review by the screening panel shall be confined to the complaint or request for
21 review, the records of the internal investigation for which review is requested, and such information
22 as may be voluntarily provided by the complainant, the Department, or the officer whose conduct is
23 the subject of a complaint or request for review. The screening panel shall have no authority to take
24 testimony, issue subpoenas or require the production of books, papers and documents.

25 SECTION 10: (A) Upon a determination by the screening panel to refer to a hearing
26 panel a request for review of an internal investigation of an officer, the Director shall randomly select
27 the members of the hearing panel.

28 (B) The hearing panel may review the internal investigation and make

1 recommendations to the Department regarding any disciplinary action against the officer, including,
2 without limitation:

- 3 (1) Increasing or decreasing the recommended level of discipline; or
- 4 (2) Exonerating the officer who has been the subject of the internal
5 investigation.

6 (C) The chair of the hearing panel shall report the findings and recommendations
7 of the panel to the Department, to the officer who is the subject of the investigation under review, and
8 to the person who requested the review. The findings and recommendations of the panel shall be in
9 writing and shall be approved by the panel. In the event that no findings and recommendations are
10 approved by a majority of the panel, or a panel member dissents from the majority's decision,
11 members of the panel may submit individual findings and recommendations to the chair to be reported
12 to the Department, the officer, and the person who requested the review. All findings and
13 recommendations shall be reported to the Department within the time for making determinations set
14 forth in Subsection (N) of Section 11 of this Ordinance.

15 (D) In the case of an internal investigation into a citizen complaint for which an
16 officer is potentially subject to discipline, the Department may submit its proposed determination and
17 any supporting materials to the Director for review by the screening panel. The screening panel shall
18 make its recommendations to the Department within 15 days after the date that the proposed
19 determination is received by the Director. The screening panel shall report its findings and
20 recommendations as set forth in Subsection (C) of this Section.

21 SECTION 11: (A) The Director shall comply with all legal notice requirements for
22 panel meetings. In addition, the Director shall provide notice of the proceedings to the Department
23 and, if applicable, to the complaining party and the officer whose conduct is under review, which
24 notice shall include:

- 25 (1) The date, time and location of the meeting;
- 26 (2) The names of the members of the panel; and
- 27 (3) A summary of the alleged misconduct or other item to be considered
28 by the panel.

1 (B) At its first meeting, a panel shall choose one of its members as chair. The panel
2 may also choose a vice chair to act in the chair's absence. Except as otherwise provided in Subsection
3 (H) of Section 9 of this Ordinance, the chair shall preside over all meetings of the panel, and shall
4 have the power to regulate all proceedings and take any action necessary for their efficient conduct,
5 including the power to:

- 6 (1) Administer oaths and affirmations;
- 7 (2) Issue subpoenas (within the scope of the panel's jurisdiction) to compel
8 the attendance of witnesses to testify before the panel;
- 9 (3) Require the production of books, papers and documents;
- 10 (4) Determine the admissibility of evidence;
- 11 (5) Limit the scope of testimony; and
- 12 (6) Dispose of procedural motions and requests.

13 When the chair is not present, the vice chair or designated temporary chair shall be empowered to
14 perform all acts prescribed for the chair.

15 (C) A majority of the panel members shall constitute a quorum at any meeting, and
16 a majority of those present and eligible to vote may take official action. No member shall be eligible
17 to vote on the findings and recommendations of a panel unless that member attended all meetings at
18 which the panel received evidence on that item.

19 (D) Subpoenas issued by the chair of a hearing panel shall give reasonable notice
20 of the date, time and place for the taking of testimony. The chair may authorize the payment of
21 reasonable expert witness fees when necessary, subject to the availability of funds. If a witness
22 refuses to attend and testify or produce books, papers or other documents as required by subpoena,
23 the panel may petition the district court to order the witness to appear and testify or to produce the
24 requested books, papers or documents.

25 (E) The Department shall make available to a hearing panel any personnel file or
26 other material necessary for the panel to conduct a review. Upon completion of proceedings before
27 a screening panel or hearing panel, the panel shall return to the Department all materials and copies
28 of materials received from the Department, unless the matter is one which has been referred to a

1 hearing panel by a screening panel.

2 (F) Panel members shall consider all matters in a fair and impartial manner. A
3 panel member who has a personal bias or prejudice in the outcome of a proceeding shall not sit on a
4 panel hearing that matter. Personal interest in the outcome of a proceeding does not include holding
5 or manifesting a political or social belief where such belief does not preclude objective consideration
6 of a case on its merits. Examples of personal bias include, but are not limited to:

7 (1) A familial relationship or close friendship with persons material to the
8 proceedings;

9 (2) Having witnessed events material to the proceedings;

10 (3) Being a party to or witness associated with the proceedings;

11 (4) Having a financial interest in the outcome of the proceedings; or

12 (5) Holding a bias that is sufficient to impair the panel member's
13 impartiality.

14 Prior to the commencement of any proceeding before the panel, the Department and, if applicable, the
15 complaining party or officer whose conduct is under review, may submit a motion to disqualify a
16 panel member for personal bias, stating with particularity the grounds for such disqualification. After
17 consideration, the panel shall either deny the motion and direct the proceedings to go forward or cause
18 the disqualified member to be removed. A panel member shall abstain from voting on any motion to
19 disqualify that member. A panel member may withdraw from a proceeding where the member deems
20 himself or herself unqualified to participate for any reason. When a member is disqualified, the
21 proceedings shall be continued in order to allow the Director to randomly select another panel
22 member. When the person disqualified is a member of the screening panel, the member shall abstain
23 from voting. Such disqualification shall be effective only as to the matter in which the motion to
24 disqualify was submitted.

25 (G) The chair of a hearing panel shall determine the order of taking testimony.
26 Questions may be posed by the chair, other panel members, or counsel for the Review Board. The
27 officer whose conduct is under review shall have the right to have counsel or another representative
28 of the officer's choosing present during the questioning of the officer. The chair, at his or her

1 discretion, may permit the Department, an officer whose conduct is under review, or their counsel or
2 representatives to be present during the questioning of any witness. Following questioning by the
3 chair, by other panel members and by counsel for the Review Board, the chair, at his or her discretion,
4 may permit the Department, an officer whose conduct is under review, or their counsel or
5 representatives to question the witness. The scope of questions, as well as any additional questioning,
6 shall be determined by the chair.

7 (H) The chair of a hearing panel, in his or her discretion, may permit the
8 Department, an officer whose conduct is under review, or their counsel or representatives an
9 opportunity to present testimony and other evidence to the panel. When a hearing panel is reviewing
10 an internal investigation of an officer or a complaint against an officer, the officer shall, at a minimum,
11 have the opportunity to be heard by the panel.

12 (I) In any proceeding before a hearing panel, the officer who was the subject of the
13 investigation under review may represent himself or herself, or be represented by counsel or by
14 another person of the officer's choosing. The officer is solely responsible for obtaining such
15 representation, as to which the Review Board, the panel, the FAC, the Department, the County and
16 the City have no obligation.

17 (J) Evidence may be admitted if it is of a type commonly relied upon by reasonable
18 and prudent persons in the conduct of their affairs. Patently unreliable, irrelevant, immaterial or
19 unduly repetitious evidence may be excluded. Notice may be taken of judicially cognizable facts and
20 of generally recognized technical or scientific facts.

21 (K) At the conclusion of evidentiary proceedings, if any, the panel members shall
22 privately deliberate and vote upon the action to be taken.

23 (L) The proceedings of a screening panel or hearing panel shall be closed to the
24 public. All records submitted to the panel which contain information declared confidential by law,
25 including by judicial precedent, and all records of proceedings before the panel, except public notices
26 and the panel's findings and recommendations, are deemed confidential. Custody of all records and
27 copies of records which are designated as confidential pursuant to this Subsection shall be maintained
28 by the Director, who shall make the records available to the panel members for review at the office

1 of the Director and during proceedings of the panel. No panel member shall record, copy or remove
2 from the office of the Director or the location of proceedings before the panel any confidential record
3 or copy of any confidential record. It shall be unlawful for any person to disclose records or the
4 contents of records designated as confidential by this Subsection which that person has obtained
5 through proceedings under this Chapter, except:

- 6 (1) In the course of administration of this Chapter;
- 7 (2) To authorized representatives of the Department; or
- 8 (3) Upon lawful order by a court of competent jurisdiction.

9 Any person violating the confidentiality provisions of this Subsection (L) shall be guilty of a
10 misdemeanor and upon conviction shall be punished by imprisonment for a term not to exceed six
11 months, or a fine not to exceed one thousand dollars, or both such fine and imprisonment. Violation
12 of the confidentiality provisions of this Subsection (L) shall also be grounds for removal of a member
13 from the Review Board. The findings and recommendations of a panel or panel member shall not
14 contain information declared confidential by law, including by judicial precedent, unless such
15 information is designated as confidential and is disclosed in accordance with the provisions of this
16 Section that pertain to confidential records.

17 (M) A panel shall not abridge the rights of an officer which are granted pursuant to
18 any applicable collective bargaining agreement, contract, or law.

19 (N) A hearing panel must complete its review and make its determination as to any
20 request for review referred to it by the screening panel within 90 days after the date the matter is first
21 considered by the hearing panel. The 90 day period shall be tolled during any ongoing investigation
22 or proceeding which interferes with the panel's jurisdiction, as described in Section 7 of this
23 Ordinance, or during any litigation concerning the panel's jurisdiction or a subpoena issued by the
24 panel. Upon expiration of the 90 day period, a panel shall have no authority to continue a review or
25 make a recommendation.

26 (O) Consideration of a citizen complaint against an officer or a request for review
27 of an internal investigation of an officer by a panel shall not stay the imposition of discipline or other
28 action by the Department. The screening panel or the hearing panel to which the matter has been

1 referred, however, may recommend to the Department that discipline be stayed pending investigation
2 or review.

3 SECTION 12: An officer who is the subject of an internal investigation which has been
4 reviewed by a hearing panel may appeal the panel's recommendation through the procedures
5 established in the applicable collective bargaining agreement. In the absence of such procedures, or
6 in the case of an officer who is not covered by a collective bargaining agreement, appeal shall be
7 through the procedures established in the Department's Civil Service Rules.

8 SECTION 13: If any section, subsection, subdivision, paragraph, sentence, clause or
9 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
10 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
11 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
12 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
13 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
14 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
15 invalid or ineffective.

16 SECTION 14: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this ____ day of _____, 1999.

20 APPROVED:

21 By _____
22 JAN LAVERTY JONES, Mayor

23 ATTEST:

24 _____
25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 4-30-99
28 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 1999, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 1999, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
JAN LAVERTY JONES, Mayor

14 ATTEST:

15
16 BARBARA JO RONEMUS, City Clerk

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