

## POLICE ACCOUNTABILITY ORDINANCE

### Commitment to a New Police Accountability System

The Mayor's Police Accountability Task Force (PATF) recommended a complete overhaul of the City's police accountability system to make sure investigations of officer misconduct are timely, independent, and transparent. In response to those recommendations, the City has committed to the following:

- Independent Investigations: A new agency with expanded jurisdiction investigate individual instances of serious police misconduct
- Oversight by a Deputy Inspector General for Public Safety: A new, independent Deputy Inspector General for Public Safety charged with auditing the entire police accountability system, including identifying patterns and practices by the Police Department that violate residents' constitutional rights
- Citizen Oversight Board: A board of independent citizens to represent the interests of communities across the city, who will hold public hearings, and request audits of City departments and agencies.

### Ordinance Overview

Working with members of the City Council, the City has drafted an ordinance that represents a first step towards implementing these PATF recommendations. Included in the ordinance:

- A new **Civilian Office of Police Accountability (COPA)** to replace the Independent Police Review Authority (IPRA) as the body that investigates incidents of serious police misconduct
- A new **Public Safety Deputy** to audit the entire police accountability system

NOT included in the ordinance:

- **The Community Oversight Board**. At the request of community leaders, the ordinance creating the Community Oversight Board will be introduced after additional public engagement that allows more time for community input and a community-led process to inform the Board's design

### Engagement Process

This ordinance came about thanks to the leadership of Co-Chairmen Austin and Reboyras of the Joint Committee on Budget and Public Safety and to the efforts of the subcommittee chairs, as well as co-chairs Cochran, Hairston, Moore, Osterman, Cardenas, Munoz, Mitts, Ervin, and Arena. This ordinance is the collaborative result of guidance from several sources, including:

- The recommendations of the PATF;
- An extensive process of engagement involving members of the public and subject matter experts at a series of nine public hearings held in July and August; and
- Input from key community stakeholders.

## Explanation of the Ordinance

### **Civilian Office of Police Accountability (COPA)**

COPA assumes the role of the current Independent Police Review Authority (IPRA) and will be led by a chief administrator, who can only be removed for cause. The current chief administrator of IPRA will serve as temporary Chief Administrator of COPA until the City Council adopts a final selection process in which the new Community Oversight Board will play a role.

#### **COPA powers and duties**

- **Complaint intake:** Receive and register all complaints filed against members of the Police Department
- **Investigate individual cases of officer misconduct**
  - Conduct investigations into allegations of excessive force, domestic violence, verbal abuse, coercion, improper searches and seizures, and denial of access to counsel; forward all other complaints to the Department's Bureau of Internal Affairs
  - Investigate discharges of a firearm in a manner that could potentially strike an individual; discharges of a Taser resulting in death or great bodily injury; deaths or serious injuries sustained in police custody, and officer-involved deaths
  - Reopen closed investigations if new evidence becomes available, there is a gross miscarriage of justice, or at the suggestion of the Public Safety Deputy
- **Make disciplinary, non-disciplinary, and policy recommendations**
  - Recommend discipline or other non-disciplinary intervention including training, counseling, or reassignment, to address individual instances of misconduct
  - Make policy, training, or other recommendations to the Police Department to address patterns of misconduct
- **Review civil lawsuits against the city or the police department**
  - Review civil lawsuits filed against the Police Department, and any closed COPA investigation arising out of the same incident, to make policy recommendations and inform future investigations
  - Appear at any City Council committee hearings where proposed lawsuit settlements are being discussed, to provide reports on any relevant investigations and answer questions
- **Engage with the public**
  - Conduct community engagement and education activities to inform the public on the mission, policies, and ongoing operations of the Office
  - Create alternative ways for people to file complaints (in person, by phone, online, etc.)
- **Transparent reporting and cooperation**
  - Issue public quarterly and annual reports concerning investigation statistics – i.e., number of investigations initiated, concluded, length of time to complete, number of complaints sustained, etc.
  - Submit to and cooperate with any audit or review undertaken by the newly-created Deputy Inspector General for Public Safety

## **Public Safety Deputy**

The new Public Safety Deputy is established as a section within the Office of the Inspector General; the Public Safety Deputy will be chosen by the Inspector General from a pool of candidates identified through a national search process, and can only be removed for cause.

### **Public Safety Deputy Powers and duties:**

- **Audit the Police accountability system**
  - Conduct an ongoing review of investigations conducted by COPA and the Police Department, as well as their discipline policies, practices, and procedures, and issue findings and recommendations to improve their respective performance
  - Review and audit individual COPA and Police Department investigations, to correct deficiencies or to make recommendations to improve investigations, or to correct deficiencies
  - Review sustained findings and disciplinary recommendations to evaluate whether discipline is consistently and fairly applied, and to determine whether discipline recommendations are being carried out
- **Review policies, practices, training, and procedures:** Make policy, practice, and training recommendations relating to excessive force, constitutional policing, and other issues affecting the department's integrity, transparency and relationships with city residents.
- **Engage with the public:** Conduct community engagement and education activities to inform the public on the mission, policies, and ongoing operations of the Public Safety Deputy
- **Transparent reporting**
  - Issue a public report at the conclusion of all audits or investigations
  - Issue an annual report concerning the discipline system and its operations