Public Safety

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Offered by: MAYOR HORRIGAN

AKRON CITY COUNCIL

ORDINANCE NO. ____-2023 repealing Title 3, Chapter 31, Article 3 "Citizen Oversight of Police" including Sections 31.50 "Definitions," 31.51 "Citizen Oversight Board," 31.52 "Powers and Duties of Citizen Oversight Board," and 31.53 "Office of the Inspector General" of the Akron Codified Ordinances; and declaring an emergency.

WHEREAS, on November 8, 2022, the people of Akron voted in favor of Issue 10 and as of November 29, 2022, new Section 68(a) of the Charter of the City of Akron ("Section 68(a)") became effective; and

WHEREAS, Section 68(a) contemplates a different model than Title 3, Chapter 31, Article 3; and

WHEREAS, the City seeks to repeal Title 3, Chapter 31, Article 3 to avoid confusion as it works to implement Section 68(a).

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Akron:

Section 1. That Title 3, Chapter 31 is hereby amended as follows:

Article 3. – ~~Citizen Oversight of Police~~**Reserved**

~~31.50 - Definitions.~~

~~For the purposes of this Article, the following definitions shall apply:~~

~~"APD" means City of Akron Department of Public Safety, Police Division.~~

~~"Board" means the City of Akron Citizen Oversight Board.~~

~~"OIG" means the City of Akron Office of the Inspector General.~~

~~31.51 - Citizen Oversight Board.~~

~~A. Establishment and Purpose. The Akron Citizen Oversight Board is hereby constituted in accordance with the provisions of this section for the purposes of fulfilling the provisions of this section. The purposes of the Board are to review local policing policies and procedures of the City of Akron Department of Public Safety, Police Division, to engage in community outreach and facilitate meaningful communication between the citizenry and APD, and to act in an advisory capacity to the City government in connection with citizen oversight of APD.~~

~~B. Composition. The Board shall be comprised of eleven (11) members, six (6) of which shall be appointed by the Mayor with the consent of Council, and five (5) of which shall be appointed solely by a majority of Council. For cause, including misconduct; inability, unwillingness, or failure to perform required duties or obligations; disclosure of confidential or otherwise non-public information obtained by virtue of a Board member's position; or any violation of City policy, contract, or applicable law, members of the Board may be removed by the Mayor, with Council's approval. The composition of the Board shall broadly reflect the diversity of the City of Akron and shall include at least one (1) resident from each ward within the City.~~

~~At least 1 member of the Board shall be an attorney, currently licensed to practice law in the State of Ohio. At least 1 member of the Board shall have expertise and/or be affiliated with an organization specializing in the field of mental health. At least 1 member of the Board shall have expertise and/or be affiliated with an organization specializing in the fields of racial equity and social justice. At least 1 member of the Board shall have expertise in the law enforcement profession. Any 1 member holding~~

~~more than 1 of the foregoing qualifications may suffice to meet multiple requirements under this paragraph.~~

~~C. Qualifications of Board Members. In order to serve on the Board, every member of the Board shall be at least 18 years of age and a resident of the City of Akron so long as that person shall serve as a member of the Board. In furtherance of their service on the Board, members shall strive to have completed APD's citizen academy (or any subsequent similar program) and/or completed forty (40) hours of APD "ride-alongs" within 1 year of taking office.~~

~~Any one of the following shall automatically disqualify an individual from serving on the Board: if the individual currently works for the City of Akron; if the individual is currently engaged in litigation that is directly adverse to the City of Akron; if the individual has a spouse, parent, sibling, child, or grandchild who is currently employed by APD; or if the individual is currently an elected official or candidate for public office.~~

~~D. Term. Members of the Board shall serve staggered 4-year terms. To achieve a staggered term, upon their initial appointment, five (5) of the eleven (11) members will serve one, 6-year, term and will not be eligible for reappointment to a second consecutive term. Thereafter, replacement members filling these positions shall be appointed to normal, 4-year, terms. The remaining six (6) members of the initial Board will serve a normal 4-year term upon appointment and will be eligible for a second consecutive 4-year term. The Mayor, in his sole discretion, shall determine how members of the Board will stagger their respective terms.~~

~~No Board member shall serve more than eight (8) consecutive years, nor may any member accept an appointment to a term that, if completed, would result in that member serving more than eight (8) consecutive years on the Board. Notwithstanding the foregoing term limitation, all members shall continue to serve until their successor has been appointed and is able to serve.~~

~~In the event of a vacancy on the Board, a replacement member will be selected by the Mayor with the consent of Council. Individuals selected to fill vacant Board seats shall serve out only the remaining portion of the vacant term but may thereafter be reappointed to a new term assuming all other requirements of this Section 31.51 are met.~~

~~E. Compensation. Each member of the Board shall be compensated one hundred dollars per Board meeting, hearing, or session of City Council that the member is required to attend. Despite the foregoing, in no event shall the total annual compensation paid to any member exceed $1,200.00.~~

~~31.52 - Powers and Duties of Citizen Oversight Board.~~

~~A. Establishment of Rules & Selection of Presiding Officers. The Board shall act through resolution and shall create, implement, and modify rules governing its meetings and procedures. The Board may create and appoint committees of its membership that it deems appropriate to carry out its functions and may delegate certain of its duties and powers to the Office of the Inspector General. The Board shall, at all times and in all ways, act in compliance with all provisions of any collective bargaining agreements, or such other similar contract or contracts, applicable to APD.~~

~~The Board shall elect from within its membership a Chairperson and a Vice Chairperson. The Chairperson will preside over meetings of the Board and the Vice Chairperson shall preside over meetings of the Board in the absence of the Chairperson. In the absence of both the Chairperson and the Vice Chairperson, a majority of a quorum of the Board shall elect a temporary chairperson to preside.~~

~~B. Powers and Duties. The Board shall have the following powers and duties:~~

~~1. To receive and refer citizen complaints for investigation by APD, and/or the state of Ohio, and/or the federal government;~~

~~2. To review and make recommendations as to completed investigations regarding citizen complaints alleging improper/excessive use of force, unprofessional behavior, improper conduct, bias, and profiling that are lodged against APD;~~

~~3. To solicit community input regarding policing policies and make recommendations to City of Akron officials based upon the same;~~

~~4. To review APD's compliance with its own standard operating procedures and to audit, analyze, compare, and make recommendations based upon current law-enforcement best practices, policies, processes, and procedures;~~

~~5. To produce work product, as may be requested by the Mayor or City Council, and to present findings and make recommendations to City officials and APD. The Board shall also prepare annual community surveys, such as the National Law Enforcement Survey, in order to better obtain public feedback regarding APD and its policies and procedures;~~

~~6. To cooperate with community, professional, civic, and religious organizations, as well as local, state, and federal agencies, in the development of public-facing educational material and/or programs;~~

~~7. To conduct regular and special meetings and to engage in community outreach, including holding public hearings to receive community input regarding police policies, procedures, training, and processes for handling complaints. In doing so, the Board should seek to gain input from a range of community members and groups, including underserved and/or marginalized communities;~~

~~8. To interview, select, manage, direct, evaluate, and recommend removal of the Inspector General; and~~

~~9. To maintain the confidentiality of all non-public documents and information and to strictly adhere to all City policies and procedures regarding the same, as well as all other applicable state and federal laws.~~

~~C. Required Meetings. The Board shall formally convene and meet not less than four (4) times per calendar year. Upon request of the Mayor or City Council, the Board shall convene and meet to discuss matters of public interest related to law enforcement, as may be identified by the Board, the Mayor, City Council, or the APD Chief of Police.~~

~~D. Annual Reporting. Not less than one-time annually, the Board shall formally report to the Mayor, City Council, and the APD Chief of Police as to the activities of the Board and the Office of the Inspector General during the prior year, or such other preceding period since the last preceding report. Such report shall be in writing and made available to the public. The Board's annual report must contain, at minimum, i) objective data regarding citizen complaints including complainant and officer demographics; ii) any key findings from completed community surveys; iii) number and types of complaints; iv) complaint disposition information/statistics; v) recommendations regarding the sufficiency of investigations and any recommended changes to policies, practices, and training; and vi) any other relevant information that City Council or the Mayor may reasonably require.~~

~~31.53 The Office of the Inspector General.~~

~~A. Establishment & Purpose. The Director of Human Resources, acting upon the direction of the Mayor, has established three (3) new unclassified positions in the civil service, the management and oversight of which the Mayor has determined to delegate to the Board. These positions consist of the Inspector General; the Assistant Inspector General; and the Inspector General Administrative Specialist. Together these positions comprise the Office of the Inspector General, which furthers the provisions of this chapter.~~

~~Subject to the direction and control of the Board and all policies, contracts, procedures, and laws applicable to City of Akron employees, the Inspector General shall accomplish the work delegated to the OIG by the Board and ensure that the OIG provides support functions for the benefit of the Board and its purposes.~~

~~B. Selection and Appointment. Within a reasonable time of its establishment, the Board, in conjunction with the City's Department of Human Resources, shall conduct a robust candidate identification and interview process and thereafter, with the Mayor's consent, select a qualified person to fill the position of Inspector General. An affirmative vote of seven (7) members of the Board shall be necessary to select and fill the position of Inspector General.~~

~~Within a reasonable time of accepting the position, the Inspector General, in conjunction with the City's Department of Human Resources, shall conduct a robust candidate identification and interview process and thereafter, with the Director of Human Resources' consent, select qualified persons to fill the positions of Assistant Inspector General and the Inspector General Administrative Specialist.~~

~~C. Management & Removal of Inspector General. The Inspector General shall report directly to the Board and the Board shall be responsible for the oversight, management, and discipline of the Inspector General, who may be removed by an affirmative vote of seven (7) Board members with the Mayor's consent. If the Inspector General is removed or the position otherwise becomes vacant, the Board shall forthwith convene and engage in new selection process consistent with that which is described in subsection (B) of this Section 31.52.~~

~~D. Compensation. City Council shall ensure that there are sufficient reasonable amounts appropriated annually for the funding the positions of Inspector General, Assistant Inspector General, and Inspector General Administrative Specialist, and funding reasonably sufficient for the general operation of the OIG.~~

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety and welfare for the reason that it is immediately necessary to ensure the City has a clear, concise, and non-duplicative Code, and provided this ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed _____, 2023

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Clerk of Council President of Council

Approved _____, 2023

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MAYOR