

INTRODUCED: July 1, 2020

AN ORDINANCE No. 2020-155

To establish a Task Force on the Establishment of a Civilian Review Board to review and provide recommendations concerning the creation of such a board.

Patrons – Mrs. Lynch, Mr. Jones, Mr. Addison,
President Newbille, Mrs. Robertson, Ms. Larson and Ms. Gray

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JUL 27 2020 AT 6 P.M.

WHEREAS, the Council believes that it is in the best interests of the citizens of the City of Richmond that the Council establish Task Force on the Establishment of a Civilian Review Board to review and provide recommendations to the Council concerning the creation of a Civilian Review Board with subpoena powers and duties that include the independent investigation of citizen complaints against the Department of Police; and

WHEREAS, it is estimated that the annual operating costs for the Task Force will be approximately \$5,000, including ten staff hours;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JUL 27 2020 REJECTED: _____ STRICKEN: _____

§ 1. That the Council hereby establishes the Task Force on the Establishment of a Civilian Review Board (the “Task Force”) pursuant to the following guidelines:

A. **Purpose.** The Task Force shall make recommendations to the Council concerning the creation of a Civilian Review Board with subpoena powers and duties that include the independent investigation of citizen complaints against the Department of Police. For purposes of section 2-761 of the Code of the City of Richmond (2015), as amended, the Task Force is classified as “advisory.”

B. **Composition.**

1. **Appointment.** The Task Force shall consist of nine residents of the city of Richmond appointed by the Council. All appointments shall be otherwise governed by sections 2-755 and 2-756 of the Code of the City of Richmond (2015), as amended.

2. **Qualifications.** The membership of the Task Force should possess a broad range of experience with expertise in policy development, legal, racial, and social justice advocacy, criminal justice education, or human resources. Of the nine members, (i) at least one member shall be a youth age 18 or younger, (ii) at least one member shall be a resident of public housing, and (iii) at least one member shall be a person with a disability.

C. **Duties.**

1. **Review.** The Task Force shall (i) review the policies and standards of the Department of Police that contribute to issues related to police operations, (ii) research and gather data concerning how a Civilian Review Board may be implemented to conduct independent investigations of citizen complaints against the Department of Police, and (iii) consider any other factors as the Task Force may determine is necessary

for the establishment of a Civilian Review Board.

2. **Recommendations.** Based on its review pursuant to section 1(C)(1) of this ordinance, the Task Force shall make recommendations to the Council concerning the creation of a Civilian Review Board and incorporate into such recommendations the following:

a. A review of local and state laws to determine the legally permissible scope of a Civilian Review Board's powers, and identify any necessary amendments to local or state laws.

b. Research concerning and comparisons to civilian review boards in other jurisdictions, including consideration of investigative models, by-laws, challenges, and best practices identified by civilian review boards in such other jurisdictions.

c. A proposed review process for the receipt of complaints against the Department of Police by the Civilian Review Board, including the receipt, to the extent permitted by law, of internal complaints filed with the Department of Police and data from the Department's internal affairs division.

d. Consideration of the data, documents, and other information collected in accordance with this ordinance and how the Department of Police's policies, procedures, and training may be revised based on such data, documents, and other information.

e. Input collected by the Task Force through community outreach efforts and from the Department of Police, law enforcement organizations that are not affiliated with the City, the Commonwealth's Attorney, the Office of the City

Attorney.

f. A proposed review and hearing process, mission statement, by-laws, qualification for membership, annual budget, and term limits for a Civilian Review Board.

3. **Report.** The Task Force shall submit to the Council a status report on the progress towards the completion of the Task Force's duties set forth in this ordinance by no later than January 4, 2021. The Task Force shall submit to the Council a final written report, containing the Task Force's reviews and recommendations concerning the creation of a Civilian Review Board, including a proposed annual budget for any Civilian Review Board that the Task Force may recommend, by no later than March 1, 2021.

D. **Conduct of Affairs.**

1. **Quorum.** Five members of the Task Force shall constitute a quorum.

2. **Officers.** The Task Force shall select from among its membership a chairman, vice chairman, secretary, and other such officers as it may deem necessary for the conduct its affairs.

3. **Duration.** The Task Force shall continue in existence until it has submitted the final written report called for by section 1(C)(3) of this ordinance.

4. **Meetings.** The Task Force shall meet as often as it deems necessary in order to complete its duties and submit its report by the time called for in section 1(C)(3) of this ordinance.

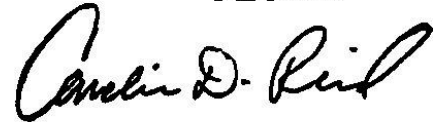
5. **Freedom-of-Information.** All meetings and records of the Task Force shall be subject to the provisions of the Virginia Freedom of Information Act, codified as sections 2.2-3700 through 2.2-3714 of the Code of Virginia (1950), as amended.

6. **Procedures.** The Task Force may adopt by-laws or rules of procedure not inconsistent with this ordinance to govern the conduct of its meetings and operations.

7. **Staff and Resources.** The Office of the Council Chief of Staff shall provide such staff and resources, and shall coordinate the provision of assistance by members of the City administration and the offices of appointees of the City Council, as may be necessary to assist the Task Force in completing the duties imposed by this ordinance. The Office of the City Attorney shall provide any legal advice or opinions necessary to assist the Task Force in completing the duties imposed by this ordinance.

§ 2. This ordinance shall be in force and effect upon adoption.

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reed". The signature is written in a cursive, flowing style.

City Clerk



Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff Council Ordinance/Resolution Request

TO Haskell Brown, Interim Richmond City Attorney

THROUGH Lawrence Anderson, Council Chief of Staff

FROM Joyce L. Davis, Council Policy Analyst
Office of the Council Chief of Staff

COPY Stephanie Lynch, 5th District Council member
Michael Jones, 9th District Council member
Andreas Addison, 1st District Council member
Cynthia Newbille, 7th District Council member
Ellen Robertson, 6th District Council member
Tabrica Rentz, Interim Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff

DATE June 26, 2020

PAGE/s 1 of 4

TITLE: Ordinance to Establish a Civilian Review Board Task Force

This is a request for the drafting of an **Ordinance** **Resolution**

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Stephanie Lynch, Council Member Michael Jones and Council Member Andreas Addison; Council Member Cynthia Newbille; and Council member Ellen Robertson

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Ordinance is to establish a Civilian Review Board Task Force, which would explore creation of a Civilian Review Board for the City of Richmond to serve as an independent entity of the police department to investigate citizen complaints about police conduct.

BACKGROUND

This O&R request is to establish a Task Force, which will study the creation of a Civilian Review Board for the City of Richmond. Creation of the Civilian Review

Board Task Force is in response to requests by the community for transparency and accountability for alleged police misconduct that focuses on complaints of social and racial injustice.

This O&R proposes to establish a Civilian Review Board Task Force to research and evaluate the most effective way to provide civilian oversight of citizen complaints of the police department to increase transparency within the community and ensure standards applicable to accountability to deter police misconduct. The Task Force shall study, evaluate current police operations and make recommendations of their findings regarding policies, program design and legislation needed to establish a Civilian Review Board in Richmond. The Task Force is created to provide thorough and fair investigations which are neutral and unbiased. The Task Force would be comprised of city residents independent of the police department charged with creation of the Civilian Review Board.

Historically, civilian review boards date back to the 1920s with volunteer review boards playing a role in reviewing completed internal police investigations of complaints filed against police officers.¹ Civilian Oversight Review Boards emerged with three primary models of oversight: investigation-focused models; review-focused models and auditor/monitor-focused models. The most active citizen oversight boards investigate allegations of police misconduct and recommend actions to the chief of police.²

Based on a study and data collected from 97 civilian oversight programs, five common goals of Civilian Oversight Programs are as follows: 1) Improving public trust 2) Ensuring accessible complaint processes 3) Promoting thorough, fair investigations 4) Increasing transparency 5) Deterring police misconduct.³

Duties and Functions

The duties of the Task Force are to study the scope of the problem of the current police operations based on gathering research and data collection to conclude findings based on data for recommendations of how a Civilian Review Board can be implemented to conduct an independent review and investigation of citizen complaints about the Richmond Police Department.

The Task Force duties are as follows:

¹ Civilian Oversight of Law Enforcement, National Association for Citizen Oversight for Law Enforcement NACOLE, Report of Strengths and Weaknesses, 2017, pg. 4

https://d3n8a8pro7vhnix.cloudfront.net/nacole/pages/161/attachments/original/1481727977/NACOLE_short_doc_FINAL.pdf?1481727977

² National Institute of Justice, Citizen Review of Police: Approaches and Implementation, 2001, pg. iii

<https://www.ncjrs.gov/pdffiles1/nij/184430.pdf>

³ NACOLE, Report of Strengths and Weaknesses, pg. 3

1. Review local and state laws to determine the powers Civilian Review Boards can have and what authority they may be granted if state laws or the city charter were changed through local or state legislation for example consideration of sole investigatory, subpoena powers and binding recommendations for officer discipline.
2. Research and compare the program structure and investigative models in jurisdictions for best operational practices to receive civilian complaints; their mission and by-laws; challenges; type of operational model used to determine the "best fit" approach to address the needs of the city of Richmond.
3. Review the process for receiving citizen complaints of the Richmond Police Department to include the internal complaints and data of the internal affairs department.
4. Review Richmond Police Department internal affairs complaints (initiated by citizens and police officers, police investigative detention reports, use –of-force incidents, and internal affairs appeals to compile data and report findings.
5. Make recommendations based on reviews of complaints, complainant statistics, police policies and procedures to address any identified issues of inequity and unfairness.
6. Review and evaluate the policies, procedures and training requirements of the Richmond Police Department Standards.
7. Seek input from stakeholders such as internal and police organizations, social and racial justice organizations, the City Attorney, Commonwealth's Attorney, and the Chief of Police provide their perspective. Also if legislation is required, ensure legal constraints, liability concerns, and privacy issues are properly addressed.
8. Collect input from stakeholders- Organize community outreach for public input.
9. If a Civilian Review Board is considered, propose a program design and mission and By-laws, membership composition and length of terms for membership is included in the final report. Submit any budgetary considerations for such program by January 4th in a preliminary report.
10. The Task Force will complete a report of its findings and recommendations to Council and Mayor with the report due to the Organizational Development Standing Committee by March 1, 2021.

Composition; terms of office

The Richmond City Council Citizen Review Board Task Force shall be composed of nine members whom the Council shall appoint.

The members must be a resident of the city. Members should have experience and expertise in policy development, social and racial justice issues or human resources, and represent a historically disadvantaged community or live in public housing. Of the nine members, at least one person must be a youth under 18 years of age from an impacted community, one public housing resident and 3 people must be from historically marginalized groups such as persons of color, LGBT or persons with disabilities.

The Task Force shall elect from its membership a chairman, assistant chairman, secretary and such officers as it may find necessary for the conduct of its affairs.

Terms of office. The members of the Task Force shall serve until the report is delivered to Council.

This Task Force will be staffed by the Office of the Council Chief of Staff, with the assistance of the City Attorney's Office and Administration staff as deemed needed, for advising and consultation for a minimum of approximately 10 hours at a costs of \$5,000, a symbolic estimate for the employee's salary costs for work and time to complete tasks.

The Task Force for the Establishment of the Citizens Review Board shall serve in an advisory capacity.

The recommended introduction date is July 1, 2020.

FISCAL IMPACT STATEMENT

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|----------------------------------|------------------------------|--|
| Fiscal Impact | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Budget Amendment Required | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Estimated Cost or Revenue Impact | \$ | |
| Staff Costs - \$5,000 | | |

Attachment/s Yes No