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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 2-15 of the City Code is hereby amended to read as follows:

§ 2-15-1 POLICE OVERSIGHT POLICY. It is the policy of the City of Austin to have a robust system of civilian oversight over the Austin Police Department that emphasizes transparency and encourages accountability. The public release of information about police conduct serves a law enforcement purpose by increasing public trust in police and this policy serves that purpose.

- (A) **AGREEMENT** means a meet and confer agreement negotiated between the City of Austin and any association elected by Austin police officers to be their sole and exclusive bargaining agent;
- (B) **ANONYMOUS COMPLAINT** means a complaint in which the identity of the complainant is not recorded by the City;
- (C) **ASSOCIATION** means any organization elected by Austin police officers to be their sole and exclusive bargaining agent to negotiate with the City of Austin on their behalf;
- (D) **CITY** means either the City Manager or the City Council, depending on whether the Austin City Council elects to exercise direct oversight over the Director of Police Oversight, as provided in Article V, § 7 of the City Charter, or whether the City Council permits the City Manager to supervise the Office of Police Oversight;
- (E) **COMMISSION** means the Community Police Review Commission;
- (F) **COMPLAINT** means a verbal or written communication alleging that an officer acted improperly and may have violated any law, policy, rule or agreement governing the actions of any police officer while in the employ of the Austin Police Department;

- 1 (G) COMPLAINANT means any person who submits a complaint;
- 2 (H) DEPARTMENT means the Austin Police Department;
- 3 (I) DIRECTOR means the director of the Office of Police Oversight
4 established in Section 2-15- 3 of this chapter;
- 5 (J) DISCIPLINE means a disciplinary suspension, demotion, written or oral
6 reprimand, education- based discipline, or any combination of those
7 actions;
- 8 (K) INVESTIGATION means the collection and review of evidence related to a
9 complaint or incident or an administrative review of officer conduct;
- 10 (L) OFFICER means any commissioned police officer employed by the Austin
11 Police Department;
- 12 (M) OFFICE means the Office of Police Oversight established in Section 2-J 5-
13 3 of this chapter; and
- 14 (N) SERIOUS MISCONDUCT means any act in violation of any law, policy,
15 rule or agreement governing the actions of any officer while in the employ
16 of the Austin Police Department.
- 17 (1) In-custody death;
- 18 (2) Use of force resulting in serious bodily injury;
- 19 (3) Falsification of a police report or false testimony; and
- 20 (4) Official oppression.

21 **§ 2-15-3. OFFICE OF POLICE OVERSIGHT.**

- 22 (A) The Office of Police Oversight is created as an administrative department
23 as provided by the City Charter;
- 24 (B) The office shall:
- 25 (1) advise the City on the processes and results of investigations
26 involving officers, and any other activities of the department as
27 directed;
- 28 (2) advise the City on the effectiveness of the department's policies and
29 procedures concerning complaints of police officer alleged
30 misconduct, police officer training, use of force by police officers,
31 community relations, and any other activities of the department as

1 directed;

2 (3) receive complaints and compliments concerning the conduct of police
3 officers;

4 (4) serve as a liaison between complainants and the department during
5 investigations of complaints;

6 (5) make recommendations to the police chief concerning discipline
7 based on the findings of an investigation of officer misconduct and
8 department policies;

9 (6) address other department activities of public concern as directed by
10 the City;

11 (7) at least once a year, provide both written and oral reports at an open
12 session of the City Council regarding the results of office activities;

13 (8) work with the City to ensure compliance with a policy that
14 encourages public release of police video recordings, as soon as
15 permitted by law, including videos gathered by vehicle dash cameras
16 and body worn cameras, and with a strong preference for
17 transparency;

18 (9) make recommendations to the City Manager and the Police Chief
19 regarding potential departmental policy violations;

20 (10) analyze all force incident data prepared and released in accordance
21 with state and federal law;

22 (11) act as a central depository for documentation relevant to the mission
23 of the office and make such information available to the public. All
24 public releases of information shall be made in accordance with state
25 and federal law;

26 (12) receive briefings related to investigations as requested by the
27 Commissioners; and

28 (13) conduct community engagement activities.

29 (C) The office shall be led by a Director, appointed by the City, who shall
30 supervise and direct all activities of the office;

31 (D) For purposes of pursuing the City's police oversight policy, the Director
32 and their designees shall have access to relevant department records,
33 including:

- (1) records with relevant information concerning any use of force incident; and
- (2) records with relevant information concerning any police misconduct investigation; and retained video, including but not limited to police body-worn cameras, police vehicle dash cameras and HALO cameras, as necessary to carry out the responsibilities in § 2-15-3(8), and in accordance with Texas Occupation Code, Chapter 1701.

§ 2-15-4 COMMUNITY POLICE REVIEW COMMISSION.

- (A) The Community Police Review Commission is established as a Board of the City that is independent of and separate from the Austin Police Department.
- (B) The Commission shall consist of eleven members who shall be selected by a process that includes: (1) an open application process; (2) review by the City Auditor for eligibility in accordance with their policy; and (3) final selection by the City Manager. The Commission shall operate in accord with the regulations of City Code Chapter 2-1 ("City Boards"), except as specifically provided herein.
- (C) The City Manager may provide staff support to the Commission:
- (D) The Commission may:
 - (1) review any investigation of death in custody, serious bodily injury, or other serious misconduct after the completion of any investigation;
 - (2) recommend to the Police Chief discipline that should be issued in the case of death in custody, serious bodily injury, or other serious misconduct after the completion of any investigation it reviews;
 - (3) request to be briefed by the Director and/or an Internal Affairs Department representative concerning the facts of a particular case of death in custody, serious bodily injury, or other serious misconduct after the completion of any investigation under review by the Commission;
 - (4) advise the Police Chief, the Director of the Office of Police Oversight, the City Manager, and the City Council of the department's policies and procedures concerning complaints of police officer misconduct, police officer training, use of force by police officers, community relations, and any other activities of the department;

- (5) address other department activities of public concern;
- (6) assess the effectiveness of the Office of Police Oversight and suggest improvements;
- (7) report at least annually to the public on the results of its activities as permitted by state law, releasing to all interested parties and the public at the same time; and
- (8) conduct community engagement activities, including public posting of all meeting agendas.

(E) To be eligible for appointment to the Commission, an applicant must not have a felony criminal conviction, received deferred adjudication for a felony, or be under felony indictment. In addition, no person shall be appointed to serve on this Commission who has been indicted for a felony or a crime of moral turpitude, or officially charged with a Class A or B Misdemeanor. A felony conviction, felony indictment, or felony deferred adjudication, after appointment, shall result in the immediate removal of the member from the Commission by the City Manager.

(F) Members of the Commission shall:

- (1) have reasonable access to all relevant public records of the department as necessary to carry out the responsibilities in part (D) of this section;
- (2) attend 20 hours of training created by the Chief of Police within 90 days of their appointment, which shall be focused on the laws, rules and policies governing the conduct of police officers in Austin, and members may begin to serve before completion of training.

(G) The Commission shall release to the general public and post on its website all Commission letters making recommendations in connection with death in custody, serious bodily injury, or other serious misconduct after the completion of any investigation on reviewed cases pursuant to this ordinance § 2-15-4(0). All public release of information by the Commission shall be pursuant to and in accordance with state law.

(H) City staff shall clearly designate confidential material when presenting such material to Commission Members, and Members shall agree to maintain that confidentiality. Confidential material shall only be made available for review in a designated secure city facility. Members who knowingly release confidential information shall immediately be removed from further service on the Commission.

1 **§2-15-5 DUTIES OF POLICE CHIEF.**

- 2 (A) In order to ensure the appropriate functioning of the civilian oversight
3 system, the Police Chief retains the authority to discipline officers for
4 misconduct;
- 5 (B) When the Police Chief issues a disciplinary decision subject to 143.089(a),
6 they must provide a detailed public, written explanation;
- 7 (C) If the Commission requests a briefing on a case or investigation within the
8 purview of the Commission, the Police Chief shall direct Internal Affairs
9 to brief the Commission.

10 **§2-15-6 ENSURING POLICE TRANSPARENCY.**

- 11 (A) The City shall maintain police department personnel files related to
12 conduct by police officers pursuant to the Texas Local Government Code.
- 13 (B) The City shall publicly release information about all complaints and force
14 incidents in accordance with Texas Government Code, Chapter 552.
- 15 (C) Body camera video shall be made available upon request in accordance
16 with Texas Occupations Code §1701.661.

17 **§2-15-7 AGREEMENTS ON POLICE OVERSIGHT POLICY.** The City Council
18 shall ensure that any contract or agreement concerning the employment of any officer
19 within the Austin Police Department is consistent with provisions of this Chapter.

20 **§2-15-8 CIVIL SERVICE COMMISSION COMPLIANCE WITH THIS POLICY.**
21 The Civil Service Commission shall update its rules as necessary to ensure compliance
22 with this policy.

23 **§2-15-9 CITY ATTORNEY CERTIFICATION OF ANY AGREEMENT**
24 **AFFECTING AUSTIN POLICE DEPARTMENT PERSONNEL.** Prior to any City
25 Council action to approve any proposed agreement affecting Austin Police Department
26 personnel, the City Attorney shall certify whether or not the proposed contract is
27 consistent with and fulfills each provision of this Chapter.

28 **§2-15-10 EFFECTIVE DATE.** The effective date of this ordinance shall be the earlier
29 of (i) then (10) days after the date of its final passage by the Austin City Council, as
30 prescribed under Article IV, Section 4(a) of the Austin City Charter or (ii) the date upon
31 which the results of an election required under Article IV, Section 4(b) are canvassed.

32 The ordinance does not void any contract in effect at the time of its effective date

1 **§2-15-11 SEVERABILITY.** If any section, paragraph, clause, or provision of this
2 ordinance is for any reason held to be invalid or unenforceable, the invalidity or
3 unenforceability of that section, paragraph, clause, or provision shall not affect any of
4 the remaining provisions of this ordinance, and to this end, the provisions of this
5 ordinance are declared to be severable. This ordinance shall supersede the Austin City
6 Code to the extent there are any conflicts.

7 **PART 2.** This ordinance takes effect on _____, 2023.
8

9 **PASSED AND APPROVED**

10 _____, 2023 §
11 _____ §
12 _____ §
13 _____ Kirk Watson
14 _____ Mayor
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16
17 **APPROVED:** _____ **ATTEST:** _____
18 Anne L. Morgan Myrna Rios
19 City Attorney City Clerk
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