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September 9, 2022

AKRON CITY COUNCIL

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Lombardo,
Mostey, Neal,
Ondra

Offered by: MAYOR HARRIGAN

ORDINANCE NO. 2022 amending and/or supplementing Title 3, Chapter 31 and enacting 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 in order to provide independent citizen review of local policing policies and procedures of the City of Akron Police Department; and declaring an emergency.

WHEREAS, the City of Akron is committed to protecting the rights of all citizens, without regard to age, sex, race, religion, national origin, disability, sexual orientation or identity; and

WHEREAS, following the civil unrest that ensued in the wake of the murder of George Floyd in May of 2020, both City Council's Reimagining Public Safety Committee and the City's appointed Racial Equity and Social Justice Taskforce convened and thereafter respectively issued reports recommending the strengthening of independent civilian oversight of the Akron Police Department, in part, through the creation of a civilian review board; and

WHEREAS, the Racial Equity and Social Justice Taskforce recommended deploying the aforementioned civilian oversight body sometime in 2023-2024; and

WHEREAS, in light of the recent tragic death of Jayland Walker and the social unrest stemming therefrom, it has become apparent that accelerating the timeframe proposed by the Racial Equity and Social Justice Taskforce for deployment of a civilian review board is appropriate; and

WHEREAS, the City of Akron must approach the creation and implementation of a civilian review board carefully, thoughtfully, and with deliberate measure, as other cities across the country that have quickly deployed civilian/citizen oversight bodies have done so with varying amounts of success; and

WHEREAS, the Mayor and Akron City Council have taken the civilian oversight recommendations of the Racial Equity and Social Justice Taskforce under careful consideration and have surveyed varying types of civilian oversight models from multiple cities in Ohio and across the country in order to propose a thoughtfully-considered citizen oversight framework, which they believe can be successfully implemented in Akron; and

WHEREAS, upon enactment and implementation of the following citizen oversight framework, City Council shall monitor its operation and effectiveness for a reasonable period of time, with the committed goal and purpose of creating a November 2023 ballot initiative which, if approved by the citizens of Akron, would permanently enshrine the Citizen Oversight Board as an amendment to the City Charter.

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

Section 1. That Title 3, Chapter 31 is hereby amended and/or supplemented and Article 3 "Citizen Oversight of Police" is enacted as follows:

Article 3. – Citizen Oversight of Police

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 establish citizen oversight and review of current policing policies and procedures within the City of Akron, 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 September 26, 2022

Nancy R. Birino
Clerk of Council

Chris Samuel
President of Council

Approved 9/27, 2022

Timothy
MAYOR

Akron City Council - Uniform Council Report (UCR)

PART I – General Information

Subject of Requested Legislation:

Amending and/or supplementing Title 3, Ch. 31 and enacting Article 3 of the Akron Code of Ordinances to establish a Citizen Oversight Board

Department/Division: Mayor's Office

Requestor: Mayor Horrigan

Phone/Ext: _____

If applicable, previous legislation on this subject (reference by ordinance/resolution number):

Purpose/Objective of Legislation:

To enact an ordinance establishing a citizen oversight board in order to provide independent citizen review of local policing policies and procedures of the City of Akron Police Department.

PART II – Financial Information

Does this Legislation directly involve the expenditure of funds?

☐ YES

☒ NO

Was this expenditure budgeted for in the current operating budget?

☐ YES

☒ NO

If "YES," describe how the budgeted amount for the project compares to the actual or estimated costs:

City Expenditures

Budgeted Costs	
Amount:	
Fund:	
Org:	
Acct:	

Estimate of Costs	
Amount:	
Fund:	
Org:	
Acct:	

City Receipt of Funds	
Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Amount:	
Fund:	
Org:	
Acct:	

Other Consideration	

Total expenditure (if applicable): \$ _____

Total receipts (if applicable): \$ _____

PART III – DETAILED INFORMATION:

Attach detailed information/documentation, as described in UCR Instruction Sheet.

Summary of Ordinance No. 266-2022 passed by Akron City Council September 26, 2022 amending and/or supplementing Title 3, Chapter 31 and enacting 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 in order to provide independent citizen review of local policing policies and procedures of the City of Akron Police Department; and declaring an emergency.

By: Sara Biviano, Clerk of Council

This summary is being published pursuant to Section 38 of the City Charter. The complete text of this legislation is available in the office of the Clerk of Council.

**posted on Akron City Council website 9/27/2022 to 10/14/2022*