

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE III, BOARDS AND COMMISSIONS OF CHAPTER 2 ADMINISTRATION-OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED, TO ADD A NEW DIVISION V ENTITLED COMMUNITY POLICE POLICY ADVISORY BOARD; PROVIDE THAT THIS ORDINANCE IS CUMULATIVE; PROVIDE A SEVERABILITY CLAUSE; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, in November of 2018 the Fort Worth Task Force on Race and Culture recommended that the City Council establish the framework required to set up and appoint a Civilian Review Board, or an alternative model of civilian oversight, that would have an active role in police accountability and oversight; and

WHEREAS, in February of 2020, the City Council created the Office of Police Oversight Monitor and the Office commenced operations to serve as the designated civilian oversight to ensure greater accountability of and public trust in the Fort Worth Police Department; and

WHEREAS, a Mutual Accountability Work Group composed of an ad hoc group of community members representing diverse stakeholders in the Fort Worth community was established to work with the Office of Police Oversight Monitor to collaborate on the framework of a Civilian Review Board; and

WHEREAS, on December 1, 2020, the Office of Police Oversight Monitor updated the City Council regarding the establishment of the Mutual Accountability Work Group to collaborate on a proposed Civilian Review Board; and

WHEREAS, the Mutual Accountability Work Group met between December 31, 2020 and July 27, 2021; and

WHEREAS, on September 14, 2021, the City Council was provided a City Manager Informal Report regarding the Mutual Accountability Work Group's recommendations on the creation of a Civilian Review Board; and

WHEREAS, on September 21, 2021, the Office of Police Oversight Monitor presented the final recommendations of the Mutual Accountability Work Group regarding the creation of a Civilian Review Board to the City Council; and

WHEREAS, on October 18, 2022, the City Council was provided a City Manager's Informal Report regarding the Mutual Accountability Work Group's recommendations on the creation of a Civilian Review Board and community engagements regarding the recommendations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

SECTION 1.

Article III, Boards and Commissions of Chapter 2, Administration is hereby amended to add a new Division V entitled “Community Police Policy Advisory Board” to read as follows:

DIVISION 4: COMMUNITY POLICE POLICY ADVISORY BOARD (CPPAB)

§ 2-28 PURPOSE AND OBJECTIVE OF THE COMMUNITY POLICE POLICY ADVISORY BOARD

- (a) Purpose. The purpose of the Community Police Policy Advisory Board is to collaborate with the Office of the Police Oversight Monitor, the Fort Worth Police Department and the City Council to develop a more transparent police department through review of and recommendations to Fort Worth Police Department on policies, procedures and practices of the Fort Worth Police Department. The CPPAB shall serve as an advisory board to the City Council, the City Manager, the Chief of Police, and the Police Oversight Monitor, and shall provide input, guidance and recommendations in the development of policies, procedures and practices of the Fort Worth Police Department.
- (b) Objective. The objective of the CCPAB is to listen and promote the community’s voice in policing and public safety by ensuring fairness and equity in police policies, procedures and practices.

§2-29 THE COMMUNITY POLICE POLICY ADVISORY BOARD

- (a) The Administration. The City will provide the Office of the Police Oversight Monitor appropriate support staff to provide administration support to the CPPAB.
- (b) Advisory. The CPPAB shall act as an advisory board to the City Manager, Police Chief, Police Oversight Monitor and City Council.
- (c) Composition. The City Council shall appoint the CPPAB, which shall consist of nine members, who shall serve in places numbered one through nine; provided, however, that the number of members shall increase to eleven members in places numbered one through eleven after the 2023 election adds two Council Members.
- (d) Nomination of Potential Members. The CPPAB will include a diverse array of individuals from a cross-section of the Fort Worth community who have the requisite experience to impartially review information and render recommendations regarding policing practices. The Mayor and City Council will accept nominations from the City's neighborhood associations, business, civic, social service and other agencies and organizations and from individual City residents. All applications will be filed in the City Secretary’s Office and reviewed for legal conflicts of interest by the City Attorney’s Office.

- (e) Applications and Qualifications. Applicants for a position on the CPPAB shall execute a signed release authorizing a thorough background check, including a criminal background check, as well as sign a Standard of Professional Conduct Agreement and/or Confidentiality Agreement.

The following are minimum requirements for members of the CPPAB:

1. Have diverse community perspective including advocates in the areas of civil rights, mental health, disability, immigration, homelessness, LGBTQ, legal education and historically marginalized communities defined as incarcerated, diverse racial/ethnic communities;
2. Resides within the city limits of Fort Worth;
3. Is at least 18 years of age;
4. Has successfully passed a background check including a criminal background check;
5. Has not been finally convicted of a felony, or if a convicted felon, the felony has been overturned at the appellate level or fully pardoned;
6. Is not a current or former City employee;
7. Is not a current law enforcement officer in another jurisdiction; and
8. Is not related by consanguinity or affinity, as determined by Sections 573.022 and 573.034 of the Texas Government Code, of a current or former Fort Worth Police Officer.

Nothing herein shall prohibit the Board from requesting current and/or former Fort Worth Police Officers advise the Board as subject matter experts.

- (f) Terms of Office. The members will serve for a maximum of two terms of two years each, except that some of the initial appointments to the CPPAB shall be staggered consisting of one-year term for the first appointment and a 2-year term for the second appointment. In the event of the resignation, removal, death, or incapacitation of a member of the panel, any replacement member shall serve the remainder of that term.
- (g) Officers. The CPPAB shall elect one of its members as the Chairperson and one as the Vice Chairperson. The Chair and the Vice-Chair shall be elected in the month of September each year or upon vacancy of an office to fill a remaining term. The Chair and the Vice-Chair shall each hold office for one year and until their successors are elected. No member shall be eligible to immediately succeed himself or herself in the same office.

- (h) Removal of Members. Any CPPAB member may be removed for cause by a two-thirds majority vote of the City Council. Any conduct inconsistent with the requirements of this Division or a demonstrated ability to objectively fulfill the purpose, objective and duties of this Division shall constitute cause for removal. The appointment of any member who fails to attend three consecutive regular meetings shall automatically expire effective on the date of the third absence and such absences shall be reported by the Office of the Police Oversight Monitor to the City Secretary. Before the next meeting of the CPPAB, the City Secretary shall notify the member whose appointment has automatically terminated and report to the City Council that a vacancy exists. The City Council shall appoint a new member for the length of the unexpired term.
- (i) Meetings Requirements. The meetings shall be scheduled public meetings in compliance with the Texas Open Meetings Act including posting and quorum requirements, with a prepared and posted agenda that is distributed in advance of the meeting to the City Manager, Police Chief, Police Oversight Monitor and the City Attorney.
- (j) Orientation and Training. The Office of the Police Monitor's Director, in cooperation with the City Manager, City Attorney and Police Chief, shall develop a comprehensive training program for CPPAB appointees.

Before assuming office and prior to beginning their duties, each appointee to the CPPAB shall be required to complete:

- i. a basic course of training, including, but not limited to: a review of the authority, structure, policy creation and management of the Fort Worth Police Department, Use of Force overview, Fort Worth Police Department Orders and Directive System overview, Body-worn camera overview, investigative stop overview and search and seizure overview.
- ii. instruction in constitutional and criminal protections and civilian oversight of law enforcement education.
- iii. at least one ride-along with members of the Fort Worth Police Department assigned to patrolling the City.
- iv. training by the City Attorney's Office in the Texas Open Meetings Act, the Texas Public Information Act and the City's Ethics Code.

New appointees to the CPPAB shall be afforded up to a maximum of ninety (90) days to complete initial training. In no event shall an appointee be allowed to act as a CPPAB member until all training is completed. The Office of the Police Monitor, the Fort Worth Police Department and the City Attorney's Office shall coordinate to ensure that training is made available to appointees within 90 days of being appointed to the CPPAB.

Additionally, CPPAB members must complete continuing education upon reappointment to the CPPAB. The Office of the Police Monitor's Director, in cooperation with the City Manager, City Attorney and Police Chief, shall develop a continuing education training program for CPPAB reappointments.

- (k) Meeting Schedule. The CPPAB shall meet at least quarterly. The Board Chair or a majority of Committee Members may call for a special meeting of the Board, as necessary.
- (l) Board Rules of Procedure. Initially, within the first six (6) months of satisfaction of all prerequisites to become an active CPPAB member, the CPPAB shall create the CPPAB's Rules of Procedure for meetings and coordination of its work. These rules shall include rules that govern meeting protocol and procedures, scheduling of regular and special meetings, meeting agendas and meeting materials. The rules may be amended or new rules adopted by majority vote of the CPPAB and in the manner provided for by the rules. The Rules shall be consistent with the provisions of this ordinance.
- (m) City Attorney. The City Attorney shall provide legal counsel as needed to the CPPAB.

§2-30 THE DUTIES OF THE COMMUNITY POLICE OVERSIGHT AND ACCOUNTABILITY BOARD

- (a) Review and understand the Fort Worth Police Department policies and procedures;
- (b) Gather, evaluate and discuss information relative to recommending changes to the Fort Worth Police Department policies, procedures and practices or confirming that specific policies, procedures and practices are acceptable;
- (c) Serve as an additional avenue to receive complaints or commendations concerning Fort Worth law enforcement, to be forwarded to the Office of Police Oversight Monitor;
- (d) Identify policing issues suitable for further review by the Chief of Police or the Police Oversight Monitor;
- (e) Identify potential issues to solve or an opportunity to improve;
- (f) Obtain review and input from community members and represented organizations;
- (g) Collaborate with subject matter experts and practitioners to determine the best possible solutions;
- (h) Propose policy and procedure recommendations with stakeholder involvement proposed to the Police Chief;
- (i) Review implementation practices of any adopted recommended policy and procedure and practice;
- (j) Develop a clear and direct information brochure to inform community members how they can access the CPOAB and how the CPOAB operates; and
- (k) Provide periodic updates, annually or more frequently as required by City Council, to the City Manager, Police Chief, Police Oversight Monitor, Mayor and City Council and the community regarding the CPOAB's activities. All updates, including the CPOAB's recommendations, shall be placed on the City's website as allowed by Texas law.

SECTION 2.

This Ordinance shall be cumulative of all ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinances, in which case the conflicting provisions of such other ordinances are hereby repealed.

SECTION 3.

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any portion of this Ordinance is declared illegal or unconstitutional by the valid final judgment or decree of any court of competent jurisdiction, such illegality or unconstitutionality shall not affect the legality and enforceability of any of the remaining portions of this Ordinance.

SECTION 4.

This Ordinance shall be in full force and effect upon its adoption.

ADOPTED AND EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

By: _____
Assistant City Attorney

M&C: _____