

33 their sole and exclusive bargaining agent;

34

35 (B) ANONYMOUS COMPLAINT means a complaint in which the identity of
36 the complainant is not recorded by the City;

37 (C) ASSOCIATION means any organization elected by Austin police officers
38 to be their sole and exclusive bargaining agent to negotiate with the City of
39 Austin on their behalf;

40 (D) CITY means either the City Manager or the City Council, depending on
41 whether the Austin City Council elects to exercise direct oversight over the
42 Director of Police Oversight, as provided in Article V, § 7 of the City
43 Charter, or whether the City Council permits the City Manager to supervise
44 the Office of Police Oversight;

45 (E) COMMISSION means the Community Police Review Commission;

46 (F) COMPLAINT means a verbal or written communication alleging that an
47 officer acted improperly and may have violated any law, policy, rule or
48 agreement governing the actions of any police officer while in the employ
49 of the Austin Police Department;

50 (G) COMPLAINANT means any person who submits a complaint;

51 (H) DEPARTMENT means the Austin Police Department;

52 (I) DIRECTOR means the director of the Office of Police Oversight
53 established in Section 2-15- 3 of this chapter;

54 (J) DISCIPLINE means a disciplinary suspension, demotion, written or oral
55 reprimand, education- based discipline, or any combination of those
56 actions;

57 (K) INVESTIGATION means the collection and review of evidence related to
58 a complaint or incident or an administrative review of officer conduct;

59 (L) OFFICER means any commissioned police officer employed by the Austin
60 Police Department;

61 (M) OFFICE means the Office of Police Oversight established in Section 2-J 5-
62 3 of this chapter; and

63 (N) SERIOUS MISCONDUCT means any act in violation of any law, policy,

64 rule or agreement governing the actions of any officer while in the employ
65 of the Austin Police Department.

- 66 (1) In-custody death;
- 67 (2) Use of force resulting in serious bodily injury;
- 68 (3) Falsification of a police report or false testimony; and
- 69 (4) Official oppression.

70 **§ 2-15-3. OFFICE OF POLICE OVERSIGHT.**

- 71 (A) The Office of Police Oversight is created as an administrative department
72 as provided by the City Charter;
- 73 (B) The office shall:
- 74 (1) advise the City on the processes and results of investigations
75 involving officers, and any other activities of the department as
76 directed;
- 77 (2) advise the City on the effectiveness of the department's policies and
78 procedures concerning complaints of police officer alleged
79 misconduct, police officer training, use of force by police officers,
80 community relations, and any other activities of the department as
81 directed;
- 82 (3) receive complaints and compliments concerning the conduct of police
83 officers;
- 84 (4) serve as a liaison between complainants and the department during
85 investigations of complaints;
- 86 (5) make recommendations to the police chief concerning discipline
87 based on the findings of an investigation of officer misconduct and
88 department policies;
- 89 (6) address other department activities of public concern as directed by
90 the City;
- 91 (7) at least once a year, provide both written and oral reports at an open
92 session of the City Council regarding the results of office activities;
- 93 (8) work with the City to ensure compliance with a policy that

94 encourages public release of police video recordings, as soon as
95 permitted by law, including videos gathered by vehicle dash cameras
96 and body worn cameras, and with a strong preference for
97 transparency;

98
99 (9) make recommendations to the City Manager and the Police Chief
100 regarding potential departmental policy violations;

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

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

107 (12) receive briefings related to investigations as requested by the
108 Commissioners; and

109 (13) conduct community engagement activities.

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

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

115 (1) records with relevant information concerning any use of force
116 incident; and

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

122 **§ 2-15-4 COMMUNITY POLICE REVIEW COMMISSION.**

123 (A) The Community Police Review Commission is established as a Board of
124 the City that is independent of and separate from the Austin Police
125 Department.

- 126 (B) The Commission shall consist of eleven members who shall be selected by
127 a process that includes: (1) an open application process; (2) review by the
128 City Auditor for eligibility in accordance with their policy; and (3) final
129 selection by the City Manager. The Commission shall operate in accord
130 with the regulations of City Code Chapter 2-1 ("City Boards"), except as
131 specifically provided herein.
- 132 (C) The City Manager may provide staff support to the Commission:
- 133 (D) The Commission may:
- 134 (1) review any investigation of death in custody, serious bodily injury, or
135 other serious misconduct after the completion of any investigation;
- 136 (2) recommend to the Police Chief discipline that should be issued in the
137 case of death in custody, serious bodily injury, or other serious
138 misconduct after the completion of any investigation it reviews;
- 139 (3) request to be briefed by the Director and/or an Internal Affairs
140 Department representative concerning the facts of a particular case of
141 death in custody, serious bodily injury, or other serious misconduct
142 after the completion of any investigation under review by the
143 Commission;
- 144 (4) advise the Police Chief, the Director of the Office of Police
145 Oversight, the City Manager, and the City Council of the
146 department's policies and procedures concerning complaints of police
147 officer misconduct, police officer training, use of force by police
148 officers, community relations, and any other activities of the
149 department;
- 150 (5) address other department activities of public concern;
- 151 (6) assess the effectiveness of the Office of Police Oversight and suggest
152 improvements;
- 153 (7) report at least annually to the public on the results of its activities as
154 permitted by state law, releasing to all interested parties and the public
155 at the same time; and
- 156 (8) conduct community engagement activities, including public posting of
157 all meeting agendas.
- 158 (E) To be eligible for appointment to the Commission, an applicant must not

159 have a felony criminal conviction, received deferred adjudication for a
160 felony, or be under felony indictment. In addition, no person shall be
161 appointed to serve on this Commission who has been indicted for a felony
162 or a crime of moral turpitude, or officially charged with a Class A or B
163 Misdemeanor. A felony conviction, felony indictment, or felony deferred
164 adjudication, after appointment, shall result in the immediate removal of
165 the member from the Commission by the City Manager.

166 (F) Members of the Commission shall:

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

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

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

185 **§2-15-5 DUTIES OF POLICE CHIEF.**

- 186 (A) In order to ensure the appropriate functioning of the civilian oversight
187 system, the Police Chief retains the authority to discipline officers for
188 misconduct;
- 189 (B) When the Police Chief issues a disciplinary decision subject to 143.089(a),
190 they must provide a detailed public, written explanation;
- 191 (C) If the Commission requests a briefing on a case or investigation within the
192 purview of the Commission, the Police Chief shall direct Internal Affairs

193 to brief the Commission.

194 **§2-15-6 ENSURING POLICE TRANSPARENCY.**

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

201 **§2-15-7 AGREEMENTS ON POLICE OVERSIGHT POLICY.** The City
202 Council shall ensure that any contract or agreement concerning the employment of any
203 officer within the Austin Police Department is consistent with provisions of this Chapter.

204 **§2-15-8 CIVIL SERVICE COMMISSION COMPLIANCE WITH THIS**
205 **POLICY.** The Civil Service Commission shall update its rules as necessary to ensure
206 compliance with this policy.

207 **§2-15-9 CITY ATTORNEY CERTIFICATION OF ANY AGREEMENT**
208 **AFFECTING AUSTIN POLICE DEPARTMENT PERSONNEL.** Prior to any City
209 Council action to approve any proposed agreement affecting Austin Police Department
210 personnel, the City Attorney shall certify whether or not the proposed contract is
211 consistent with and fulfills each provision of this Chapter.

212 **§2-15-10 EFFECTIVE DATE.** The effective date of this ordinance shall be the
213 earlier of (i) then (10) days after the date of its final passage by the Aust in City Council,
214 as prescribed under Article IV, Section 4(a) of the Austin City Charter or (ii) the date
215 upon which the results of an election required under Article IV, Section 4(b) are
216 canvassed.

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

218 **§2-15-11 SEVERABILITY.** If any section, paragraph, clause, or provision of this
219 ordinance is for any reason held to be invalid or unenforceable, the invalidity or
220 unenforceability of that section, paragraph, clause, or provision shall not affect any of the
221 remaining provisions of this ordinance, and to this end, the provisions of this ordinance
222 are declared to be severable. This ordinance shall supersede the Austin City Code to the
223 extent there are any conflicts.

224 **PART 3.** The election shall be conducted between the hours of 7:00 a.m. and 7:00 p.m.
225 The location of the main early voting polling place, the dates and hours for early voting,

226 and the early voting clerk’s official mailing address are provided in Exhibit A, attached
227 and incorporated as a part of this ordinance.

228 **PART 4.** A direct electronic recording voting system, as the term is defined in Title 8 of
229 the Texas Election Code, shall be used for early voting and for voting conducted on
230 election day. The central counting station is established at the Travis County Elections
231 Division, 5501 Airport Boulevard, Austin, Texas.

232 **PART 5.** Notice of this election shall be posted and published in accordance with state
233 law. The notice shall be posted, in both English and Spanish, in the office of the City
234 Clerk and at the City Hall notice kiosk not later than the 21st day before election day.
235 Notice of this election shall be published one time, in English and Spanish, not earlier
236 than the 30th day before the date of the election or later than the 10th day before the date
237 of the election, in a newspaper of general circulation in the City of Austin.

238 **PART 6.** In accordance with Chapter 271 of the Texas Election Code, the May 6, 2023
239 special municipal election may be held jointly with the various political subdivisions that
240 share territory with the City of Austin and that are holding elections on that day. The
241 City Clerk may enter and sign joint election agreements with other political subdivisions
242 for this purpose, and their terms as stated in the agreements are hereby adopted.

243 **PART 7.** The Council finds that the need to immediately begin required preparations for
244 this election constitutes an emergency. Because of this emergency, this ordinance takes
245 effect immediately on its passage for the immediate preservation of the public peace,
246 health, and safety.

247

248 **PASSED AND APPROVED**

249 §
250 §
251 _____, 2023 § _____

252 Kirk Watson
253 Mayor

254
255
256 **APPROVED:** _____ **ATTEST:** _____

257 Anne L. Morgan
258 City Attorney

259 Myrna Rios
City Clerk

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DRAFT