

First Reading: August 9, 2022
Second Reading: August 16, 2022

ORDINANCE NO. 13882

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 16, ARTICLE IV, SECTION 16-60; SECTIONS 16-61(d) AND 16-61(e); SECTION 16-63; SECTIONS 16-64(c) THROUGH 16-64(g); AND SECTION 16-66, RELATING TO THE POLICE ADVISORY AND REVIEW COMMITTEE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE:

SECTION 1. That Chattanooga City Code, Part II, Chapter 16, Article IV, Section 16-60, Purpose, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

Sec. 16-60. Purpose.

The purpose of the Police Advisory and Review Committee is to strengthen the relationship between the citizens of the City of Chattanooga and the Chattanooga Police Department, to assure timely, fair, and objective review of complaints against sworn officers while protecting the individual rights of sworn police officers, and to make recommendations concerning said complaints to the Chief of Police, the Mayor, and to the Council.

SECTION 2. That Chattanooga City Code, Part II, Chapter 16, Article IV, Section 16-61, Members of the committee, be amended by deleting sections (d) and (e) in their entirety and substituting in lieu thereof with the following:

Sec. 16-61. Members of the committee.

- (d) No member of the Committee shall receive compensation for services performed. All newly appointed Committee members should attend Committee meetings as soon as they are approved by City Council. Committee members may only vote after they have completed required training.

- (e) Each new member who is appointed to the Committee shall have completed the Citizen's Police Academy course offered by the Chattanooga Police Department and such other training as may be deemed appropriate by the Police Chief as soon as possible after appointment before they can become a voting member. The Council Office will maintain a list of all persons who have completed the Citizens Police Academy within the past two (2) years. The Council may choose appointments to the Committee from any persons on the list who have completed the Citizens Police Academy within two (2) years of the date of appointment or the Council may choose other members not on the list who may only vote as members of the Committee after completion of all training by new members to be determined by the Police Chief.

SECTION 3. That Chattanooga City Code, Part II, Chapter 16, Article IV, Section 16-63,

Powers and duties of the chair, be amended by deleting same in its entirety and substituting in lieu thereof with the following:

Sec. 16-63. Powers and duties of the chair.

- (a) The Chair shall accept written, sworn complaints from members of the public regarding misconduct of police officers and shall forward these complaints to the commander of the Internal Affairs Unit of the Chattanooga Police Department ("IA") within three (3) working days. Upon receipt of any such complaint, IA shall immediately undertake an investigation of major allegations as defined by the Manual Orders of the Chattanooga Police Department.
- (b) The Chair, in his or her discretion, may request legal services and advice from the City Attorney's Office. Where, in the judgment of the City Attorney, the provisions of the legal services and advice would constitute a conflict of interest with the City Attorney's duties to the City of Chattanooga or any department thereof, the City Attorney shall so advise the Chair, who may then request the City Attorney to contract with outside counsel to the Chair for a specific incident based on funding designated annually by the City Council.
- (c) The Chair shall ensure the proper recording of the minutes of the Committee, shall be responsible for the maintenance of proper records and files pertaining to Committee business, and shall receive and record all exhibits, petitions, documents, or other materials presented to the Committee in support of or in opposition to any question before the Committee to the extent required by Tennessee law. All files shall be stored as Open Records, onsite or offsite, as a part of the annual budget of the City and the Records Retention Policies of the City to the extent required by Tennessee law. All Committee members shall maintain confidentiality of records as required under the Ethics Code adopted by the City Council and for any document that is determined to be confidential under Tennessee law or Federal law by the City Attorney.

- (d) The Chair shall be responsible for complying with all statutes of the State of Tennessee and City of Chattanooga ordinances to the extent required by Tennessee law at the conclusion of process by the Committee. The Chair shall be responsible for providing complainants with information regarding the complaint process.
- (e) The Chair shall compile information concerning complaints of police misconduct and any information relevant thereto, whether such complaints are received by IA or by the Chair, and shall include such information in an annual report to the Mayor, the Police Chief and the City Council or any other agency or official as required by Tennessee law of the Committee's activities.

SECTION 4. That Chattanooga City Code, Part II, Chapter 16, Article IV, Section 16-64, Powers and duties of the committee, be amended by deleting sections (c) through (g) in their entirety and substituting in lieu thereof with the following:

Sec. 16-64. Powers and duties of the committee.

- (c) The Committee may make recommendations for enhanced training for police department sworn officers, committee members, and Council members to include training on racial equity, implicit bias, gender identity and mental health challenges. The Committee may recommend policy changes for consideration by the police chief.
- (d) Based upon any specific findings and conclusions of the Committee, the Committee shall have the authority to make recommendations to the Police Chief designed to improve police policies and activities and to benefit the community. The Committee shall meet with the Police Chief as needed to discuss recommendations on policy review and potential policy changes. The Police Chief or his or her designee shall attend all requested meetings of the Committee to provide information and advice to the Committee and to accept the recommendations of the Committee, if any.
- (e) The Committee shall, at least quarterly, compile a comprehensive report on all activities and policy recommendations which have been considered by the Committee during the previous quarter. The report shall contain statistics and summaries of citizen complaints, including a comparison of the Committee's findings and conclusions with those of IA, along with the actions taken by the Police Chief. The Committee shall also prepare an annual report which shall be submitted to the Chair for inclusion in his or her annual report to the Police Chief, Mayor and City Council, and any other locations required under Tennessee law.
- (f) The Committee, in its discretion, may request legal services and advice from the City Attorney's Office. Where, in the judgment of the City Attorney, the provisions of legal

services and advice would constitute a conflict of interest with the City Attorney's duties to the City of Chattanooga or any department thereof, the City Attorney shall so advise the Committee. The Committee may then request the City Attorney to provide outside counsel to the Committee on a case-by-case incident based upon funding designated annually by the City Council. In addition, where the Chair excuses himself or herself from participating in the review of a complaint pursuant to Section 16-61(f)(3) above, the Committee may petition the City Council to appoint a temporary assistant to perform the duties of the Chair.

- (g) The Committee will review complaints after Internal Affairs or Chain of Command findings have been completed and submitted to the Committee for review and recommendation. After its review, the Committee, by a majority vote of its members, shall:
- 1) Recommend a final disposition in accordance with Section 16-66(b) to the Police Chief; or
 - 2) If the Committee determines that an investigation is not complete, request that the Police Chief conduct a further investigation of the incident specifying additional information needed. The Police Chief shall acknowledge the request for additional investigation within thirty (30) days. After a review of the Police Chief's response, the Committee will recommend a final disposition in accordance with Section 16-66(b) to the Police Chief;
 - 3) Upon receiving the recommendation from the Committee, the Police Chief shall consider the recommendation and make a final decision on officer discipline.

SECTION 5. That Chattanooga City Code, Part II, Chapter 16, Article IV, Section 16-66,

Limitations, be amended by deleting same its entirety and substituting in lieu thereof with the following:

Sec. 16-66. Limitations.

- (a) The Committee shall not review any investigation:
1. Concerning any incident occurring prior to the effective date of this Ordinance;
 2. Prior to the closure of any pending IA or criminal investigation; and
 3. Where the complainant has initiated, threatened, or given notice of the intent to initiate civil litigation against the City of Chattanooga or any of its employees.
- (b) Five (5) possible recommendations by the Committee for consideration by the Chief:
1. Unfounded: Allegation is false or not factual;

2. Exonerated: Incident complained of occurred, but was lawful and proper;
 3. Not Sustained: Insufficient evidence either to prove or disprove the allegation;
 4. Sustained: The allegation is supported by sufficient evidence; and
 5. No action: The matter(s) alleged is(are) outside the scope of our authorized review.
- (c) The Committee shall have no authority to direct the Police Chief to alter or to impose any disciplinary action against any employee of the Chattanooga Police Department. In all cases, the Police Chief will be the final authority on case dispositions and discipline of police officers.

SECTION 6. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: August 16, 2022



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

PAN/mem/v5