

ORDINANCE NO.

FILE OF CITY COUNCIL

BILL NO. 65 - 2020

September 16, 2020

AN ORDINANCE

An Ordinance establishing a Citizens Public Safety Advisory Board, defining the role and function of the board, the composition and appointment of the board and other provisions.

WHEREAS, the Council of the City of Allentown recognizes that the mission of the Department of Police is to protect and serve the public with honor, integrity, and professionalism; and

WHEREAS, the Council further recognizes the importance of citizen involvement in policing as a strategy to assist in their mission and improve trust between law enforcement and the public.

WHEREAS, the Police Department is committed to working in partnership with the community so that Allentown is a safe place for every person to live, work, and play; and

WHEREAS, the Council recognizes that there is significant community interest in ensuring a positive relationship between the community at large and the Department of Police; and

WHEREAS, the Council finds that providing opportunities for the improvement and ongoing maintenance of that relationship will promote community confidence in the Department of Police and the law enforcement officers that serve our community, and thereby realize a genuine improvement in public safety; and

WHEREAS, a recent article in Police Chief Magazine concluded: *Citizen advisory boards are becoming important components of most law enforcement organizations and, when handled appropriately, will result in more democratic and effective organizations. Police leaders should encourage an engaged citizenry. With citizens participating actively in the organization, the public may be less critical of the difficult decisions often required of public administrators. Effective governmental programs can improve legitimacy and trust, and the best public programs and policies usually emerge from the collaborative efforts of the community and government together. The design and implementation of citizen advisory boards can be vital to accomplishing these goals.*

WHEREAS, Article IX of the City of Allentown Home Rule Charter authorizes the creation of boards and provides that “City Council shall encourage the participation of citizens in their government through the establishment of ... boards ... to carry out City business”;

WHEREAS, Article IX further provides that such boards shall be established by ordinance including a clear statement of whether they shall be advisory in nature or they shall have power and authority under City Ordinance or state or federal code”

WHEREAS, consistent with HRC Article IX, City Council establishes here a Citizens Public Safety Advisory Board to encourage our non-police citizens’ “voice” to better understand and opine on ways in which our Police department may serve the community;

NOW THEREFORE, BE IT RESOLVED, that Allentown City Council will take all further legislative action to implement the creation of a Citizens Public Safety Advisory Board within forty-five (45) days of enactment of this Ordinance.

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

SECTION ONE: That the following is added to Part One, Administrative Code, Title Eleven, Authorities, Boards and as 180D Citizens Public Safety Advisory Board, and read as follows:

180D Citizens Public Safety Advisory Board

180D.01 Title

This Chapter of the Codified Ordinances for the City of Allentown shall be known and may be cited as the Citizens Public Safety Advisory Board.

180D.02 Establishment

There is hereby created an advisory committee for City residents to be known as the Citizens Public Safety Advisory Board for the City of Allentown.

180D.02 Intent and Purpose

It is the intent and purpose of the Chapter to establish a public safety advisory board to improve community relationships with law enforcement throughout the City and promote public safety which shall be known as the Citizens Public Safety Advisory Board.

180D.03 Role and Function

The core functions of Citizens Public Safety Advisory Board shall be to:

Assist in fostering a better understanding of the role of law enforcement throughout the City, reviewing as necessary law enforcement policies, practices, and data. The goal should be to improve transparency and accessibility to public information.

Provide City residents a forum to give voice to concerns about police interactions and responses, to help identify critical, systemic or recurring issues of importance for residents and businesses throughout Allentown, and to facilitate whatever necessary changes in local law enforcement practices.

Promote policies and practices for the protection of the local community to further the goal of the fair, just and dignified treatment of each and every person.

Provide recommendations as necessary to the Department of Police, the Mayor and City Council on policies to maintain public safety for all, promote law and order, assist in the reduction of crime. and protect all in the community.

Foster positive relationships and an improved understanding between the Department of Police and the members of the community.

180D.04 Composition of the Board

The Citizens Public Safety Advisory Board shall be comprised of seven (7) voting members, and the Chair of City Council's Public Safety Committee and the Chief of the Police, or a designee thereof, each serving as a non-voting, *ex officio* member of the Board.

All members must have resided in the City of Allentown for at least three (3) years leading up to the appointment and must maintain residency within the City for the duration of their term on the Committee.

Every attempt shall be made to have the board reflect the diversity of the city.

Except for *ex officio* members, no member shall be a public official or municipal employee.

180D.05 Original Board Appointments

The original Board shall be comprised of seven (7) members appointed by the Mayor and confirmed by City Council; each of whom must be confirmed by a majority vote of the Council prior to being seated on the Committee.

Three (3) of the original members shall be appointed to three (3) year terms and two (2) shall be appointed to two (2) year terms, and two (2) to one (1) year terms; apportioned in the same manner as the appointing authorities, each of whom shall serve until the appointment of their successor.

Every effort should be made to have the seven (7) original members reside in a different policing district within the City from the other members.

At its inaugural meeting, the Board shall elect a Chairperson to act as the presiding officer.

180D.06 Expiration of Appointed Terms and Vacancies

A person appointed to fill a vacancy shall serve for the balance of the term for which their predecessor was appointed. All other appointments shall be for terms of three (3) years.

The Chairperson shall notify the Office of the Mayor and the City Clerk in writing no less than 30 days prior to the expiration of a member's term or within 30 days of any vacancy occurring on the Board.

The Chairperson shall advise at that time of the Committee's recommendation, if any, for filling any vacant or expired seat. The Mayor can accept the Committee's recommendation(s) or otherwise appoint another eligible individual, subject to the advice and consent of the City Council.

Should a member fail to attend three (3) consecutive meetings without providing prior notification, the seat shall be deemed vacant and the Chairperson shall proceed to provide prompt notice in accordance with the forgoing provisions.

180D.07 Membership Qualifications

Members of Citizens Public Safety Advisory Board must have the following qualifications:

An appointee must be concerned about the relation of members of law enforcement and community members, sensitive to community needs and perceptions, willing to commit themselves to community service and to conduct themselves in a manner consistent with the purposes for which the Advisory Board is formed.

An appointee must be committed to seek and receive input from the community, as well as to apply input received to further the purposes of the Advisory Board.

An appointee must participate no less often than annually in a City ride-along with a law enforcement officer.

An appointee must attend and complete an orientation and education program provided by the Department of Police within six (6) months of their appointment or otherwise have previously completed a City-sponsored Citizens' Police Academy.

At least one (1) member of the Board must have a minimum of one (1) year of recent training and experience in social services, human services or be a licensed social worker.

No resident who has been convicted of a felony or a misdemeanor may serve on the board.

Persons appointed to the Board shall be fair minded and committed to the efficient and effective operation of the Board.

180D.08 Powers and Duties

The following advisory powers and duties are vested in Citizens Public Safety Advisory Board.

1. Information Gathering

To gather, maintain, summarize and report on public information and statistics regarding local law enforcement inclusive of the following categories:

Officer and supervisory training and education programs and options.

Similar categories of public information on other law enforcement agencies.

Information gathering is limited to existing public information within the confines of statutory authority.

2. Analysis

To analyze public information and data derived from any of the foregoing APD records for comparison with other similarly situated municipalities, other municipalities in the region or national statistics.

3. Communications

To promote and encourage open communications, cooperation and dialogue between the APD and the residents and businesses through any of the following activities:

Developing recommendations on how to better inform the community on individual rights and responsibilities when a person has contact with law enforcement officers.

Facilitating effective means of participation for City residents in the making of program recommendations to effectively supplement law enforcement training, when needed, to assure that a sensitive, effective and responsive approach to the needs of residents becomes self-evident.

Providing a community perspective to law enforcement and City officials when concerns of the effectiveness of law enforcement services and relations are at issue.

Foster and encourage public participation in crime prevention activities throughout the City.

Promoting productive law enforcement and community interaction to assist the APD in achieving a greater understanding of the nature and causes of complex community problems in the areas of diversity and human relations.

Effectively addressing the concerns of the community by promoting cooperative programs and approaches to the solutions of community crime.

Advocating for the principle that the administration of justice requires total community involvement and personal responsibility.

Hold public meetings from time to time for the purpose of soliciting public input on general or specific ways to improve communication and partnership between local law enforcement and the communities they serve.

To serve as a liaison between the APD and the community, as necessary.

Engaging and encouraging neighborhood and community organizations throughout the City to participate in training, discussions and promotion of programs and opportunities to foster public safety and improve communication with and regarding local law enforcement.

4. Reports and Recommendations

To approve and issue advisory reports and recommendations to the Department Police, the Mayor and City Council as follows:

To provide recommendations consistent with the purposes of this legislation in respect to the modification, adoption or reform of any internal APD policy, practice or procedure that Citizens Public Safety Advisory Board determines would benefit public safety or otherwise foster improved relations between law enforcement personnel and the community they serve.

To issue reports to the Council and the Mayor on any practice or specific action of law enforcement that in the assessment of Citizens Public Safety Advisory Board are matters of genuine community concern or controversy.

To provide recommendations to the Council and the Mayor on legislative or non-legislative actions to improve relations between local law enforcement and the community.

To provide recommendations of the adoption of any program, intergovernmental agreement, or activity that the Citizens Public Safety Advisory Board determines would serve to strengthen bonds between the APD and the community, so as to thereby make manifest the promise of equal protection and service for all citizens.

To provide an annual written report on their activities to the Council and the Mayor.

180D.09 Bylaws, Organization and Quorum.

The following provisions shall govern the organizational structure of the Citizens Public Safety Advisory Board:

The members may adopt bylaws to govern the organization in the carrying out of their duties. The bylaws must be approved by council by resolution at a public meeting.

Bylaws or any amendments thereto are subject to the prior review and approval of the City Solicitor.

Members may from time to time select and appoint by majority vote a Chair, Vice- Chair and Recording Secretary from its members, with or without the adoption of bylaws.

Proposed bylaws and other Citizens Public Safety Advisory Board policies shall be consistent with the purposes of this legislation and applicable law.

A majority of the Board shall constitute a quorum for the purpose of conducting business and for all other purposes.

All actions of the Board shall be taken by a vote of the majority of voting members present.

No Board business may be conducted if a majority of voting seats are vacant.

180D.10 Meetings

The Citizens Public Safety Advisory Board shall hold quarterly public meetings and such other committee meetings as the members deem necessary in public meeting rooms or facilities of the City. The provisions of state and local statutes relating to open meetings shall apply to the Board.

180D.11 Notice, Advertising and Venue

The City Clerk shall assist the Citizens Public Safety Advisory Board to coordinate meetings of the organization, including the drafting and publication of required legal advertisements. posting of notices on the City website, reserving public meeting rooms in City facilities and acting as custodian of the official minutes and records of the organization.

180D.12 Compensation

Board members shall not receive any compensation for serving as a member of the Board.

180D.13 Removal of members

A Board member may be removed from his or her position by the Mayor and Council for failing to comply with the provisions of this legislation or for other cause shown.

180D.14 Statutory Authority

This Chapter is enacted under the authority of the Home Rule Charter law authorizing the creation of commissions and other bodies with advisory powers.

180D.15 Related Provisions and Restrictions

Nothing in this legislation is intended or shall be deemed to mandate or authorize any person, official, department, bureau or public employee to release any record or information otherwise subject to non-disclosure under Pennsylvania's Criminal History Record Information Act. 18 Pa.C.S. 9101, *et seq.* or that otherwise would impact the continuation or completion of an open criminal investigation. Nothing in this legislation is intended to alter, diminish or impede a Mayor's exercise of their exclusive authority to supervise city police, as by law.

SECTION 2. SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance or the application thereof to any person or circumstance is for any reason found to be unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of the City of Allentown that this ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

SECTION 3. REPEALER. All ordinances or provisions of ordinances in conflict with the provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.