

Petition to Amend Chattanooga Code of Ordinances to establish the Chattanooga Community Control Board

We, the undersigned registered voters of the City of Chattanooga, Tennessee, hereby request that the Chattanooga Code of Ordinances be amended to establish the Chattanooga Community Control Board for the purpose of creating a community-based review and accountability process for the Chattanooga Police Department. This amendment would establish the Chattanooga Community Control Board, which will have independent authority to investigate allegations of misconduct by the Chattanooga Police Department (CPD), offer and implement remedies to police accountability, issue advisory and resolution reports to institutions involved in public safety and the administration of justice, and issue findings of fact related to police misconduct. Pursuant to section 11.24 of the Chattanooga City Charter and section 2-5-151 of the Tennessee Code, if the commissioners of election certify to the sufficiency of the petition, which is required to be signed by the qualified voters of said city equal in number to twenty-five per centum (25%) of the votes cast for all the candidates for mayor at the last preceding general municipal election, this petition shall require the question be placed on the ballot for a vote.

Ballot Question

“Shall the Chattanooga Code of Ordinances be amended to establish the Chattanooga Community Control Board, which will give it the independent authority to subpoena witnesses, establish public reports and issue findings of fact related to police misconduct?”

FOR THE ORDINANCE ()

AGAINST THE ORDINANCE ()

SIGNATURES of REGISTERED VOTERS

(Must be registered voters of _the City of Chattanooga, Tennessee.

Date

(Cannot sign for another – no ditto marks – Address as listed on registration – No P.O. Boxes)

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SECTION 7. BE IT FURTHER ORDAINED, That thereupon either (1) the city council shall pass such ordinance without alteration within six (6) weeks after it is so filed, or, if city council fails or refuse to do so, (2) the city finance officer shall transmit said ordinance and petition, together with his certificate that the city council fail or refuse to pass such an ordinance, to the commissioners of election, whose duty it shall then be to call special election to be held as soon as may be done conformably to law.

SECTION 8. BE IT FURTHER ORDAINED, That the ordinance shall be submitted without alteration to the vote of the qualified voters of said city, if the city council fails or refuses to pass this ordinance.

SECTION 9. BE IT FURTHER ORDAINED, That the City Finance Officer is authorized and directed to pay the pro rata cost of the special City election, if the city council fail or refuses to pass this ordinance.

SECTION 10. BE IT FURTHER ORDAINED, That the Hamilton County Election Commission shall certify to the Clerk of the City Council of the City of Chattanooga, Tennessee, the result of said election, and the said Clerk shall cause said certification to be made a part of the minutes of the City Council.

SECTION 11. BE IT FURTHER ORDAINED, That Section 1 of this Ordinance shall take effect sixty (60) days after its approval by a majority of the qualified voters of the City voting thereon, as provided by Article XI, Section 9, Constitution of Tennessee, the public welfare requiring it or it shall take effect sixty (60) days after its passage by city council.

BALLOT QUESTION

“Shall the Chattanooga Code of Ordinances be amended to establish the Chattanooga Community Control Board, which will give it the independent authority to subpoena witnesses, establish public reports and issue findings of fact related to police misconduct?”

FOR THE AMENDMENT ()

FOR AGAINST THE AMENDMENT ()

THE BALLOT SUMMARY

This amendment would establish the Chattanooga Community Control Board, which will have independent authority to investigate allegations of misconduct by the Chattanooga Police Department (CPD), offer and implement remedies to police accountability, issue advisory and resolution reports to institutions involved in public safety and the administration of justice, and issue findings of fact related to police misconduct.

ACTUAL LANGUAGE

SECTION 1. The Chattanooga City Code, Chapter 16, Sections 59 - 66 is hereby substituted to read as follows:

Sec. 16-59. Title and Authority.

- (a) The Chattanooga Community Control Board for the City of Chattanooga is hereby created.
- (b) The Chattanooga Community Control Board is established pursuant to Council’s authority promulgated under Sections 11.24, 13.44 and 13.49 of the City Charter for Chattanooga and Section 16-43 of the Chattanooga City Code. This Board shall further

have all the powers as a Community Oversight Board consistent with Tennessee Law.

Sec. 16-60. Purpose.

The purpose of the Chattanooga Community Control Board is:

- (a) to create a community based review and accountability process for the Chattanooga Police Department;
- (b) It is the express intent of this Ordinance to give the Board the power and authority to consider and make recommendations to the Chief of Police with regard to policies and procedures concerning the general investigation of complaints by the Police Department as well as its internal affairs procedures, and with regard to evidence of practices or patterns of behavior or practice that is problematic with regard to the interaction of the Police Department with the public at large, as well as any failures of communication with regard thereto.
- (c) to assure timely, fair and objective review of community members' complaints;
- (d) to investigate complaints filed by civilians against the Chattanooga Police Department and make recommendations for appropriate disciplinary measures, if necessary.

Sec. 16-61. Structure of the Chattanooga Community Control Board.

The Chattanooga Community Control Board shall have the following structure:

Members of Board.

- (a) The Chattanooga Community Control Board shall consist of nine (9) members, who shall:
 - i. Have a background indicating fairness, integrity and responsibility including an active interest in public affairs and service for the community members of

Chattanooga.

- ii. Reside within the limits of a Chattanooga City Council district; and
- iii. Not be a current or former law enforcement officer, an employee of a law enforcement agency, current or former elected officials, and with the spouses of the foregoing, and a governmental employee. However, this does not include educators, education support staff, library service employees, and parks and recreation employees.
- iv. Members of the Board shall be selected as follows:
- v. The committee shall have six (6) at-large members who shall be nominated by civic organizations having an interest in the safety of Chattanooga, civil rights, equality, community outreach, and violence reduction.
- vi. The Mayor **shall** accept nominations from each of the six organizations listed below, of which the nominated individual should be a member in good standing. All board member nominations **shall** be approved by the Chattanooga City Council.
 - 1. Chattanooga Racial Equity Collective
 - 2. Concerned Citizens for Justice
 - 3. The Community Control Now Coalition
 - 4. Tennessee United
 - 5. Unity Group of Chattanooga
 - 6. 10,000 Fearless of Chattanooga
- vii. In the event that a member of this board submitted by one of the aforementioned organizations resigns or for any reason is not able to fulfill his or her term, the

submitting organization must submit a replacement within sixty (60) days. If the organization fails to do so in a timely manner, the Mayor may designate another organization, which in turn nominates a representative in good standing. The nominee shall be approved by the Chattanooga City Council.

- viii. In the event any of the listed organizations declines to recommend a member, or any one or more of the organizations cease to exist, the Mayor may designate another organization, which in turn nominates a representative in good standing. The nominee shall be approved by the Chattanooga City Council.
- ix. Upon selection and confirmation of the six(6) at large members, the at-large members shall submit recommendations for the remaining three board member positions.
- x. All board member nominations shall be accepted and approved by the Mayor and Chattanooga City Council.
- xi. The Board shall designate one of the board members to be the Chairperson. The term of the members shall be three years, except that of the members first nominated by the civic organizations, which will serve 5 years initially and three years after the initial term.
- xii. Dedicated Staff of the Board to research, provide administrative support, legal counsel, review complaints and make recommendations to the Board.
- xiii. In the event of a vacancy on the Board during the term of office of a member, by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

Sec. 16-62. Budget

(a) The Board shall be allocated, on an annual basis, an operating budget from the City's budget and shall be a line item in Public Safety Budget. During the first quarter of the year, the Board shall submit a proposed annual operating budget to the Mayor. The Mayor of the City of Chattanooga shall make an initial budgetary allocation after hearings. Upon the conclusion of hearings, the appropriation for the Board will be included in the year's corresponding City budget. After initial determination, the Mayor shall propose an operating budget as part of the City's Annual Budget to be adopted by the city council.

i. Within forty-five (45) days of the first full sitting Board, the Board shall submit to the Mayor a proposed budget to cover initial costs and expenses related to the hiring, and training of employees and Board members, secure necessary infrastructure and equipment, conduct a public awareness campaign, and otherwise implement the requirements of this Ordinance. This allocation shall be a one-time appropriation in an amount that shall not exceed \$1,000,000.

(b) The compensation for each member shall be equal to a member of the city council.

Sec. 16-63. Powers and Duties of the Community Control Board

a. The Board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public (including, but not limited to complaints made by other police officers or personnel) against uniformed and sworn personnel of the CPD that allege misconduct involving inappropriate behavior or actions, including but not limited to use of force, abuse of authority, unlawful arrest, unlawful stop, illegal searches, discourtesy or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, age, sexual orientation, gender identity or expression, and disability, and any other categories protected under law. Any member of the public is intended to have the broadest possible meaning and interpretation.

b. At the conclusion of the Chattanooga Police Division's investigation of a complaint or behavior, the Board shall have the power to conduct a review of the findings, conclusion and recommendations of the Division of Police (Investigation Review). The Board shall report its findings of the Investigation Review to the Chief of Police. A semi-annual report of the Investigation Reviews shall be submitted to the Mayor, Chief of Police and the City Council. The report shall be published and freely accessible to the public at-large.

c. The jurisdiction of the Board shall be concurrent with that of the CPD to investigate complaints or behavior.

d. The Board shall have the power and authority to consider and make recommendations to the Chief of Police, Mayor, City Council, and the public with regard to policies and procedures concerning the general investigation of complaints by the Division of Police as well as its Internal Affairs procedures. The Board shall also have the power and authority to investigate and make recommendations regarding practices and/or patterns of behavior that are problematic with regard to the interaction of the Division of Police with the public at large, public safety concerns,

failures of communication with the public, or any other area regarding police practices and policy or police-community relations.

The findings and recommendations of the Board, and the basis therefore, including those that may relate to suggested general policies and procedures not specific to any particular investigation or complaint shall be submitted to the Chief of Police. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation with regard to a particular complaint, but such findings or recommendations shall be grounded in competent support or evidence.

e. Changes and/or amendments to the Rules of Procedures and/or the Rules of the Board set forth in subsection 16-64; and 16-65 of this section may be proposed by the Board. A public hearing of the Board shall be convened to accept public comments of the proposed changes and/or amendments. The proposed changes and/or amendments as recommended by the Board shall be submitted to the Mayor and/or the Administration of the City of Chattanooga no later than ten (10) days after the public hearing was held. The Mayor and/or the Administration shall review the proposal and may make changes and amendments to the proposal prior to submitting it to the Municipal Council for approval which shall be not later than forty-five (45) days after receipt from the Board. The proposal shall be submitted by the Mayor and/or the Administration to the Municipal Council for review and approval. The Rules of Procedure shall prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which a member of the public is to be informed of the status of his or her complaint. Such Rules may provide for the establishment of subcommittees or panels, which shall consist of not less than three (3) members of the Board, which shall be empowered to supervise the

investigation of complaints, and to hear, make findings and recommend action on such complaints.

f. The Board may require the production of such records and other materials as are necessary for the investigation of complaints submitted to the Board, pursuant to this section through the issuance of subpoenas. Upon a majority vote of members of the Board, the Board may issue subpoenas ad testificandum and duces tecum, which may be served to the extent permitted by law.

g. The Board shall establish a mediation program pursuant to which a complainant may voluntarily choose to resolve a complaint by means of informal conciliation.

h. The Board is authorized, within appropriations available to it, to appoint/hire and train such civilian employees as are necessary to exercise its powers and fulfill its duties. Board members and persons hired as support staff for the Community Control Board shall be employees of the City of Chattanooga.

i. The Board shall issue to the Mayor, Municipal Council, and the public a semi-annual report which shall describe its activities and summarize its action. The Board shall have the responsibility of informing the public about the Board and its duties, and shall develop and administer an ongoing program for the education of the public regarding the Board. The Board shall hold public meetings and shall regularly report to the public on its activities and other policing information it determines to be in the public interest. It shall adopt rules to delineate its public reporting requirements. Those initial rules are set forth in this Section 16-4; 16-65.

j. The Board shall use an established discipline matrix and guidelines to recommend discipline for outcomes resulting from investigations and complaints filed with the Board and/or the CPD. Said discipline matrix and guidelines shall act as safeguards to ensure the consistent

application of discipline and should include aggravating and mitigating factors. The discipline matrix and guidelines should be developed by the Chief of Police and affected bargaining units, in consultation with the Board.

k. The Board shall provide its findings of fact to the Chief of Police and, absent clear error, the Chief of Police shall accept those findings of fact. The Board shall also make disciplinary recommendations and the Chief of Police shall make all disciplinary decisions based on the Board's findings of fact, absent clear error, and consistent with the matrix and guidelines.

Sec. 16-64. Powers and duties

- a) The Board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by any member of the public (including, but not limited to complaints made by other police officers or personnel) against uniform and sworn members of the CPD that allege misconduct involving inappropriate behavior or actions, including, but not limited to, use of force, abuse of authority, unlawful arrest, unlawful stop, illegal searches, discourtesy or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, age, sexual orientation, gender identity or expression and disability. Any member of the public is intended to have the broadest possible meaning and interpretation.
- b) The findings and recommendations of the Board, and the basis therefore, regarding case investigations and recommendations, including those that may relate to suggested general policies and procedures not specific to any particular investigation or complaint, shall be submitted in writing to the Chief of Police.
- c) At the conclusion of the Chattanooga Police Department's investigation of a Complaint or behavior, the Board shall have the power to conduct a review of the findings, conclusions

and recommendations of the Police Department's (Investigation Review). The Board shall report its findings of the Investigation Review to the Chief of Police. Report of the Investigation Reviews shall be submitted to the Mayor, Chief of Police and the City Council. The Board may utilize all the powers set forth in this Ordinance to carry out the Investigation Reviews.

Sec. 16-65. Procedure

- a) Written complaints may be sent to the Board's offices by mail, email or submitted in person at that office during operating hours. The Board shall schedule evening and weekend hours as it deems appropriate. Written complaints may be completed and filed on forms furnished by the Board. The Board will accept written complaints filed at local precincts and forwarded by the Police Department. The Board will also accept complaints submitted through the Chattanooga Control Board's website and by such other methods as the Board may determine.
- b) Telephone complaints will be received during normal business hours at the Board office. Complainants may also report complaints in person at the Board office during operating hours. Complaints may also be filed at public locations to be designated by the Board. The Board shall also schedule evening and weekend hours as it deems appropriate. The Board will also accept complaints submitted through its voicemail system or by such other methods as the Board may determine.
- c) Where the Board receives allegations about persons or matters falling within the sole jurisdiction of another City Department (and not that of the Board), the Board or the Chair shall immediately refer such allegations to such other City Department.
- d) With respect to complaints about officers and matters within the Board's jurisdiction, the Board shall notify the Chief of Police of the actions complained of within a reasonable period of time after receipt of the complaint. The Board's notice to the Chief of Police shall indicate that: (1) the Board will contemporaneously initiate a parallel investigation of the Complaint or behavior with the Police Department;

and/or (2) the Board will not investigate the Complaint or behavior but will conduct an Investigation Review upon the Police Department's conclusion of its investigation.

- e) During the investigatory process, neither the identity of, nor personally-identifiable information about, complainants or witnesses shall be released beyond the Community Control Board staff, Board members, and CPD staff engaged in the specific investigation of the complainant's allegation. If the complaint is substantiated and is referred to a Community Control Board hearing, the complainant's identity may be released in the course of any public hearing about the alleged misconduct.
- f) The procedures to be followed in investigating complaints shall be such as in the opinion of the Board will best facilitate accurate, orderly and thorough fact-finding.
 - a. In investigating a complaint, Board investigatory personnel may utilize one or more of the methods set forth in subsection f, and any other techniques not enumerated here, as may be useful in conducting an investigation.
 - b. The Board may make written or oral requests for information or documents.
 - c. A panel established by the Board may interview the complainant, the subject officer or witnesses.
 - i. The panel may make field visits for purposes such as examining the site of alleged misconduct and interviewing witnesses.
 - ii. Upon a majority vote of members of the Board, the Board may issue subpoenas ad testificandum and duces tecum, which may be served, to the extent permitted by law.
 - iii. The panel may obtain records and other materials from the Division of Police which are necessary for the investigation of complaints

submitted to the Board, except such records and materials that cannot be disclosed by law. In the event that requests for records or other evidence are not complied with, the panel may request issuance of a subpoena duces tecum or a subpoena ad testificandum.

iv. All of the foregoing, excluding requests for subpoenas, may be undertaken by Board investigators.

d. It is the intent of these Rules not to alter the rights afforded to police officers by the CPD in standing orders or other rules and procedures or in collective negotiation contracts with respect to interviews so as to diminish such rights, if any, including but not limited to any existing right to notice of an interview, the right to counsel, and the right not to be compelled to incriminate oneself.

g) **Interviewing.** A member of the Police Department who is the subject of a complaint shall be given two business days' notice prior to the date of an interview, to obtain and consult with representatives. A member of the Division of Police who is a witness in an investigation of a complaint shall be given a period of time, up to two business days, to confer with their representatives.

a. All persons interviewed may be accompanied by up to two (2) individuals to act as their representative, inclusive of their chosen counsel. Such counsel or representative may advise the person interviewed as circumstances may warrant, but may not otherwise participate in the proceeding.

b. Prior to the commencement of the interviewing of a police officer, the following statement shall be read to such officer:

- i. You are being questioned as part of an official investigation of the Chattanooga Control Board. You will be asked questions specifically directed and narrowly related to the performance of your duties. You are entitled to all the rights and privileges guaranteed by the laws of the State of Tennessee, the Constitution of this State and the Constitution of the United States, including the right not to be compelled to incriminate yourself and the right to have legal counsel or such other representative present at each and every stage of this investigation, however that person may not unduly interfere or disrupt the proceedings.
- c. Interviews shall be scheduled at a reasonable hour, and reasonable requests for interview scheduling or rescheduling shall be accommodated. If possible, an interview with a police officer shall be scheduled when such officer is on duty and during daytime hours. Interviews may be conducted at the Board's offices or other locations designated by the Board.
- d. The interviewer shall inform the interviewee of the name and position of the person in charge of the investigation, name and position of the interviewer, the identity of all persons present at the interview, whether the interviewee is a subject or witness in the investigation, the nature of the complaint and information concerning all allegations, and the identity of witnesses and complainants, except that addresses need not be disclosed and confidential sources need not be identified.

- e. The interviewer shall not use off-the-record questions, offensive language or threats, or promise of reward for answering questions.
 - f. The interviewer shall regulate the duration of question periods with breaks for such purposes as meals, personal necessity and telephone calls. The interviewer shall record all recesses.
 - g. Interviews shall be recorded by the Board. No other recordings are permitted.
 - h. If an interviewee needs an interpreter, he or she shall advise the interviewer of such need as soon as possible after being notified of the date and time of the interview. A qualified interpreter will be obtained from an official registry of interpreters or another reliable source.
 - i. Reasonable accommodations shall be made for persons with disabilities who are participating in an interview. Persons requiring such accommodations shall advise the Board of such need as soon as possible after being notified of the date and time of the interview.
- h) **Assignment.** The Chair shall assign to a panel consisting of at least three Board members, or may assign to the full Board for review, all cases which must be fully investigated. Panel membership shall be determined by the Chair.
- a. The panel or the Board shall review the investigatory materials for each assigned case, and prepare a report of its findings and recommendations.
 - b. The panel or the Board may, if it deems appropriate, return a case to investigative staff for further investigation or a panel may, upon approval of the Board, conduct additional fact-finding interviews in accordance with this Ordinance.

- c. Panel findings and recommendations shall be referred to the full Board for its consideration.
- i) **Case Dispositions.** No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints filed with the Board, be the basis for any such finding or recommendation with regard to an individual complaint. This rule shall not be an impediment to any recommendations or findings made with regard to overall patterns or practice of inappropriate behavior, policies or procedures, which may in part rely on complaints, no matter their disposition, filed with the Division of Police, the Board or both.
- a. Panels or the Board shall employ a "preponderance of the evidence" standard of proof in evaluating cases, and their findings shall be grounded in and by competent support or evidence.
 - b. A report of the findings and recommendations with respect to each case investigation reviewed shall be prepared and transmitted to the Chief of Police. Where the disposition of one or more allegations is "Substantiated," as defined in subdivision (d) of this section, such report shall be forwarded in writing within five business days of such substantiation and shall include appropriate pedigree information regarding the subject officer, the case number and any other control or serial number assigned to the case, and a summary of the pertinent facts.
 - c. The following categories of case investigation dispositions shall be used in reports to the Chief of Police:

- i. Substantiated: the acts alleged did occur and did constitute misconduct.
- ii. Unsubstantiated: there was insufficient evidence to establish whether or not there was an act of misconduct.
- iii. Exonerated: the acts alleged did occur but did not constitute misconduct.
- iv. Unfounded: the acts alleged did not occur.
- v. Complaint Withdrawn: the complainant voluntarily withdrew the complaint.
- vi. Complainant Unavailable: the complainant could not be located following at least four attempts to contact the complainant by telephone, certified mail, in-person visit, and electronic communication, respectively.
- vii. Complainant Uncooperative: the participation of the complainant was insufficient to enable the Board to conduct a full investigation.
- viii. Officer Unidentified: the Board was unable to identify the officer who was the subject of the allegation.
- ix. Referral: the complaint was referred to another City Department.
- x. No Jurisdiction: the complaint does not fall within the jurisdiction of the Board.
- xi. No Prima Facie Case: the complaint does not state a prima facie case.
- xii. Mediated: the parties to the mediation agreed that the complaint should be considered as having been resolved through mediation.

- xiii. CPD Disciplinary Action Accepted as Sufficient.
 - xiv. Other articulated reasons: as from time to time determined by the Board.
- d. The Board may close without conducting a full investigation any case unrelated to police misconduct or matters beyond the scope of authority granted herein; provided, however, a justification for the action is stated on the record.
 - e. Prior to the closure of any case, Board members must review the case and vote to close the matter in a public session.
 - f. The Board at the outset of its operation shall adopt guidelines to handle requests for withdrawal.
- j) **Meetings and Reports.** The full Board shall meet at least one time each month, at which meeting it shall consider cases referred to it and conduct any other business.
- a. If a case has been referred to the Board, the Board may take such action as it deems appropriate, including, but not limited to, making its own findings and recommendations, remanding the case to a referring panel for further consideration or action, and remanding the case for further investigation.
 - b. If a Board member has a personal, business or other relationship or association with a party to or a witness in a case before a panel to which such member has been assigned, the member shall disclose this situation to the Chair, and shall request that the case be transferred to another panel. If a Board member has such a relationship in a case before the full Board, the

member should recuse himself or herself from deliberations or action in connection with that case.

- c. Board members must be present at a meeting of the Board or a panel in person or, subject to such limitations as the Board may by resolution from time to time determine, by videoconference in order to register their votes.
- d. The Board shall hold meetings open to the public no less than once every other month. At such meetings, the Board shall provide a public report on Board activities, without disclosing personally identifiable information about a complainant prior to a Board's hearing, including but not limited to:
 - i. The disposition of cases referred to it by Board's staff in the prior month;
 - ii. The disposition of cases in which the Board recommended discipline to the Chief of Police, and what discipline, if any, the Chief of Police issued to the officer found to have committed misconduct in the prior month;
 - iii. The number of complaints received in the prior month, the type of misconduct alleged in those complaints, and the investigatory status of those complaints;
 - iv. Any practices or policy investigations ongoing or completed, as well as any policy recommendations made pursuant to the Board's authority to investigate practices or patterns of behavior and CPD policies;
 - v. Efforts to promote the Board's function, availability, and processes to the public during the prior month.

- e. The Board shall have the authority to conduct public hearings related to issues of public concern with CPD policies, patterns, or practices. The Board may choose to summon the Chattanooga Chief of Police or other employees of the CPD to testify at such hearings.
- f. At each monthly public meeting, the Board shall include a public comment period during which members of the public may address the Board on issues germane to the Board's jurisdiction.
- g. The minutes of each public Board meeting shall be posted on the Board's website within a reasonable time following the meeting.
- h. The Board shall publish on its public website on a quarterly basis:
 - i. The number of complaints it receives;
 - ii. The race, ethnicity, gender, and age of the complainant;
 - iii. The precinct(s) in which the misconduct is alleged to have taken place;
 - iv. The basic facts of the complaints (with personally identifiable information redacted);
 - v. The disposition of each complaint;
 - vi. The recommended discipline, if any, for each complaint;
 - vii. The officers' name and badge number if the board recommended disciplinary action;
 - viii. The discipline issued by the Chief of Police, if any, for each complaint;
 - ix. Any other information the Board shall determine is relevant to carry out the Board's duties and responsibilities.

- i. The Board shall request from the CPD and publish on a quarterly basis:
 - i. The number of stops made by CPD officers during the previous quarter, including data disaggregated by:
 1. the date, time, location and police district of the pedestrian or vehicle stop;
 2. the perceived race, ethnicity, gender, and age of the person stopped, and whether the person stopped was of limited English proficiency, and if so, whether interpretive services were offered, provided that the identification of these characteristics shall be based on the observations and perceptions of the CPD officer making the stop and the information shall not be requested of the person stopped, unless otherwise required by law;
 3. an explanation of the reason for the stop;
 4. whether a frisk of the individual took place as a result of the stop, and an explanation of the legal justification for the frisk;
 5. whether a search (beyond a frisk) of the individual or, if applicable, the vehicle, took place as a result of the stop, and an explanation of the legal justification for the search;
 6. the scope of any search conducted;
 7. whether any contraband was discovered or seized in the course of the search, and if so, the nature of the contraband;

8. the disposition of the stop, such as a warning, a summons, or an arrest;
 9. if a summons was issued or an arrest made, the violations, offenses, or crimes charged (including Criminal Code section or other section of law);
 10. whether any force was used during the stop, frisk or search, and the type of force used;
- j. The number of use of force incidents by the CPD, including data disaggregated by:
- i. the race, gender, ethnicity, and age of the civilian;
 - ii. the type/brief description of force used
 - iii. the reason for use of force
 - iv. the civilian injuries that took place during the incident involving use of force, if any;
 - v. the officer injuries that took place during the incident involving use of force, if any.
- k. Any reporting request of and to be provided by the CPD's Internal Affairs Unit shall be in accordance with Tennessee Attorney General Guidelines and in conformance with all applicable governing laws, rules and regulations.
- l. The number of arrests made during the previous quarter by the CPD, including data disaggregated by:
- i. The date, time, location, and police district of the arrest;
 - ii. the race, ethnicity, gender, and age of the arrestee;

- iii. the offense charged (including Criminal Code section, or other section of law); and
- iv. whether the arrest came in response to a specific report or complaint made by a person to the CPD or 911 system.
- m. The amount of money the City of Chattanooga expended in settlements or judgments to resolve tort, civil rights, or other legal claims filed against the CPD, as well as the basic facts associated with those claims to the extent permitted by law or not otherwise restricted from disclosure.
- n. The Board shall publish an annual report, available on its public website, compiling the aforementioned statistics for each calendar year and identify any significant trends, patterns, areas of concern within the CPD's practices.
- k) Within seven business days of the receipt of a complaint, the Board shall notify a complainant by telephone or letter that the Board has received his/her/their complaint, and shall identify the case number.
- l) The Board shall, within seven business days of sending to the Chief of Police it's findings and recommendations in a case, write to the Complainant with such findings and recommendations.
- m) The Board and such employees as it may retain shall obtain such training necessary to fulfill its responsibilities set forth herein. Such training shall be predominantly obtained from such independent, third party bodies or institutions that have experience with regard to internal affairs and civilian review investigations and audits. A policy as to training shall be adopted by the Board at the outset of its

operation and updated annually. The cost of such training shall be set forth in the Board's budget proposal as required by Section II.

- n) If a Board member has a personal, business or other relationship or association with a party to or a witness in a case before the panel to which such member has been assigned, the member shall disclose this situation to the Chair, and shall request that the case be transferred to another panel. If a Board member has such a relationship in a case before the full Board, the member shall recuse herself or himself from deliberations or action in connection with that case.

Sec. 16-66. – Cooperation of the Division of Police and Departments

- a) It shall be the duty of the Chattanooga Police Department to provide such assistance as the Board may reasonably request, to cooperate fully with investigations by the Board, and to provide to the Board upon request records and other materials which are necessary for the investigation of complaints submitted pursuant to this section, except such records or materials that cannot be disclosed by law.
- b) The Chief of Police shall ensure that officers and employees of the CPD appear before and respond to inquiries of the Board and its civilian investigators, if any, in connection with the investigation of complaints.
- c) In any case substantiated by the Board in which the Chief of Police finds clear error in the findings of fact or intends to impose discipline that is of a lower level than that recommended by the Board, the Chief of Police shall notify the Board in writing, prior to the imposition of such discipline, detailing the specific reasons for the decision not to accept the Board's findings of fact, or to impose the discipline recommended by the Board. The Board may then request that the Chief of Police appear in person before the

Board for further explanation or to address questions from the Board. The Chief of Police shall cooperate with requests to appear before the Board.

- d) The provisions of this section shall not be construed to limit or impair the authority of the Chief of Police to discipline members of the CPD nor obviate the responsibility of the CPD to investigate citizen complaints or incidents to which CPD is made known, involving uniformed and sworn members of the CPD, and to promptly inform the Board of all such complaints or incidents. Nor shall the provisions of this section be construed to limit the rights of members of the CPD with respect to disciplinary action, including, but not limited to the right to notice and a hearing, which may be established by any provisions of law or otherwise.
- e) The provisions of this section shall not be construed to prevent or hinder the investigation or prosecution of a member of the CPD for violations of law by any court of competent jurisdiction, a grand jury, County or State Prosecutor or any other authorized officer, agency or body.
- f) The processing and review of civilian complaints shall not be deferred because of any pending or parallel disciplinary proceeding or criminal investigation unless such request for deferment is made by the office of a County Prosecutor or a State or Federal law enforcement agency or prosecutor or by a court order.
- g) The Chief of Police shall ensure that any adverse action by a member of the CPD toward an individual which is due to an action taken to exercise his,her, or their rights to file a misconduct complaint, or which likely would deter an individual from exercising their rights or making or supporting a complaint, is prohibited.

h) All City officials and departments shall fully cooperate with the implementation of this ordinance.

SECTION 2. BE IT FURTHER ORDAINED, That, this with the exception provided in Section 1, all provisions in the present Charter of the City of Chattanooga, not in conflict with this amendatory home rule ordinance, be and the same are continued in full force and effect, and all provisions constituting the Charter of the City of Chattanooga in conflict therewith are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section, or part of this Ordinance shall be held to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have invalid.

SECTION 5. BE IT FURTHER ORDAINED, that this Petition to Amend the Chattanooga Code of Ordinances shall be filed with the commissioners of election.

SECTION 6. BE IT FURTHER ORDAINED, If the commissioners of election certify to the sufficiency of the petition, which is required to be signed by the qualified voters of said city equal in number to twenty-five per centum (25%) of the votes cast for all the candidates for mayor at the last preceding general municipal election, **eighteen thousand eight hundred and seventy-five (18,875) of which four thousand seven hundred nineteen (4,719) qualified signatures are needed**, the proposed ordinance and petition shall be filed, with the city finance office,