

AMENDMENT NO. ____
TO
ORDINANCE NO. BL2023-1990

Mr. President –

I move to amend Section 1 of Ordinance No. BL2023-1990 as follows:

I. By amending Section 2.106.030(i) as follows:

(i) Members of the board shall:

- (1) Respect an individual's, including a police officer's, right to privacy, and maintain confidentiality of records;
- (2) Maintain the confidentiality of ~~internal-affairs-unit~~ police department office of professional accountability files, personnel files, and other files, records, or recordings received pertaining to their membership on the board;
- (3) Excuse themselves from participating in the review of any complaint in which they have a personal, professional, or financial conflict of interest; and
- (4) Conduct themselves in a manner that ensures public confidence in the fairness, impartiality, and integrity of the board, and refrain from making any inappropriate or prejudicial comments regarding any matter being reviewed by the board or which may be reasonably expected to be reviewed by the board.

II. By amending Section 2.106.040(d) as follows:

(d) The Board shall prepare annually a budget for the coming fiscal year, and shall submit such budget to the mayor in accordance with Article 6 of the Metropolitan Charter. Subject to annual appropriation in the operating budget, the board may employ staff as may be necessary to carry out the purposes of the board to be managed by the executive director. The salaries and benefits of board staff shall be as fixed in the pay plan adopted pursuant to Article 12 of the Metropolitan Charter.

III. By amending Section 2.106.050 as follows:

- (a) The executive director shall accept written, sworn complaints from members of the public regarding misconduct of metropolitan police officers and shall forward these complaints to the head of the ~~police department internal-affairs-unit~~ police department office of professional accountability within three (3) business days of their receipt. Upon receipt of any such complaint, the ~~police department internal-affairs-unit~~ police department office of professional accountability shall immediately undertake an investigation of the allegations pursuant to the standard operating procedures of the police department. The executive director

may also accept unsworn or anonymous complaints, and if accepted, refer the complaints to the ~~police department internal affairs unit~~ police department office of professional accountability for investigation.

- (b) Upon notification by the head of the ~~internal affairs unit~~ police department office of professional accountability that an investigation of an allegation of police misconduct is closed, whether such investigation was prompted by a complaint received by the executive director or otherwise, the executive director shall review the ~~internal affairs unit~~ police department office of professional accountability file or the referral action form and determine whether the investigation is complete.
 - (1) If the executive director finds that the investigation is complete, then the executive director shall file a report with the board at its next regularly scheduled meeting that contains a copy of the ~~internal affairs unit~~ police department office of professional accountability case, summary, or referral action form, and any documentation of disciplinary action pertaining to the case.
 - (2) If the executive director finds that the investigation is not complete, then the executive director shall notify the board, at its next regularly scheduled meeting, that, in the executive director's opinion, additional investigation or additional time may be required for the investigation to be complete.
- (c) At each regularly scheduled board meeting, the executive director shall file a report with the board that details the resolution of unsworn or anonymous complaints that the executive director has been able to resolve without an investigation by the ~~internal affairs unit~~ police department office of professional accountability.
- (d) The executive director may request legal services and advice from the department of law. If the director of law determines that the provision of legal services and advice would constitute a conflict of interest, the director of law shall so advise the executive director. The executive director may then request the director of law to provide outside counsel for such legal services and advice.
- (e) The executive director shall:
 - (1) Ensure the proper recording of the minutes of the board;
 - (2) Maintain proper records and files pertaining to board business;
 - (3) Receive and record all exhibits, petitions, documents, or other materials presented to the board in support of or in opposition to a question before the board;
 - (4) Comply with state law and local ordinances regarding notice of meetings;
 - (5) Provide complainants with information about the complaint process;
 - (6) Be a notary public;
 - (7) Compile statistical information regarding complaints of misconduct by police officers as reported to the executive director from a member of the public, reported to the ~~internal affairs unit~~ police department office of professional accountability where the investigation was reviewed by the

- executive director, or which were initiated by the executive director; and
- (8) Include the information compiled under subsection (e)(7) in an annual report to the chief of police, the mayor, and the metropolitan council of the board's activities.

VI. By amending Section 2.106.060(b)(2) as follows:

- (2) Direct the executive director to return the investigation to the ~~internal affairs unit~~ police department office of professional accountability for additional investigation.

V. By amending Section 2.106.060(g) as follows:

- (g) The board shall, at least once a year, compile a comprehensive report of its activities. The report shall contain statistics and summaries of citizen complaints, including a comparison of the board's findings and conclusions with those of the ~~internal affairs unit~~ police department office of professional accountability, along with the actions taken by the chief of police. The board's annual report shall be submitted to the:
- (1) Executive director for inclusion in the executive director's annual report to the chief of police;
 - (2) Mayor;
 - (3) Metropolitan Council;
 - (4) Chairs of the civil justice and criminal justice committees of the house of representatives; and
 - (5) Chair of the judiciary committee of the senate.

VI. By amending Section 2.106.080(a) and (b) as follows:

- (a) The board does not have the authority to issue subpoenas for documents or to compel witness testimony. This limitation does not prohibit the issuance of a subpoena, on behalf of the board, approved by resolution of the metropolitan council pursuant to ~~Section 38-8-312 of the Tennessee Code Annotated,~~ where:
- (1) the subpoena issued by the metropolitan council, on behalf of the board, is issued pursuant to a majority vote of the metropolitan council,
 - (2) is not issued in the form of a blanket authorization, but must specify each document to be produced, and
 - (3) is not issued for documents that are confidential under state or federal law.
- (b) The board and its staff shall not review an investigation:
- (1) Concerning any incident occurring prior to January 1, 2023;
 - (2) Prior to the closure of an investigation by the ~~internal affairs unit~~ police department office of professional accountability or of a criminal investigation;

- (3) While the complainant, the officer(s) complained about, or a witness is actively engaged in pursuing a remedy provided by the rules and regulations of the civil service commission; or
- (4) Where the complainant has initiated, threatened, or given notice of the intent to initiate litigation against the metropolitan government or any of its employees.

VII. By renumbering Section 2.106.080 – Severability as follows:

2.106.080-090 – Severability

If any provision or clause of this chapter or the application thereof to any person or circumstance is held to be unenforceable by a court of competent jurisdiction, such clause or provision and the remainder of this chapter shall remain effective and enforceable to the fullest extent allowed by law, and all clauses and provisions of this chapter are hereby declared to be severable.

Sponsored by:

Jeff Syracuse
Member of Council