



## **COMMUNITY POLICE REVIEW COMMISSION BYLAWS**

### **PREAMBLE**

WHEREAS, the City of Austin and Austin Police Association's most recent Agreement between the City of Austin and the Austin Police Association, or the 2018 Meet and Confer (2018 MAC), became effective November 15, 2018 and permits civilian police oversight in order to support fair and impartial review of complaints, independent and objective review of the policies and procedures of APD, provide a non-exclusive space for accepting administrative complaints of officer misconduct and foster greater transparency and community trust;

WHEREAS, City Manager may create and maintain authority of a Civilian Commission that separately oversees certain acts of conduct of police officers;

WHEREAS, the Community Police Review Commission (CPRC) is an independent civilian oversight Commission;

WHEREAS, to adopt bylaws to govern its own activities organize, elect officers, and adopt such rules and administrative procedures consistent with the 2018 Agreement is necessary for the conduct of its affairs and performance of its functions and responsibilities prescribed in said Agreement;

Now, therefore, the organization and rules of procedures of the Community Police Review Commission shall be as follows:

### **ARTICLE I: COMMISSIONERS**

#### **A. Expectations**

Commissioners are expected to:

1. Attend regularly scheduled Commission meetings;
2. Attend and participate in community meetings, forums, and other events as a Commissioner;
3. Serve on Commission committees, as assigned;
4. Respond in a timely manner to communications that require a response; and
5. Act as informal liaisons to the community, including at least one City Council District, to listen to concerns, and receive feedback on Commission activities.

#### **B. Terms of Office**

Each Commissioner serves for a term of two years beginning September 10<sup>th</sup> the year of appointment. Each Commissioner shall serve for two (2) years on evenly staggered terms. No Commissioner may serve for more than two (2) consecutive terms.

#### **C. Resignation**

1. A Commissioner who wishes to resign from the Commission shall notify the OPO Director and Commission Chairs in writing prior to the Commissioner's resignation.



2. A Commissioner who has four (4) sequential unexcused absences from scheduled Commission meetings shall be deemed to have resigned. The OPO Director shall notify the City Manager that the position is open.

#### **D. Commission Vacancies**

If at any point the CPRC has less than five (5) Commissioners, the City may allow a Commissioner to stay past their four-year limitation so that the Commission still has enough Commissioners to operate. However, the City shall make reasonable efforts to find a replacement Commissioner (2018 MAC 16.04). Commissioners may also be replaced if there are any vacancies.

#### **E. Removal of Commissioners for Cause**

1. Commissioners may be removed for cause by a three-quarters (3/4) vote of its Commissionership.
2. If the affected Commissioner desires to continue serving, the affected Commissioner shall request the tabling of any motion to remove or recommend removal and the Commission shall table such motion until the next regularly scheduled Commission meeting. Prior to the vote at the next regularly scheduled Commission meeting, the affected Commissioner shall submit to the OPO Director a written statement of appeal at least seven (7) days prior to the next regularly scheduled Commission meeting stating the basis for believing removal is not warranted. The OPO Director shall distribute the statement by email to all Commissioners at least five (5) days prior to the next regularly scheduled Commission meeting.
3. Commissioners may be subject to removal by the City Manager for any reason (2018 MAC 16.04).

### **ARTICLE II: OFFICERS**

#### **A. Election of Officers**

Each October the Commission shall elect, by a majority vote at a regularly scheduled Commission meeting, one Chair and one Vice-Chair, from the Commissioners, to serve an annual term as Commission officers.

#### **B. Responsibilities of Chair and Vice-Chair**

1. The Chair shall preside at all meetings of the Commission, shall sign all official documents of the Commission, and appoint all committees, committee Commissioners, and committee chairs. In the event that the Chair is absent or unable to perform their duties, their duties will be assumed by the Vice-Chair. If both Chairs are absent or unable to perform their duties at a Commission meeting, the Commissioners present shall select by a simple majority vote a designee to act as Chair.
2. The Chairs shall be responsible for approving proposed Commission meeting agendas, times, locations, and dates and ensuring, along with OPO staff, that proper meeting procedures are followed.



3. The Chair is responsible for preserving decorum and protecting confidentiality and the integrity of investigations.
4. The Chairs shall be responsible for approving any Commissioner requests for an extended absence.

### **C. Removal of Chairs**

Any Commissioner may make a motion to consider the removal for cause of any Chair from office at a regular meeting of the Commission, provided that at least seven (7) days written notice of such intent is given to all Commissioners. The motion to consider removal shall be made at the first meeting following the required notice. The motion to remove shall be voted on and requires a three-quarter (3/4) majority vote of all Commissioners (not 3/4 of Commissioners present) to pass.

## **ARTICLE III: MEETINGS**

### **A. Time and Place**

Regular meetings of the Commission shall be held at least once each month at such time and place as the OPO staff and Commission Chairs shall designate. Commission meetings are partially open to the public. The dates and times of regular meetings shall be posted on the Commission's website. The agenda shall be created by the Commission and sent to the OPO staff to be circulated to Internal Affairs Division and the individual designated by the President of the APA as the Commission liaison at least five (5) business days prior to the Commission meeting. The agenda may also be published publicly at the time of distribution to the IA and APA representatives, but no later than 48 hours before the meeting. The public session of the meeting may be streamed live and recorded and uploaded to the CPRC website.

### **B. Special Meetings**

Special meetings of the Commission shall be held upon the call of the Chairs or upon request of a majority of Commissioners. Said special meetings shall be held for a specific purpose or purposes and shall not take the place of a regular Commission meeting unless so determined at a prior regular meeting. Notice to each Commissioner shall be personally delivered by mail, by fax, or by electronic mail. The agenda will be made available to the IA representative and APA representative at least five (5) business days ahead of the meeting and published on the Commission's website at least 24 hours before the time of the meeting specified in the notice. Where circumstances require, special meetings may be held by telephone or video conference, provided that the public shall be allowed access to a location where the telephone or video conference can be heard. If a special meeting is called to review confidential information in a private session, the agenda will still be circulated to the IA and APA representative at least five (5) days ahead of the meeting. Notice of a special closed session meeting will be posted to the CPRC website.



### **C. Compliance with Laws**

1. All regular and special meetings shall be held in accordance with the 2018 MAC 16.04.
2. During any regular meeting, the Commission may convene in private session to discuss matters as permitted in 2018 MAC 16, including but not limited to, facts of the particular case to be reviewed. The Director of the OPO and/or the IAD representative shall present to the Commission the information obtained from the IAD investigation. The duties of the IAD representative may be performed by others, including the chain of command, training staff, and/ or forensics.
3. After receiving public input, if any, the Commission may discuss the particular case under review in private session. The OPO Director, Director's designee, and a designated attorney(s) from the City Attorney's Office may be present during such discussion.
4. Members of the Commission may be provided with READ ONLY electronic access to all or part of the IAD files, or the physical files themselves, during these presentations. If the Commission intends to convene in private session in any special meeting, the private session and its purpose shall be stated on the special meeting notice.

### **D. Quorum**

A simple majority of currently appointed Commissioners shall constitute a quorum for the transaction of business.

### **E. Participation in Meetings by Telephone or Videoconference**

In the event of an emergency, such as a federal or State of Texas declaration of disaster, Commissioners may convene meetings by telephone or videoconference. Participation by telephone or video conference shall be equivalent to presence in person at the meeting for purposes of determining if a quorum is present.

### **F. Public Comment**

Public comment will be received during the Public Session of the Commission meetings. The Commission will receive public comments to effectuate the purposes, duties, and responsibilities in 2018 MAC 16.04 have been met. Individuals who wish to speak to the Commission will sign up by filling out a speaker card listing the agenda item they wish to address at least 24 hours in advance of the meeting. Speakers may only comment on the specific agenda item they identify they would like to comment on and will be restricted to doing so by the Commission Chairs or the OPO Director. Commissioners will ensure that public comment is aligned with the policies in 2018 MAC 16.

## **ARTICLE IV: ATTENDANCE**

### **A. Responsibility**

It is the responsibility of each Commissioner to attend scheduled Commission meetings and meetings of committees to which the Commissioner is appointed.



## **B. Excused Absence**

1. An excused absence shall be defined as an absence due to one or more of the following:
  - a) Illness;
  - b) Family leave;
  - c) Out of town trip;
  - d) Emergency;
  - e) Unavoidable work or personal conflicts; or
  - f) Commission-related business.
2. To request an excused absence, Commissioners shall notify the Chair and Vice-Chair, as well as the OPO Director or the Director's designee, 24 hours before the Commission meeting and state the specific reason for the request. If the circumstances prevent the Commissioner from notifying the Chairs and staff prior to the meeting, the Commissioner will notify Chairs and staff as soon as possible.

## **C. Extended Absence**

In special circumstances, the Chairs may grant an extended leave of absence. If a Commissioner anticipates an extended absence from their Commission duties, the Commissioner shall submit a written request for an extended leave of absence of not more than three (3) months to the OPO Director. The written request shall state the reasons for the request and the expected date of return to active participation on the Commission. The Director will forward the request to the Chairs and the City Manager.

## **ARTICLE V: COMMITTEES**

### **A. Role of Committees**

Committees may be formed by the Chairs to accomplish specific tasks or work outside the Commission's regularly scheduled meetings. Committees may be formed in order to divide and delegate cases for review. Committees shall not exercise decision-making authority on behalf of the Commission but shall act in an advisory capacity to the full Commission regarding decisions and recommendations.

### **B. Critical Incident Committees**

Critical Incident Committees may be formed by the Commission Chair. Each Critical Incident Committee shall be comprised of three (3) or more Commissioners per committee. The Chair shall assign critical incidents for the committee to review. The committees shall be formed and review critical incidents on a rotational basis, as determined by the Commission Chair.

The Commission Chair may serve on a Critical Incident Committee. The Chair may express their opinion on committee recommendations.

## **ARTICLE VI: DECISION MAKING**

### **A. Voting and Consensus**



Decisions and recommendations of the Commission shall be made by group consensus whenever possible. If consensus cannot be reached, the Commission Chair shall call a vote with a simple majority of the Commissioners present will prevail.

#### **B. Proxies**

Commissioners are not allowed to vote in advance or by proxy on issues voted on at Commission meetings.

### **ARTICLE VII: DELEGATION OF AUTHORITY**

#### **A. General Provisions**

The Commission delegates its Chairs the authority between regular CPRC meetings to carry out duties and responsibilities of the Commission. The Chairs may exercise this authority themselves, or by directing or assigning other Commissioners to do the work within a specific scope and on specific topics. This delegation may be in a general category and need not be expressly reiterated for every step or action to be taken.

#### **B. Contents of Letters, Emails, and Documents**

1. Upon an affirmative vote of the Commission to issue a letter or other document, the Chairs may delegate to Commissioners the task of drafting such letter or document consistent with the content approved in the vote and in consultation with the OPO Director.
2. Commissioners or the Chairs may email drafts to Commissioners for feedback. When this occurs, individual Commissioners must respond only to the Chairs or OPO staff. The Chairs shall have final authority to approve the letter or document.
3. All CPRC related communications will be conducted through CPRC email only.

### **ARTICLE VIII: PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS**

#### **A. Legal Counsel**

The Commission will have access to an assigned City of Austin attorney and may request this attorney provide confidential legal advice to the Commission in writing and in private session at Commission meetings.

#### **B. Confidentiality**

Commissioners are required to maintain the confidentiality of all legal advice and other privileged communications, whether the advice was communicated in writing or orally. Commissioners may share the contents of such legal advice or other privileged communications with no one except for other Commissioners, OPO staff, or Commission attorneys. Commissioners are required to maintain writings containing legal advice received from Commission attorneys and privileged communications related to Commission work in a secure location or in a secure fashion.



### **C. Waiver**

The privilege relating to a particular piece of legal advice may be waived only by a majority vote at a regularly scheduled Commission meeting. Waivers do not apply to information that falls within the constraints of 2018 MAC 16.04 and 16.05. For information that falls outside the 2018 MAC, the majority of Commissioners present must vote in favor of waiver for the privilege to be appropriately waived. Upon such a vote, the confidentiality provisions set forth above will no longer apply to the legal advice or communication that was the subject of the vote.

### **D. Recusal**

Any Commissioner who believes that he or she will be unable to comply with the confidentiality provisions set forth above, because of fiduciary obligations to another organization or for any other reason, must recuse him or herself from receiving the legal advice or confidential communication.

## **ARTICLE IX: PUBLIC STATEMENTS**

### **A. Commission Spokespersons**

The Chair and Vice-Chair shall act as the official spokespersons for the Commission to the media, Mayor, City Council, or other governmental entities unless another spokesperson is chosen by the Commission or the Chairs; however, in all cases such spokespersons shall represent the majority position of the Commission and shall not publicly express individual opinions related to Commission work as per 2018 MAC 16.04.

### **B. Commissioner Comments**

The Commission acknowledges that on some occasions individual Commissioners may disagree with Commission actions. Commissioners may discuss disagreements privately. Commissioners must express such disagreements in a respectful way. Commissioner public comments are representative of the Commission in its entirety and should not be made on an individual basis.

## **ARTICLE X: ROLE OF OPO**

The OPO helps facilitate review of case file information, training, Commission meetings, coordinate commissioners' observation of subject officer interviews, and consult with the Commission in formulating any recommendations to the Chief of Police.

## **ARTICLE XI: ENDORSEMENTS**

The Commission shall not make endorsements or take positions outside the scope of its work.

## **ARTICLE XII: AMENDMENTS**



**Community Police  
Review Commission**

AUSTIN, TX

Amendment(s) to the rules of the Commission shall be made by written resolution adopted by a vote of not less than three-fourths (3/4) of the Commissioners, which resolution shall be presented at the meeting prior to any vote taken thereon.