



CITY OF KNOXVILLE

POLICE ADVISORY
&
REVIEW COMMITTEE

Ordinance No: 0-194-01

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REVISED

12a.

ORDINANCE

AN EMERGENCY ORDINANCE
OF THE COUNCIL OF THE CITY
OF KNOXVILLE TO AMEND THE
KNOXVILLE CITY CODE,
CHAPTER 2, ARTICLE X, TO
CREATE THE POLICE ADVISORY
AND REVIEW COMMITTEE.

ORDINANCE NO: 0-194-01
REQUESTED BY: Mayor and Councilmembers
Sharp, Cox, Malone, Shouse
PREPARED BY: Law
APPROVED AS TO FORM AND
CORRECTNESS: Director of Law
APPROVED ON 1ST
READING: _____
APPROVED ON 2ND
READING: _____
APPROVED AS
AN EMERGENCY
MEASURE: 5-29-01
MINUTE BOOK 65 PAGE _____

WHEREAS, the Council of the City of Knoxville believes that a strong and close relationship between the Knoxville Police Department and the citizens of the City of Knoxville is an integral part of a progressive, responsive and responsible city government; and

WHEREAS, essential to such a relationship is the community's respect for and trust in the Knoxville Police Department; and

WHEREAS, the Knoxville Police Department has made great strides in its relationship with citizens in all areas of Knoxville through its commitment to community

oriented policing, and has been proactive in reaching out to citizens and community leaders for input and assistance; and

WHEREAS, the Police Advisory and Review Committee, established by Executive Order of the Mayor on September 22, 1998 is recognized as a great advance in relations between the citizens of the City of Knoxville and the Knoxville Police Department; and

WHEREAS, recognizing the need to allow the citizens of the City of Knoxville to assume a greater role in guiding the Knoxville Police Department in matters of public concern, including the examination of citizen complaints and complaint review procedures, the Council of the City of Knoxville desires to ratify and reestablish the Police Advisory and Review Committee, under the terms previously established by Executive Order of the Mayor, and

WHEREAS, an emergency is declared to exist in that it is necessary for the immediate preservation of the public peace, property, health and safety that this Ordinance take effect immediately upon its passage.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KNOXVILLE, TENNESSEE:

SECTION 1: The Code of the City of Knoxville, Chapter 2, is hereby amended by adding the following as a new Article X:

ARTICLE X. POLICE ADVISORY AND REVIEW COMMITTEE

§ 2-1101. Title and Authority.

(a) There is hereby created the Police Advisory and Review Committee for the City of Knoxville.

(b) The Police Advisory and Review Committee is established pursuant to the Council's authority under Article II, § 234 of the Charter of the City of Knoxville and § 2-7 of the Code of Ordinances of the City of Knoxville.

§ 2-1102. Purpose.

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

§ 2-1103. Members of the Committee.

- (a) The Committee shall consist of seven (7) members, who shall:
1. possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service;
 2. be qualified to vote in Knox County, Tennessee; and
 3. not be a current employee of any governmental body except for those employed in the field of education.

(b) All Committee members shall be appointed by the Mayor and confirmed by the Council. Initial appointments to the Committee shall be made for the following terms:

1. two (2) members of the Committee shall be appointed for one (1) year terms;
2. two (2) members of the Committee shall be appointed for two (2) year terms; and
3. three (3) members of the Committee shall be appointed for three (3) year terms.

All subsequent appointments, except to fill vacancies, shall be for three (3) year terms. Vacancies occurring other than through the expiration of terms shall be filled for the remainder of the term of the member being replaced. No member appointed pursuant to this Article may serve more than two (2) consecutive terms. Upon making the initial appointments to the Committee, the Mayor shall designate one member of the Committee to convene the first regular meeting of the Committee. At its first regular meeting, the Committee shall elect one of its members to serve as chairman. The chairman shall serve a term of one year or until a successor is elected. The chairman may appoint such other officers as deemed appropriate.

(c) Upon the recommendation of the majority of the Committee or upon his own volition, the Mayor, with approval of the Council, may remove any member of the Committee for official misconduct or neglect of duty including but not limited to neglect of any duty specifically enumerated in subsection (f) below. In addition, members who fail to attend three (3) consecutive regular meetings may be considered to have vacated their positions and may be replaced, as provided for herein. Members who cease to have the qualifications provided in subsection (a) of this Section shall be deemed to have forfeited their position.

(d) No member of the Committee shall receive compensation for services performed.

(e) Within six (6) months of being appointed to the Committee, each member shall complete the Citizen's Police Academy course offered by the Knoxville Police Department and such other training as may be deemed appropriate by the Chief of Police.

(f) Members of the Committee shall at all times:

1. obey all laws regarding an individual's right to privacy and confidentiality of records;
2. maintain the integrity of Internal Affairs Unit files, personnel files or other files, records or tapes received as a result of the work of the Committee;
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 at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of

the Committee, and refrain from making any inappropriate or prejudicial comments regarding any matter being reviewed by the Committee or which may be reasonably expected to be reviewed by the Committee.

§ 2-1104. Committee Staff.

(a) The Committee shall be served by an Executive Director who is selected by the Mayor and approved by the Committee. Upon employment, the Executive Director shall be designated as a non-classified exempt employee of the Department of Community Relations of the City of Knoxville. The Executive Director shall be provided with any necessary support staff or services that may be required in order to fulfill the duties and responsibilities of the position.

(b) The Executive Director shall be furnished with adequate office space, equipment and supplies to carry out duties imposed by this Executive Order.

(c) The Executive Director shall:

1. possess a reputation for fairness, integrity and responsibility and have demonstrated an active interest in public affairs and service;
2. be qualified to vote in Knox County, Tennessee
3. not be a former employee of the Knoxville Police Department or the Knox County Sheriff's Department; and
4. possess prior investigative experience such as would be possessed by an attorney or a law enforcement officer.

(d) The Executive Director shall at all times:

1. obey all laws regarding an individual's right to privacy and confidentiality of records;
2. maintain the integrity of Internal Affairs Unit files, personnel files or other files, records or tapes received as a result of the work of the Committee;
3. excuse himself from participating in the review of any complaint in which he has a personal, professional or financial conflict of interest;
4. conduct himself at all times in a manner that will maintain public confidence in the fairness, impartiality and integrity of

- the Committee, and refrain from making any inappropriate or prejudicial comments regarding any matter being reviewed by the Committee or which may be reasonably expected to be reviewed by the Committee; and
5. comply with all rules and regulations applicable to other employees of the City of Knoxville.

§ 2-1105. Powers and Duties of the Executive Director.

(a) The Executive Director 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 Knoxville Police Department ("IAU") within three (3) working days. Upon receipt of any such complaint, the IAU shall immediately undertake an investigation of the allegations pursuant to the Standard Operating Procedures of the Knoxville Police Department. The Executive Director may also accept unsworn or anonymous complaints and shall either attempt to resolve such complaints or, if warranted, refer the complaints to the IAU for investigation.

(b) Upon notification by the commander of the IAU 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 IAU file or the Referral Action Form and determine whether the investigation is complete.

1. If the Executive Director finds that the investigation is complete, he shall so report to the Committee at its next regularly scheduled meeting, attaching to his report a copy of the IAU case summary or the Referral Action Form and any documentation of disciplinary action pertaining thereto.
2. If the Executive Director finds that the investigation is not complete, he shall so report to the Committee at its next regularly scheduled meeting and shall include in his report an explanation of the specific information needed in his opinion for the investigation to be complete.

(c) At each of the regularly scheduled meetings of the Committee, the Executive Director shall provide a report to the Committee that details the resolution of any unsworn or anonymous complaints that the Executive Director is able to resolve without any investigation by the IAU.

(d) The Executive Director, in his discretion, may request legal services and advice from the Law Department. Where, in the judgment of the Law Director, the provisions of legal services and advice would constitute a conflict of interest with the Law Department's duties to the City of Knoxville or any department thereof, the Law Director shall so advise the Executive Director, who may then request the Law Director to provide outside counsel to the Executive Director.

(e) The Executive Director 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. The Executive Director shall also be responsible for complying with all statutes and City ordinances regarding notice of meetings and for providing complainants with information regarding the complaint process.

(f) The Executive Director shall be a notary public and shall be responsible for administering oaths to complainants and to witnesses.

(g) The Executive Director shall compile information concerning complaints of police misconduct and any information relevant thereto, whether such complaints are received by the IAU or by the Executive Director, and shall include such information in an annual report to the Mayor, the Chief of Police and the Council of the Committee's activities.

§ 2-1106. Powers and Duties of the Committee.

(a) The Committee shall review all reports of the Executive Director submitted in accordance with the provisions of §§ 2-1105(b) and

(b) After a finding by the Executive Director that an investigation is not complete, the Committee, by a majority vote of its members, may:

1. request the Chief of Police to conduct a further investigation of the incident specifying additional information needed; or
2. in the event the Chief of Police fails to conduct a further investigation as requested by the Committee, direct the Executive Director to further investigate the incident.

Any additional investigative findings shall be reported to the Committee. Upon completion of its inquiry, the Committee shall report its written

findings and conclusions to the Chief of Police, the Mayor and the Council.

(c) As it deems necessary to conduct its affairs in furtherance of its mandate, the Committee shall have access to all public records of the City of Knoxville, including those of the Knoxville Police Department. Such records may include, but are not necessarily limited to, complaints and supporting documents provided by complainants, offense, incident and arrest reports, incident-related documents such as schedules, dispatch notes, dispatch tapes and transcriptions, citations, photographs and records of interviews with complainants, employees, and witnesses. The Committee shall not have access to any non-public records of the City of Knoxville, including employee medical records, or any records that are otherwise exempt from disclosure.

(d) Based upon any specific findings and conclusions of the Committee, the Committee shall have the authority to make recommendations to the Chief of Police designed to improve police policies and activities and to benefit the community. The Chief of Police or his designee shall attend all 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 annually, compile a comprehensive report on its activities. The report shall contain statistics and summaries of citizen complaints, including a comparison of the Committee's findings and conclusions with those of the IAU, along with the actions taken by the Chief of Police. The Committee's annual report shall be submitted to the Executive Director for inclusion in his annual report to the Chief of Police, the Mayor and the Council.

(f) The Committee, in its discretion, may request legal services and advice from the Law Department. Where, in the judgment of the Law Director, the provisions of legal services and advice would constitute a conflict of interest with the Law Department's duties to the City of Knoxville or any department thereof, the Law Director shall so advise the Committee. The Committee may then request the Law Director to provide outside counsel to the Committee. In addition, where the Executive Director excuses himself from participating in the review of a complaint pursuant to § 2-1104(d)(3), the Committee may petition the Mayor to appoint a temporary assistant to perform the duties of the Executive Director.

§ 2-1107. Procedure.

(a) The Committee shall adopt rules of procedure for the transaction of Committee business not inconsistent with the letter and intent of this Article.

(b) Four members of the Committee shall constitute a quorum. No meeting of the Committee shall commence or continue in the absence of a quorum, and a majority vote of those forming a quorum shall be required for any action by the Committee except where otherwise specified in this Article.

(c) Regular meetings of the Committee shall be held no less than quarterly, on the first Wednesday of January, April, July and October or as the Committee may otherwise elect. Any scheduled meeting may be rescheduled at the preceding regular meeting. The chairman and any three (3) members of the Committee may call a special meeting of the Committee upon at least five (5) day's notice.

(d) Committee meetings and records shall be open to the public. The Committee shall provide an opportunity for public comment as to any investigation being reviewed by the Committee pursuant to rules and regulations established by the Committee.

(e) The Committee shall have the power to subpoena witnesses to the IAU or to the Executive Director, as appropriate, and may utilize such power only when necessary to compel witnesses to provide statements in furtherance of an investigation.

§ 2-1108. Limitations.

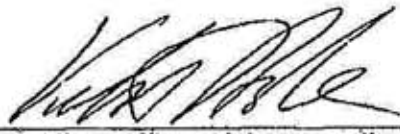
- (a) The Committee shall not review any investigation:
1. concerning any incident occurring prior to September 22, 1998;
 2. prior to the closure of any IAU or criminal investigation;
 3. while the complainant, the officer(s) complained of, or any witness is actively engaged in pursuing any remedy provided by the Rules and Regulations of the Civil Service Merit Board of the City of Knoxville; or
 3. where the complainant has initiated, threatened or given

notice of the intent to initiate litigation against the City of Knoxville or any of its employees.

(b) The Committee shall have no authority to direct the Chief of Police to alter or to impose any disciplinary action against any employee of the Knoxville Police Department.

SECTION 2: An emergency is declared to exist in that it is necessary for the immediate preservation of the public peace, property, health and safety that this Ordinance take effect immediately upon its passage.

SECTION 3: This Ordinance shall take effect from and after its passage, the public welfare requiring it.



Presiding Officer of the Council



Recorder