

AN ORDINANCE TO AMEND CHAPTER 2 OF THE WILMINGTON CITY CODE RELATING TO THE CITIZEN COMPLAINT REVIEW BOARD

#0231

Sponsor:

**Council
Member
Darby**

WHEREAS, Council believes it necessary and appropriate that there be amendments made to the Citizen Complaint Review Board (the “Board”) to allow the Board to better serve the community;

WHEREAS, Council believes it necessary and appropriate that the composition of the Board be amended to allow for a fairer and more equitable Board;

WHEREAS, Council believes it necessary and appropriate to add a public comment prior prior to affirming appointments to the Board;

WHEREAS, Council believes it necessary and appropriate to delineate the public nature of Board meetings;

WHEREAS, Council believes it necessary and appropriate to add additional data points to be published by the Board on a quarterly basis; and

WHEREAS, Council wishes that the following changes be made to the existing Citizen Complaint Review Board legislation.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 2, Article III, Division 18 of the City Code is hereby amended by deleting the stricken language and adding the underlined language as follows:

DIVISION 18.-THE CITIZEN COMPLAINT REVIEW BOARD

Sec. 2-150.80.-Establishment, composition, qualifications

a) *Establishment.* Pursuant to Charter Section 8-403, there is established as an independent board in the office of the mayor a citizen complaint review board (the "CCRB" or the "board") to address and participate in the resolution of complaints filed by citizens against the Wilmington Police Department and/or its officers and members. Public complaints against members of the Wilmington Police Department (the "WPD") shall be

investigated by the CCRB. The legislature intends that the Board address the resolution of these complaints to the greatest extent permitted by Title 11, Chapter 92 of the Delaware Code, as it exists or may from time to time be amended, by the collective bargaining agreement then in place, and by the rules and regulations of the WPD.

(b) *Composition.* The CCRB shall be comprised of nine members appointed by the mayor with advice and consent of Wilmington City Council: One shall be a member of the mayor's office; three shall be members of the Wilmington City Council, or three members of the public, nominated by the mayor upon the recommendation of the president of city council; five shall be nominated by the mayor upon the recommendation of the following organizations, one member from each: the Delaware Chapter of the American Civil Liberties Union ("ACLU"); the Delaware Chapter of the National Association for the Advancement of Colored People ("NAACP"); the Wilmington HOPE Commission; the Latin American Community Center ("LACC"); and the clergy of the City of Wilmington. The majority of the composition of the CCRB shall not have a law enforcement background or any type of government service background. All community board members must not be a current or former government employee, a current or former government elected official, a current candidate for public office, a current or former employee of a law enforcement agency, or an immediate family member of any of the proceeding.

(c) *Qualifications.* In the nomination and confirmation of members to serve upon the CCRB, consideration should be given to a candidate's professional experience in the fields of the law, civil rights ~~and~~ or law enforcement. In making a recommendation, the president of council or the organization shall provide to the mayor and city council the resumes and all other submissions that establish the candidate's qualifications. If, for any reason, an organization declines to recommend a member, or if any of the organizations cease to exist, the mayor may designate another organization to recommend a candidate to the CCRB. The mayor shall have the authority to remove an organization and its representative for good cause and, thereafter, may designate another organization to recommend the nomination of a member. Any member of the clergy appointed to the board shall represent the public interest and may not render decisions based on any personal religious belief.

(d) *Chairperson.* Each year during or before the month of December, the mayor shall select the chairperson of the CCRB from the members who are not from the office of the mayor. The Chairperson shall serve one year from January 1 until December 31.

(e) *Terms of the members.* The terms of the members who are not city councilpersons shall be three years. The Wilmington City Council members shall serve until the end of the current session of council. In order to achieve staggered terms, during the initial creation of the first CCRB, three of the five members recommended by the organizations as determined by the mayor shall serve a one-year term.

(f) *Duties of the mayor's office member.* ~~Except the member from the office of the mayor, no~~ No member of the Board shall have been employed by the WPD. The mayor's office member shall serve as the chief administrator of the board, supervise its civilian employees, supervise intake and communications on behalf of the board with complainants and victims, and serve as a voting member. The mayor's office member shall assist the board by receiving complaints, performing investigations, and hiring and assigning civilian staff. They shall ensure the training of board members and staff. They shall review completed investigations, sit in on pending cases and may ask questions and may make policy recommendations to the board as a whole. The mayor's office member must not be a current or former government elected official, a current candidate for public office, a current or former employee of a law enforcement agency, or an immediate family member of any of the proceeding.

(g) *Vacancy.* In the event of a vacancy on the board during the term of office of a member for any reason, 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.

(h) *Budget.* Each year, the board shall be allocated an operating budget which shall be proposed by the mayor in the city's annual budget and adopted by Wilmington City Council. During the first quarter of the year, the board shall submit a proposed annual operating budget to the mayor and annual financial statements for consideration at a budget hearing to be conducted by Wilmington City Council. The appropriation for the CCRB shall be a line item in operating budget of the Wilmington Police Department. Within 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 division. The minimal funding required should be enough to cover the positions of Executive Director and Assistant Administrator.

Sec. 2-150.84.-Meetings of the board

(a) The full board shall meet at least nine times per year, at which meetings it shall consider cases referred to it and conduct any other business, no less than once every other month.

(b) The board shall have the authority to conduct public hearings related to issues of public concern with WPD policies, patterns, or practices. The board may choose to summon the police chief or other employees of the WPD to testify at such hearing.

(c) 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. Public comments will be limited to five minutes per speaker.

(d) Such board member nominations shall be subject to public notice and public hearing before affirming appointments to the Board.

(e) All meetings of the Board shall be public, unless information must be confidential to protect the safety and privacy of the complaint.

Sec. 2-150.85.-Public reporting

(a) The board shall publish on its public website on a quarterly basis the number of complaints it receives; the race, ethnicity, gender, and age of the complainant; the basic facts of the complaints (with personally identifiable information redacted); the disposition of each complaint (to degree permitted by law); the number of stops made by police officers during the previous quarter; whether a search was conducted during stop and the justification for search; the number of arrests made by the police; and data regarding any property or cash seized pursuant to any civil asset forfeiture. This data should be disaggregated by date, time, location, demographics of the persons stopped, reason and disposition of the stop, the reason for the arrest, and offense charged; and any other information the board shall determine is relevant to carry out the board's duties and responsibilities.

(b) The number of use of force incidents by the WPD, including data disaggregated by the race, gender, ethnicity, and age of the civilian; the type/brief description of force used; the reason for use of force; the civilian injuries that took during incident involving use of force, if any; and the officer injuries that took place during incident involving use of force, if any.

(c) Any reporting request of and to be provided by WPD's Office of Professional Standards shall be in accordance with Delaware Attorney General Guidelines and in conformance with all applicable governing laws, rules and regulations.

(d) The amount of money the City of Wilmington expended in settlements or judgments to resolve tort, civil rights, or other legal claims filed against the WPD, as well as the basic facts associated with those claims to the extent permitted by law or not otherwise restricted from disclosure.

(e) The board shall publish an annual report, available on its public website, compiling the statistics for each calendar year and identify any significant trends, patterns, areas of concern, or areas of excellence, within the WPD's practices.

SECTION 2. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... October 6, 2022
Second Reading..... October 6, 2022
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2022.

Mayor

SYNOPSIS: This Ordinance amends the Code provisions establishing the Citizen Complaint Review Board.

FISCAL IMPACT STATEMENT: The passage of this Ordinance is expected to have minimal to no fiscal impact additional to the establishment of the Board.