

SUBSTITUTE NO. 1 TO ORDINANCE NO. 21-054

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE III, DIVISION 18 (“THE CITIZEN COMPLAINT REVIEW BOARD”) OF THE CITY CODE TO INCREASE THE NUMBER OF BOARD MEMBERS FROM NINE (9) TO ELEVEN (11) BY ADDING TWO (2) MEMBERS WHO MUST BE RETIRED OR FORMER POLICE OFFICERS WHO WILL HAVE NO VOTING RIGHTS AND PARTICIPATE ONLY IN AN ADVISORY ROLE

**Rev. 1
#0110**

Sponsor:

**Council
Member
Johnson**

Co-Sponsor:

**Council
Member
Darby**

WHEREAS, Council believes it necessary and appropriate for the Citizen Complaint Review Board to have two members who have expertise and knowledge in the field of law enforcement and therefore wishes to have two seats on the Board reserved for former or retired policer officers.

**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 (9)~~ eleven (11) members appointed by the Mayor with advice and consent of Wilmington City Council: One (1) shall be a member of the Mayor’s Office; ~~three (3)~~ shall be members of the Wilmington City Council, or three (3) members of the public, nominated by the Mayor upon the recommendation of the President of City Council; two (2) shall be former or retired police officers

in an advisory role only, no voting rights; five (5) shall be nominated by the Mayor upon the recommendation of the following organizations, one member (1) 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.

- (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 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~~ Board members shall select the Chairperson of the CCRB from the members who are not from the Office of the Mayor. The Chairperson shall serve one (1) 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 (3) 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 (3) of the five (5) members recommended by the organizations as determined by the Mayor shall serve a one-year term.
- (f) Duties of the Mayor’s Office Member. 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.
- (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 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.

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

First Reading.....November 4, 2021
Second Reading.....November 4, 2021
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2023

Mayor

SYNOPSIS AND FISCAL IMPACT: This Substitute Ordinance amends the Code provisions establishing the Citizen Complaint Review Board by increasing the number of Board Members from nine (9) to eleven (11), both of whom shall be former or retired police officers, in an advisory role only, no voting rights. The Substitute Ordinance further clarifies the allowable composition of the Board. Its passage is expected to have no fiscal impact additional to the Establishment of the Board.