

BILL NO. 8 - 2020

Moved by: _____

An Ordinance amending Part 5 of the Administrative Code under Chapter 2-500, adding thereto Chapter 2-515 to establish a Citizens Law Enforcement Advisory Committee.

WHEREAS, the Council of the City of Harrisburg recognizes that the mission of the Harrisburg Bureau of Police is to protect and serve the public with honor, integrity, and professionalism; and

WHEREAS, the Council further recognizes that the people to be served must be a fundamental resource that assists the Bureau of Police in their mission to serve all people; and

WHEREAS, the Bureau of Police are committed to working in partnership with people throughout the City so that Harrisburg is a safe place for each and every person to live, work, and play; and

WHEREAS, the Council recognizes that there is significant community interest in ensuring a positive relationship between the community at large and the Bureau of Police; and

WHEREAS, the Council finds that providing opportunities for the improvement and ongoing maintenance of that relationship will promote community confidence in the Bureau of Police and the law enforcement officers that serve our community, and thereby realize a genuine improvement in public safety; and

WHEREAS, to achieve greater improvement in community relationships and to further promote public safety, the Council desires to establish an advisory committee of City residents to be known as the Citizens Law Enforcement Advisory Committee.

31 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
32 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS**
33 **FOLLOWS:**

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35 Ch. 1-201.1.C PROVIDES "AMENDMENTS TO EXISTING LEGISLATION ARE TO
36 BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO
37 PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED;
38 DELETIONS SHALL BE INDICATED BY STRIKING (-) ."

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40 **SECTION 1. AMENDMENT TO THE ADMINISTRATIVE CODE.**

41 Part 5 of Title 2 of the Codified Ordinances for the City of Harrisburg is hereby amended
42 as follows:

43 "PART 5 (2-500), BOARDS, COMMISSIONS, AUTHORITIES
44 CHAPTER 2-501
45 BOARDS, COMMISSIONS AND AUTHORITIES

46
47 § 2-501.1. Boards, commissions and authorities.

48 A. The following boards and commissions have been created by ordinance:

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50 ****

51
52 (18) Citizens Law Enforcement Advisory Committee

53
54 ****

55
56 CHAPTER 2-515

57 CITIZENS LAW ENFORCEMENT ADVISORY COMMITTEE

58
59 § 2-515.1. Title.

60 This Chapter of the Codified Ordinances for the City of Harrisburg shall be known and may be
61 cited as the CITIZENS LAW ENFORCEMENT ADVISORY COMMITTEE.

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63 § 2-515.2. Establishment.

64 There is hereby created an advisory committee for City residents to be known as the Citizens
65 Law Enforcement Advisory Committee for the City of Harrisburg.

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67 § 2-515.3. GENERAL LEGISLATIVE Intent and Purpose.

68 THE GENERAL INTENT OF THIS CHAPTER IS TO PROVIDE FOR PUBLIC
69 ACCOUNTABILITY FOR THE EXERCISE OF POLICE POWERS IN THE COURSE OF
70 HARRISBURG LAW ENFORCEMENT ACTIVITIES.

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72 § 2-515.4. SPECIFIC INTENT AND PURPOSE.

73 It is the SPECIFIC intent and purpose of the Chapter to establish a citizen advisory committee to
74 improve community relationships with law enforcement throughout the City and promote public
75 safety, which shall be known as the Citizens Law Enforcement Advisory Committee (CLEAC).

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77 § 2-515.4. Role and Function.

78 The core functions of CLEAC shall be to:

- 79 A. Assist in fostering a better understanding of the role of law enforcement
80 throughout the City, reviewing as necessary law enforcement policies, practices
81 and data. The goal should be to improve transparency and accessibility to public
82 information.
- 83 B. Provide City residents a forum to give voice to concerns about police interactions
84 and responses, to help identify critical, systemic or recurring issues of importance
85 for residents and businesses throughout Harrisburg, and to facilitate whenever
86 necessary changes in local law enforcement practices.
- 87 C. Promote policies and practices for the protection of the local community to further
88 the goal of the fair, just and dignified treatment of each and every person.
- 89 D. Provide recommendations as necessary to the Harrisburg Bureau of Police, the
90 Mayor and City Council on policies to maintain public safety for all, promote law
91 and order, assist in the reduction of crime, and protect all in the community.
- 92 E. Foster positive relationships and an improved understanding between the
93 Harrisburg Bureau of Police and the members of the community.

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§ 2-515.5. Composition.

- A. The CLEAC shall be comprised of ~~seven (7)~~ NINE (9) voting members, ~~with the Chair of the City Council Public Safety Committee and the Commissioner or Chief of the Harrisburg Bureau of Police, or a designee thereof, each serving as a non-voting, ex officio member of the Committee.~~
- B. All members must have resided in the City of Harrisburg for at least three (3) years leading up to the appointment and must maintain residency within the City for the duration of their term on the Committee.
- C. ~~With the exception of ex officio members, no member shall be a public official or municipal employee.~~

§ 2-515.6. Original Committee Appointments.

- A. The original Committee shall be comprised of four (4) members appointed by the City Council and three (3) members appointed by the Mayor, each of whom must be confirmed by a majority vote of the Council prior to being seated on the Committee.
- B. Four (4) of the original members shall be appointed to three (3) year terms and three (3) shall be appointed to two (2) year terms, apportioned in the same manner as the appointing authorities, each of whom shall serve until the appointment of their successor.
- C. Each of ~~the~~ THOSE seven (7) original members shall reside in a different policing district within the City from the other members.
- D. IN ADDITION, THE REMAINING TWO (2) ORIGINAL MEMBERS SHALL BE RESIDENTS OF THE CITY WHO WILL SERVE AS AT LARGE APPOINTMENTS, EACH TO BE NOMINATED BY A MAJORITY VOTE OF THE COMMITTEE AT ITS INAUGURAL MEETING AND PROMPTLY FORWARDED TO CITY COUNCIL FOR CONFIRMATION.
- E. AT LARGE MEMBERS SHALL BE APPOINTED TO THREE (3) YEARS TERMS.

124 FD. At its inaugural meeting, the Committee shall elect a Chairperson to act as the
125 presiding officer.

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127 § 2-515.7. Expiration of Appointed Terms and Vacancies.

128 A. A person appointed to fill a vacancy shall serve for the balance of the term for
129 which their predecessor was appointed. All other appointments shall be for terms
130 of three (3) years.

131 B. The Chairperson shall notify the Office of the Mayor and the City Clerk in writing
132 no less than 30 days prior to the expiration of a member's term or within 30 days
133 of any vacancy occurring on the Committee.

134 C. The Chairperson shall advise at that time of the Committee's recommendation, if
135 any, for filling any vacant or expired seat.

136 D. The Mayor shall accept the Committee's recommendation(s) or otherwise appoint
137 another eligible individual, subject to the advice and consent of the City Council
138 in accordance with the provisions of Chapter 2-301.3 of the Administrative Code.

139 E. Should a member fail to attend three (3) consecutive meetings without providing
140 prior notification, the seat shall be deemed vacant and the Chairperson shall
141 proceed to provide prompt notice in accordance with the forgoing provisions.

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143 § 2-515.8. Membership Qualifications.

144 Members of CLEAC must have the following qualifications:

145 A. An appointee must be concerned about the relation of members of law enforcement
146 and community members, sensitive to community needs and perceptions, willing to
147 commit themselves to community service and to conduct themselves in a manner
148 consistent with the purposes for which the Advisory Committee is formed.

149 B. An appointee must be committed to seek and receive input from the community, as
150 well as to apply input received to further the purposes of the Advisory Committee,

151 C. An appointee ~~must~~ MAY participate ~~no less often than annually~~ in a AN ANNUAL
152 City ride-along with a law enforcement officer.

153 D. An appointee must attend and complete an orientation and education program
154 provided by the Harrisburg Bureau of Police within six (6) months of their

155 appointment or otherwise have previously completed a City-sponsored Citizens'
156 Police Academy. THE CITY LAW BUREAU SHALL ARRANGE FOR THE
157 CREATION OF AN ORIENTATION AND EDUCATION PROGRAM FOR
158 CLEAC MEMBERS.

159 E. At least two (2) members must have a minimum of two (2) years of recent training
160 and experience in social services, human services or be a licensed social worker.

162 § 2-515.9. Powers and Duties.

163 The following advisory powers and duties are vested in CLEAC.

165 § 2-515.9.1. Information Gathering.

166 To gather, maintain, summarize and report on public information and statistics regarding
167 local law enforcement in one (1) or more of the following categories:

168 A. Officer and supervisory training and education programs and options.

169 B. Harrisburg Bureau of Police (HBP) published General Orders and related
170 policies.

171 C. Reports on law enforcement interactions with the public.

172 D. Citizen complaint summaries and reports.

173 E. Similar categories of public information on other law enforcement agencies.

175 § 2-515.9.2. Analysis.

176 To analyze public information and data derived from any of the foregoing HBP records
177 for comparison with other similarly situated municipalities, other municipalities in the
178 region or national statistics.

180 § 2-515.9.3. Communications.

181 To promote and encourage open communications, cooperation and dialogue between the
182 HBP and the residents and businesses of Harrisburg through any of the following
183 activities:

184 A. Developing recommendations on how to better inform the community on
185 individual rights and responsibilities when a person has contact with law enforcement
186 officers.

187 B. Facilitating effective means of participation for City residents in the making of
188 program recommendations to effectively supplement law enforcement training, when
189 needed, to assure that a sensitive, effective and responsive approach to the needs of
190 residents becomes self-evident.

191 C. Providing a community perspective to law enforcement and City officials when
192 concerns of the effectiveness of law enforcement services and relations are at issue.

193 D. Foster and encourage public participation in crime prevention activities
194 throughout the City.

195 E. Promoting productive law enforcement and community interaction to assist the
196 HBP in achieving a greater understanding of the nature and causes of complex
197 community problems in the areas of diversity and human relations.

198 F. Effectively addressing the concerns of the community by promoting cooperative
199 programs and approaches to the solutions of community crime.

200 G. Advocating for the principle that the administration of justice requires total
201 community involvement and personal responsibility.

202 H. Hold public meetings from time to time for the purpose of soliciting public input
203 on general or specific ways to improve communication and partnership between local
204 law enforcement and the communities they serve.

205 I. To serve as a liaison between the HBP and the community, as necessary.

206 J. Engaging and encouraging neighborhood and community organizations
207 throughout the City to participate in training, discussions and promotion of programs
208 and opportunities to foster public safety and improve communication with and
209 regarding local law enforcement.

210 K. ISSUE SUBPOENAS FOR THIRD PARTY RECORDS IN THE COURSE OF A
211 CLEAC REVIEW AND INVESTIGATION OF A FORMAL WRITTEN
212 COMPLAINT FOR MISCONDUCT, IN A MANNER AND FORM AUTHORIZED
213 UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA FOR
214 ADMINISTRATIVE PROCEEDINGS.

215 § 2-515.9.4. Reports and Recommendations.

216 To approve and issue advisory reports and recommendations to the Harrisburg Bureau of
217 Police, the Mayor and City Council as follows:

218 A. To provide recommendations consistent with the purposes of this legislation in
219 respect to the modification, adoption or reform of any internal HBP policy, practice
220 or procedure that CLEAC determines would benefit public safety or otherwise foster
221 improved relations between law enforcement personnel and the community they
222 serve.

223 B. To issue reports to the Council and the Mayor on any practice or specific action of
224 law enforcement that in the assessment of CLEAC are matters of genuine community
225 concern or controversy.

226 C. To provide recommendations to the Council and the Mayor on legislative or non-
227 legislative actions to improve relations between local law enforcement and the
228 community.

229 D. To provide recommendations of the adoption of any program, intergovernmental
230 agreement, or activity that CLEAC determines would serve to strengthen bonds
231 between the HBP and the community, so as to thereby make manifest the promise of
232 equal protection and service for all citizens.

233 E. To provide an annual written report on their activities to the Council and the
234 Mayor.

235
236 § 2-515.10. Bylaws, Organization and Quorum.

237 The following provisions shall govern the organizational structure of the Committee:

238 A. The members may adopt bylaws to govern the organization in the carrying out of
239 their duties.

240 B. Bylaws or any amendments thereto are subject to the prior review and approval of the
241 City Solicitor.

242 C. Members may from time to time select and appoint by majority vote a Chair, Vice-
243 Chair and Recording Secretary from its members, with or without the adoption of
244 bylaws.

245 D. Proposed bylaws and other CLEAC policies shall be consistent with the purposes of
246 this legislation and applicable law.

247 E. A majority of the Committee shall constitute a quorum for the purpose of conducting
248 committee business and for all other purposes.

249 F. All actions of the Committee shall be taken by a vote of the majority of voting
250 members present.

251 G. No Committee business may be conducted if a majority of voting seats are vacant.

252

253 § 2-515.11. Meetings.

254 CLEAC shall hold an annual public meeting and such other committee meetings as the members
255 deem necessary in public meeting rooms or facilities of the City. The provisions of 65 Pa.C.S.
256 Ch. 7 (relating to open meetings) shall apply to the Committee.

257

258 § 2-515.12. ATTENDANCE OF CITY PERSONNEL AT COMMITTEE MEETINGS.

259 A. CLEAC MAY FORMALLY REQUEST THE ATTENDANCE OF THE POLICE
260 COMMISSIONER OR CHIEF OR OTHER MANAGEMENT PERSONNEL
261 AT ANY COMMITTEE MEETING TO REVIEW OR DISCUSS EXISTING
262 OR PROPOSED POLICE POLICIES AND PRACTICES.

263 B. ANY REQUEST SHALL BE IN WRITING AND MADE AT LEAST SEVEN
264 (7) DAYS IN ADVANCE WITH NOTICE OF THE MATTER(S) UNDER
265 DISCUSSION AT THE MEETING, INCLUDING TO RESPOND TO ANY
266 PENDING FORMAL REQUEST FOR RECORDS.

267 C. THE MAYOR, POLICE COMMISSIONER OR CHIEF MAY ASSIGN A
268 DESIGNEE TO APPEAR BEFORE THE COMMITTEE TO RESPOND TO A
269 FORMAL REQUEST TO ATTEND A COMMITTEE MEETING.

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271 § 2-515.13. Notice, Advertising and Venue.

272 The City Clerk shall assist CLEAC to coordinate meetings of the organization, including the
273 drafting and publication of required legal advertisements, posting of notices on the City website,
274 reserving public meeting rooms in City facilities and acting as custodian of the official minutes
275 and records of the organization.

276 § 2-515.~~13~~ 14. Compensation.

277 Committee members shall not receive any compensation for serving as a member of the
278 Committee.

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280 § 2-515.~~14~~ 15. Removal of members.

281 A Committee member may be removed from his or her position by Council for failing to comply
282 with the provisions of this legislation or for other cause shown.

283
284 § 2-515.~~15~~ 16. Statutory Authority.

285 This Chapter is enacted under the authority of Section 410 (b) of the Optional Third Class City
286 Charter Law, authorizing the creation of commissions and other bodies with advisory powers.

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288 § 2-515.~~16~~ 17. Related Provisions and Restrictions.

289 Nothing in this legislation is intended or shall be deemed to mandate or authorize any person,
290 official, department, bureau or public employee to release any record or information otherwise
291 subject to non-disclosure under Pennsylvania's Criminal History Record Information Act, 18
292 Pa.C.S. §9101, et seq. or that otherwise would impact the continuation or completion of an open
293 criminal investigation. Nothing in this legislation is intended to alter, diminish or impede a
294 Mayor's exercise of their exclusive authority to supervise city police, as provided under the
295 Third Class City Code, 11 Pa. C. S. §11103 (a)(2) and otherwise by law.

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297 **SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as
298 are necessary to effectuate this ordinance.

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300 **SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this
301 ordinance or the application thereof to any person or circumstance is for any reason found to be
302 unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,
303 illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,
304 clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of
305 the City of Harrisburg that this ordinance would have been adopted had such unconstitutional,
306 illegal or invalid provision, sentence, clause, section or part not been included herein.

307 **SECTION 4.** REPEALER. All ordinances or provisions of ordinances in conflict with the
308 provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

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310 **SECTION 5.** EFFECTIVE DATE. This ordinance shall take effect in accordance with the law.

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313 Seconded by: _____

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315 Passed by Council: _____

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317 Signed by the Mayor: _____

DRAFT FOR COMMITTEE REVIEW