

**BILL NO. 8 - 2020**

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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 RECOGNIZES THAT PUBLIC ACCOUNTABILITY OF THE HARRISBURG BUREAU OF POLICE AND LAW ENFORCEMENT THROUGHOUT OUR NATION IS ESSENTIAL TO ENSURE THAT THE CONSTITUTIONAL GUARANTEES OF FREEDOM AFFORDED TO ALL PEOPLE ARE SATISFIED; 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 THAT THE BUREAU OF POLICE MUST BE A TRUSTED FUNDAMENTAL RESOURCE FOR ENSURING THE SAFETY AND PEACE OF MIND OF THE PEOPLE OF THIS CITY;** 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

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

35

36           **WHEREAS**, to achieve **PUBLIC ACCOUNTABILITY OF LAW ENFORCEMENT**,  
37 ~~greater~~ improvement in community relationships and to further promote public safety, the  
38 Council desires to establish an advisory committee of City residents to be known as the Citizens  
39 Law Enforcement Advisory Committee.

40

41           **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
42 **HARRISBURG, AND IT IS HEREBY ENACTED BY AUTHORITY OF THE SAME, AS**  
43 **FOLLOWS:**

44

45 Ch. 1-201.1.C PROVIDES "AMENDMENTS TO EXISTING LEGISLATION ARE TO  
46 BE UNDERLINED; DELETIONS ARE TO BE INDICATED BY [BRACKETING]. ADDITIONS TO  
47 PROPOSED LEGISLATION WHICH AMENDS EXISTING LEGISLATION SHALL BE CAPITALIZED;  
48 DELETIONS SHALL BE INDICATED BY STRIKING (-)."

49

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

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

53                           "PART 5 (2-500), BOARDS, COMMISSIONS, AUTHORITIES

54   CHAPTER 2-501

55   BOARDS, COMMISSIONS AND AUTHORITIES

56

57 § 2-501.1. Boards, commissions and authorities.

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

59

60 \*\*\*\*\*

61

62 (18) Citizens Law Enforcement Advisory Committee

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64\*\*\*\*\*

65

66

CHAPTER 2-515

67

CITIZENS LAW ENFORCEMENT ADVISORY COMMITTEE

68

69§ 2-515.1. Title.

70This Chapter of the Codified Ordinances for the City of Harrisburg shall be known and may be  
71cited as the CITIZENS LAW ENFORCEMENT ADVISORY COMMITTEE.

72\_

73§ 2-515.2. Establishment.

74There is hereby created an advisory committee for City residents to be known as the Citizens  
75Law Enforcement Advisory Committee for the City of Harrisburg.

76

77§ 2-515.3. GENERAL LEGISLATIVE Intentand Purpose.

78THE GENERAL INTENT OF THIS CHAPTER IS TO PROVIDE FOR PUBLIC

79ACCOUNTABILITY FOR THE EXERCISE OF POLICE POWERS IN THE COURSE OF

80HARRISBURG LAW ENFORCEMENT ACTIVITIES. THE REGULAR OBJECTIVE

81REVIEW OF INFORMATION REGARDING LAW ENFORCEMENT ACTVITIES IN THE

82CITY IS HEREBY FOUND TO PROMOTE PUBLIC ACCOUNTABILITY AND ALLOW

83FOR PUBLIC CONFIDENCE IN GOVERNMENT.

84

85§ 2-515.4. SPECIFIC INTENT AND PURPOSE.\_

86It is the SPECIFIC intent and purpose of the Chapter to establish a citizen advisory committee to  
87improve community relationships with law enforcement throughout the City and promote public  
88safety, which shall be known as the Citizens Law Enforcement Advisory Committee (CLEAC).

89

90§ 2-515.54. Role and Function.

91The core functions of CLEAC shall be to:

92 A. Assist in fostering a better understanding of the role of law enforcement

93 throughout the City, reviewing as necessary law enforcement policies, practices

94 and data. The goal should be to improve transparency and accessibility to public  
95 information.

96 B. Provide City residents a forum to give voice to concerns about police interactions  
97 and responses, to help identify critical, systemic or recurring issues of importance  
98 for residents and businesses throughout Harrisburg, and to facilitate whenever  
99 necessary changes in local law enforcement practices.

100 C. Promote policies and practices for the protection of the local community to further  
101 the goal of the fair, just and dignified treatment of each and every person.

102 D. Provide recommendations as necessary to the Harrisburg Bureau of Police, the  
103 Mayor and City Council on policies to maintain public safety for all, promote law  
104 and order, assist in the reduction of crime, and protect all in the community.

105 E. Foster positive relationships and an improved understanding between the  
106 Harrisburg Bureau of Police and the members of the community.

107

108§ 2-515.65. Composition.

109 A. The CLEAC shall be comprised of ~~seven (7)~~ NINE (9) voting members, ~~with the~~  
110 ~~Chair of the City Council Public Safety Committee and the Commissioner or~~  
111 ~~Chief of the Harrisburg Bureau of Police, or a designee thereof, each serving as a~~  
112 ~~non-voting, ex officio member of the Committee.~~

113 B. All members must have resided in the City of Harrisburg for at least three (3)  
114 years leading up to the appointment and must maintain residency within the City  
115 for the duration of their term on the Committee.

116 ~~C. With the exception of ex officio members, no member shall be a public official or~~  
117 ~~municipal employee.~~

118

119§ 2-515.76. Original Committee Appointments.

120 A. The original Committee shall be comprised of four (4) members appointed by the  
121 City Council and three (3) members appointed by the Mayor, each of whom must  
122 be confirmed by a majority vote of the Council prior to being seated on the  
123 Committee.

- 124 B. Four (4) of the original members shall be appointed to three (3) year terms and  
125 three (3) shall be appointed to two (2) year terms, apportioned in the same manner  
126 as the appointing authorities, each of whom shall serve until the appointment of  
127 their successor.
- 128 C. Each of ~~the~~ THOSE seven (7) original members shall reside in a different policing  
129 district within the City from the other members.
- 130 D. THE MAYOR AND CITY COUNCIL SHALL MAKE A REQUEST TO CITY  
131 NEIGHBORHOOD GROUPS FOR RECOMMENDATIONS OF QUALIFIED  
132 RESIDENTS FROM THEIR NEIGHBORHOOD FOR APPOINTMENT TO  
133 THE COMMITTEE.
- 134 E. IN ADDITION, THE REMAINING TWO (2) ORIGINAL MEMBERS SHALL  
135 BE RESIDENTS OF THE CITY WHO WILL SERVE AS AT LARGE  
136 APPOINTMENTS, EACH TO BE NOMINATED BY A MAJORITY VOTE OF  
137 THE COMMITTEE AT ITS INAUGURAL MEETING AND PROMPTLY  
138 FORWARDED TO CITY COUNCIL FOR CONFIRMATION.
- 139 F. AT LARGE MEMBERS SHALL BE APPOINTED TO THREE (3) YEARS  
140 TERMS.
- 141 GD. At its inaugural meeting, the Committee shall elect a Chairperson to act as the  
142 presiding officer.

143

144§ 2-515.87. Expiration of Appointed Terms and Vacancies.

- 145 A. A person appointed to fill a vacancy shall serve for the balance of the term for  
146 which their predecessor was appointed. All other appointments shall be for terms  
147 of three (3) years.
- 148 B. The Chairperson shall notify the Office of the Mayor and the City Clerk in writing  
149 no less than 30 days prior to the expiration of a member's term or within 30 days  
150 of any vacancy occurring on the Committee.
- 151 C. The Chairperson shall advise at that time of the Committee's recommendation, if  
152 any, for filling any vacant or expired seat.

- 153 D. The Mayor shall accept the Committee’s recommendation(s) or otherwise appoint  
154 another eligible individual, subject to the advice and consent of the City Council  
155 in accordance with the provisions of Chapter 2-301.3 of the Administrative Code.  
156 E. Should a member fail to attend three (3) consecutive meetings without providing  
157 prior notification, the seat shall be deemed vacant and the Chairperson shall  
158 proceed to provide prompt notice in accordance with the forgoing provisions.  
159

160§ 2-515.98. Membership Qualifications.

161Members of CLEAC must have the following qualifications:

- 162 A. An appointee must be concerned about the relation of members of law enforcement  
163 and community members, sensitive to community needs and perceptions, willing to  
164 commit themselves to community service and to conduct themselves in a manner  
165 consistent with the purposes for which the Advisory Committee is formed.  
166 B. An appointee must be committed to seek and receive input from the community, as  
167 well as to apply input received to further the purposes of the Advisory Committee,  
168 C. An appointee ~~must~~ MAY participate ~~no less often than annually~~ in a AN ANNUAL  
169 City ride-along with a law enforcement officer.  
170 D. An appointee must attend and complete an orientation and education program  
171 ~~provided by the Harrisburg Bureau of Police~~ within six (6) months of their  
172 appointment or otherwise have previously completed a City-sponsored Citizens’  
173 Police Academy. THE CITY LAW BUREAU SHALL ARRANGE FOR THE  
174 CREATION OF AN ORIENTATION AND EDUCATION PROGRAM FOR  
175 CLEAC MEMBERS.  
176 E. At least two (2) members must have a minimum of two (2) years of recent training  
177 and experience in social services, human services or be a licensed social worker.  
178 F. A PRIOR CRIMINAL HISTORY SHALL NOT BE AUTOMATICALLY  
179 DISQUALIFY AN OTHERWISE ELIGIBLE INDIVIDUAL FROM SERVING AS  
180 AN APPOINTEE.

181

182§ 2-515.109. Powers and Duties.

183The following advisory powers and duties are vested in CLEAC.

184 § 2-515.10.1 9-1. Information Gathering.

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

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

188 B. Harrisburg Bureau of Police (HBP) published General Orders and related  
189 policies.

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

191 D. Citizen complaint summaries and reports.

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

193

194 § 2-515.10.2 9-2. Analysis.

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

198

199 § 2-515.10.3 9-3. Communications.

200 To promote and encourage open communications, cooperation and dialogue between the  
201 HBP and the residents and businesses of Harrisburg through any of the following  
202 activities:

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

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

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

212 D. Foster and encourage public participation in crime prevention activities  
213 throughout the City.

- 214 E. Promoting productive law enforcement and community interaction to assist the  
215 HBP in achieving a greater understanding of the nature and causes of complex  
216 community problems in the areas of diversity and human relations.
- 217 F. Effectively addressing the concerns of the community by promoting cooperative  
218 programs and approaches to the solutions of community crime.
- 219 G. Advocating for the principle that the administration of justice requires total  
220 community involvement and personal responsibility.
- 221 H. Hold public meetings from time to time for the purpose of soliciting public input  
222 on general or specific ways to improve communication and partnership between local  
223 law enforcement and the communities they serve.
- 224 I. To serve as a liaison between the HBP and the community, as necessary.
- 225 J. Engaging and encouraging neighborhood and community organizations  
226 throughout the City to participate in training, discussions and promotion of programs  
227 and opportunities to foster public safety and improve communication with and  
228 regarding local law enforcement.
- 229 K. ISSUE SUBPOENAS FOR THIRD PARTY RECORDS IN THE COURSE OF A  
230 CLEAC REVIEW AND INVESTIGATION OF A FORMAL WRITTEN  
231 COMPLAINT FOR MISCONDUCT, IN A MANNER AND FORM AUTHORIZED  
232 UNDER THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA FOR  
233 ADMINISTRATIVE PROCEEDINGS.

234

235 **§ 2-515.10.4. RECORD REQUESTS TO HARRISBURG BUREAU OF POLICE**  
236 **REQUESTS FOR RECORDS UNDER THIS CHAPTER TO THE HARRISBURG**  
237 **BUREAU OF POLICE SHALL BE MADE AND PROCESSED IN THE MANNER**  
238 **SET FORTH IN THIS SUBSECTION.**

239 **A. REQUESTS FOR INFORMATION SUBJECT TO THIS CHAPTER**  
240 **DIRECTED TO THE HBP SHALL BE MADE IN WRITING TO THE MAYOR**  
241 **AND HBP.**

242 **B. THE INFORMATION REQUEST SHALL BE PROMPTLY REVIEWED**  
243 **BY HBP.**



244 C. THE INFORMATION SHOULD BE PROVIDED TO CLEAC WITHIN 14  
245 BUSINESS DAYS OF THE REQUEST.

246 D. IF THE HBP WILL REQUIRE ADDITIONAL TIME TO PROVIDE  
247 REQUESTED INFORMATION, THE HBP SHALL PROVIDE WRITTEN  
248 NOTICE TO THE COMMISSION WITHIN 7 BUSINESS DAYS OF RECEIPT  
249 OF THE REQUEST.

250 E. IF THE INFORMATION REQUESTED IN NOT PROVIDED OR DEEMED  
251 UNSATISFACTORY TO THE COMMISSION, THE COMMISSION BY A  
252 PUBLIC VOTE OF THE MAJORITY OF ITS MEMBERS MAY MAKE A  
253 RECOMMENDATION TO CITY COUNCIL AND THE MAYOR TO  
254 RESTRICT THE RELEASE OR USE OF BUDGETED FUNDS TO HIRE NEW  
255 OFFICERS.

256 F. CITY COUNCIL WILL EVALUATE THE REQUEST FOR  
257 INFORMATION AND ANY INFORMATION PROVIDED TO THE  
258 COMMISSION BY HBP.

259 G. COMMISSION RECOMMENDATIONS MADE UNDER THIS  
260 SUBSECTION RELATED TO THE INFORMATION MAY BE ACCEPTED  
261 OR DENIED BY A VOTE OF THE COUNCIL, AS THEIR SOLE  
262 DISCRETION.

263 H. IF THE RECOMMENDATION OF THE COMMISSION IS ACCEPTED BY  
264 THE COUNCIL, THE HBP WILL HAVE 5 BUSINESS DAYS TO PROVIDE  
265 THE REQUESTED INFORMATION TO COUNCIL TO AVOID THE  
266 AUTOMATIC RESTRICTION ON THE RELEASE OR USE OF FUNDS TO  
267 HIRE NEW OFFICERS.

268  
269 § 2-515.10.5 9.4. Reports and Recommendations.

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

272 A. To provide recommendations consistent with the purposes of this legislation in  
273 respect to the modification, adoption or reform of any internal HBP policy, practice  
274 or procedure that CLEAC determines would benefit public safety or otherwise foster

- 275 improved relations between law enforcement personnel and the community they  
276 serve.
- 277 B. To issue reports to the Council and the Mayor on any practice or specific action of  
278 law enforcement that in the assessment of CLEAC are matters of genuine community  
279 concern or controversy.
- 280 C. To provide recommendations to the Council and the Mayor on legislative or non-  
281 legislative actions to improve relations between local law enforcement and the  
282 community.
- 283 D. To provide recommendations of the adoption of any program, intergovernmental  
284 agreement, or activity that CLEAC determines would serve to strengthen bonds  
285 between the HBP and the community, so as to thereby make manifest the promise of  
286 equal protection and service for all citizens.
- 287 E. To provide an annual written report on their activities to the Council and the  
288 Mayor.

289

290§ 2-515.11 ~~10~~. Bylaws, Organization and Quorum.

291The following provisions shall govern the organizational structure of the Committee:

- 292 A. The members may adopt bylaws to govern the organization in the carrying out of  
293 their duties.
- 294 B. Bylaws or any amendments thereto are subject to the prior review and approval of the  
295 City Solicitor.
- 296 C. Members may from time to time select and appoint by majority vote a Chair, Vice-  
297 Chair and Recording Secretary from its members, with or without the adoption of  
298 bylaws.
- 299 D. Proposed bylaws and other CLEAC policies shall be consistent with the purposes of  
300 this legislation and applicable law.
- 301 E. A majority of the Committee shall constitute a quorum for the purpose of conducting  
302 committee business and for all other purposes.
- 303 F. All actions of the Committee shall be taken by a vote of the majority of voting  
304 members present.
- 305 G. No Committee business may be conducted if a majority of voting seats are vacant.

306§ 2-515.12 ~~11~~. Meetings.

307CLEAC shall hold an annual public meeting and such other committee meetings as the members  
308deem necessary in public meeting rooms or facilities of the City. The provisions of 65 Pa.C.S.  
309Ch. 7 (relating to open meetings) shall apply to the Committee.

310

311§ 2-515.13. ATTENDENCE OF CITY PERSONNEL AT COMMITTEE MEETINGS.

312 A. CLEAC MAY FORMALLY REQUEST THE ATTENDANCE OF THE  
313 POLICE COMMISSIONER OR CHIEF OR OTHER MANAGEMENT  
314 PERSONNEL AT ANY COMMITTEE MEETING TO REVIEW OR DISCUSS  
315 EXISITING OR PROPOSED POLICE POLIOCIES AND PRACTICES.

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

320 C. THE MAYOR, POLICE COMMISSIONER OR CHIEF MAY ASSIGN A  
321 DESIGNEE TO APPEAR BEFORE THE COMMITTEE TO RESPOND TO A  
322 FORMAL REQUEST TO ATTEND A COMMITTEE MEETING.

323

324§ 2-515.14 ~~12~~. Notice, Advertising and Venue.

325The City Clerk shall assist CLEAC to coordinate meetings of the organization, including the  
326drafting and publication of required legal advertisements, posting of notices on the City website,  
327reserving public meeting rooms in City facilities and acting as custodian of the official minutes  
328and records of the organization.

329\_

330§ 2-515.15 ~~13~~. Compensation.

331Committee members shall not receive any compensation for serving as a member of the  
332Committee.

333

334§ 2-515.16 ~~14~~. Removal of members.

335A Committee member may be removed from his or her position by Council for failing to comply  
336with the provisions of this legislation or for other cause shown.

337§ 2-515.17 ~~15~~. Statutory Authority.

338This Chapter is enacted under the authority of Section 410 (b) of the Optional Third Class City  
339Charter Law, authorizing the creation of commissions and other bodies with advisory powers.

340

341§ 2-515.18 ~~16~~. Related Provisions and Restrictions.

342Nothing in this legislation is intended or shall be deemed to mandate or authorize any person,  
343official, department, bureau or public employee to release any record or information otherwise  
344subject to non-disclosure under Pennsylvania's Criminal History Record Information Act, 18  
345Pa.C.S. §9101, *et seq.* or that otherwise would impact the continuation or completion of an open  
346criminal investigation. Nothing in this legislation is intended to alter, diminish or impede a  
347Mayor's exercise of their exclusive authority to supervise city police, as provided under the  
348Third Class City Code, 11 Pa. C. S. §11103 (a)(2) and otherwise by law.

349

350**SECTION 2. DELEGATION.** Appropriate City officials are authorized to take such actions as  
351are necessary to effectuate this ordinance.

352

353**SECTION 3. SEVERABILITY.** If any provision, sentence, clause, section or part of this  
354ordinance or the application thereof to any person or circumstance is for any reason found to be  
355unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,  
356illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,  
357clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of  
358the City of Harrisburg that this ordinance would have been adopted had such unconstitutional,  
359illegal or invalid provision, sentence, clause, section or part not been included herein.

360**SECTION 4. REPEALER.** All ordinances or provisions of ordinances in conflict with the  
361provisions of this ordinance are hereby repealed in so far as they are inconsistent herewith.

362

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

364

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366Seconded by: \_\_\_\_\_

367

368 Passed by Council: \_\_\_\_\_

369

370 Signed by the Mayor: \_\_\_\_\_