

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, COMMITTEES, AUTHORITIES
54 CHAPTER 2-501
55 BOARDS, COMMITTEES AND AUTHORITIES

56
57 § 2-501.1. Boards, COMMITTEEs and authorities.

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

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60 *****

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62 (18) Citizens Law Enforcement Advisory Committee

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CHAPTER 2-515
CITIZENS LAW ENFORCEMENT ADVISORY COMMITTEE

§ 2-515.1. Title.

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

§ 2-515.2. Establishment.

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

§ 2-515.3. GENERAL LEGISLATIVE Intent and Purpose.

THE GENERAL INTENT OF THIS CHAPTER IS TO PROVIDE FOR PUBLIC ACCOUNTABILITY FOR THE EXERCISE OF POLICE POWERS IN THE COURSE OF HARRISBURG LAW ENFORCEMENT ACTIVITIES. THE REGULAR OBJECTIVE REVIEW OF INFORMATION REGARDING LAW ENFORCEMENT ACTIVITIES IN THE CITY IS HEREBY FOUND TO PROMOTE PUBLIC ACCOUNTABILITY AND ALLOW FOR PUBLIC CONFIDENCE IN GOVERNMENT.

§ 2-515.4. SPECIFIC INTENT AND PURPOSE.

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

§ 2-515.54. Role and Function.

The core functions of CLEAC shall be to:

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

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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 ONE (1) years leading up to the appointment and must maintain residency within
115 the City for the duration of their term on the Committee.

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

118 D. NO MEMBER OF THE COMMITTEE CAN BE THE SPOUSE, DOMESTIC
119 PARTNER, CHILD OR SIBLING OF ANY CURRENT CITY OF
120 HARRISBURG PUBLIC OFFICIAL.

121
122 § 2-515.76. Original Committee Appointments.

123 A. The original Committee shall be comprised of ~~four (4)~~ FIVE (5) members
124 appointed by the City Council and ~~three (3)~~ TWO (2) members appointed by the

125 Mayor, each of whom must be confirmed by a majority vote of the Council prior
126 to being seated on the Committee.

127 B. ~~Four (4) of the original members shall be appointed to three (3) year terms and~~
128 ~~three (3) shall be appointed to two (2) year terms, apportioned in the same manner~~
129 ~~as the appointing authorities, each of whom shall serve until the appointment of~~
130 ~~their successor.~~ TWO (2) OF THE ORIGINAL MEMBERS SHALL BE
131 APPOINTED TO FOUR (4) YEAR TERMS, TWO (2) MEMBERS SHALL BE
132 APPOINTED TO THREE (3) YEAR TERMS AND THREE (3) MEMBERS
133 SHALL BE APPOINTED TO TWO (2) YEAR TERMS, THE SPECIFIC TERM
134 OF EACH APPOINTEE TO BE DETERMINED AT THE TIME OF
135 APPOINTMENT, CONSISTENT WITH THIS SUBSECTION, EACH OF
136 WHOM SHALL SERVE UNTIL THE APPOINTMENT OF THEIR
137 SUCCESSOR.

138 C. ~~Each of the~~ THOSE seven (7) original members shall reside in a different policing
139 district within the City from the other members.

140 D. THE MAYOR AND CITY COUNCIL SHALL MAKE A REQUEST TO CITY
141 NEIGHBORHOOD GROUPS FOR RECOMMENDATIONS OF QUALIFIED
142 RESIDENTS FROM THEIR NEIGHBORHOOD FOR APPOINTMENT TO
143 THE COMMITTEE.

144 E. IN ADDITION, THE REMAINING TWO (2) ORIGINAL MEMBERS SHALL
145 BE RESIDENTS OF THE CITY WHO WILL SERVE AS AT LARGE
146 APPOINTMENTS, EACH TO BE NOMINATED BY A MAJORITY VOTE OF
147 THE COMMITTEE AT ITS INAUGURAL MEETING AND PROMPTLY
148 FORWARDED TO CITY COUNCIL FOR CONFIRMATION.

149 F. AT LARGE MEMBERS SHALL BE APPOINTED TO THREE (3) YEAR
150 TERMS.

151 G. ~~At its inaugural meeting, the Committee shall elect a Chairperson to act as the~~
152 ~~presiding officer.~~

153

154 § 2-515.87. Expiration of Appointed Terms and Vacancies.

- 155 A. A person appointed to fill a vacancy shall serve for the balance of the term for
156 which their predecessor was appointed. All other appointments shall be for terms
157 of three (3) years.
- 158 B. The Chairperson shall notify the Office of the Mayor and the City Clerk in writing
159 no less than 30 days prior to the expiration of a member's term or within 30 days
160 of any vacancy occurring on the Committee.
- 161 C. The Chairperson shall advise at that time of the Committee's recommendation, if
162 any, for filling any vacant or expired seat.
- 163 D. The Mayor shall accept the Committee's recommendation(s) or otherwise appoint
164 another eligible individual, subject to the advice and consent of the City Council
165 in accordance with the provisions of Chapter 2-301.3 of the Administrative Code.
- 166 E. Should a member fail to attend three (3) consecutive meetings without providing
167 prior notification, the seat shall be deemed vacant and the Chairperson shall
168 proceed to provide prompt notice in accordance with the forgoing provisions.

169

170 § 2-515.98. Membership Qualifications.

171 Members of CLEAC must have the following qualifications:

- 172 A. An appointee must be concerned about the relation of members of law enforcement
173 and community members, sensitive to community needs and perceptions, willing to
174 commit themselves to community service and to conduct themselves in a manner
175 consistent with the purposes for which the Advisory Committee is formed.
- 176 B. An appointee must be committed to seek and receive input from the community, as
177 well as to apply input received to further the purposes of the Advisory Committee,
- 178 C. An appointee ~~must~~ MAY participate ~~no less often than annually~~ in a AN ANNUAL
179 City ride-along with a law enforcement officer.
- 180 D. An appointee must attend and complete an orientation and education program
181 provided by the Harrisburg Bureau of Police within six (6) months of their
182 appointment. ~~or otherwise have previously completed a City sponsored Citizens'~~
183 ~~Police Academy.~~ THE CITY LAW BUREAU SHALL ARRANGE FOR THE
184 CREATION OF AN ORIENTATION AND EDUCATION PROGRAM FOR
185 CLEAC MEMBERS.

- 186 E. At least two (2) members must have a minimum of two (2) years of recent training
187 and experience in social services, human services or be a licensed social worker.
188 F. A PRIOR CRIMINAL HISTORY SHALL NOT AUTOMATICALLY
189 DISQUALIFY AN OTHERWISE ELIGIBLE INDIVIDUAL FROM SERVING AS
190 AN APPOINTEE.

191

192 § 2-515.109. Powers and Duties.

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

194 § 2-515.10.1 9-1. Information Gathering.

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

- 197 A. Officer and supervisory training and education programs and options.
198 B. Harrisburg Bureau of Police (HBP) published General Orders and related
199 policies.
200 C. Reports on law enforcement interactions with the public.
201 D. Citizen complaint summaries and reports.
202 E. Similar categories of public information on other law enforcement agencies.

203

204 § 2-515.10.2 9-2. Analysis.

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

208

209 § 2-515.10.3 9-3. Communications.

210 To promote and encourage open communications, cooperation and dialogue between the
211 HBP and the residents and businesses of Harrisburg through any of the following
212 activities:

- 213 A. Developing recommendations on how to better inform the community on
214 individual rights and responsibilities when a person has contact with law enforcement
215 officers.

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

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

222 D. Foster and encourage public participation in crime prevention activities
223 throughout the City.

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

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

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

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

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

235 J. Engaging and encouraging neighborhood and community organizations
236 throughout the City to participate in training, discussions and promotion of programs
237 and opportunities to foster public safety and improve communication with and
238 regarding local law enforcement.

239 K. ISSUE ADMINISTRATIVE SUBPOENAS FOR THIRD PARTY RECORDS IN
240 THE COURSE OF A CLEAC REVIEW AND INVESTIGATION OF A FORMAL
241 WRITTEN COMPLAINT FOR MISCONDUCT, IN A MANNER AND FORM
242 AUTHORIZED UNDER THE LAWS OF THE COMMONWEALTH OF
243 PENNSYLVANIA FOR ADMINISITRATIVE PROCEEDINGS.

244

245 § 2-515.10.4. RECORD REQUESTS TO HARRISBURG BUREAU OF POLICE.

246 REQUESTS FOR RECORDS UNDER THIS CHAPTER TO THE HARRISBURG
247 BUREAU OF POLICE SHALL BE MADE AND PROCESSED IN THE MANNER
248 SET FORTH IN THIS SUBSECTION.

249 A. REQUESTS FOR INFORMATION SUBJECT TO THIS CHAPTER
250 DIRECTED TO THE HBP SHALL BE MADE IN WRITING TO THE MAYOR
251 AND HBP.

252 B. THE INFORMATION REQUEST SHALL BE PROMPTLY REVIEWED
253 BY HBP.

254 C. THE INFORMATION SHOULD BE PROVIDED TO CLEAC WITHIN 14
255 BUSINESS DAYS OF THE REQUEST.

256 D. IF THE HBP WILL REQUIRE ADDITIONAL TIME TO PROVIDE
257 REQUESTED INFORMATION, THE HBP SHALL PROVIDE WRITTEN
258 NOTICE TO THE COMMITTEE WITHIN 7 BUSINESS DAYS OF RECEIPT
259 OF THE REQUEST.

260 E. IF THE INFORMATION REQUESTED IN NOT PROVIDED OR DEEMED
261 UNSATISFACTORY TO THE COMMITTEE, THE COMMITTEE BY A
262 PUBLIC VOTE OF THE MAJORITY OF ITS MEMBERS MAY MAKE A
263 RECOMMENDATION TO CITY COUNCIL AND THE MAYOR TO
264 RESTRICT THE RELEASE OR USE OF BUDGETED FUNDS TO HIRE NEW
265 OFFICERS.

266 F. CITY COUNCIL WILL EVALUATE THE REQUEST FOR
267 INFORMATION AND ANY INFORMATION PROVIDED TO THE
268 COMMITTEE BY HBP.

269 G. COMMITTEE RECOMMENDATIONS MADE UNDER THIS
270 SUBSECTION RELATED TO THE INFORMATION MAY BE ACCEPTED
271 OR DENIED BY A VOTE OF THE COUNCIL, AT THEIR SOLE
272 DISCRETION.

273 H. IF THE RECOMMENDATION OF THE COMMITTEE IS ACCEPTED BY
274 THE COUNCIL, THE HBP WILL HAVE 5 BUSINESS DAYS TO PROVIDE
275 THE REQUESTED INFORMATION TO COUNCIL TO AVOID THE

276 AUTOMATIC RESTRICTION ON THE RELEASE OR USE OF FUNDS TO
277 HIRE NEW OFFICERS.

278
279 § 2-515.10.5 9.4. Reports and Recommendations.

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

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

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

290 C. To provide recommendations to the Council and the Mayor on legislative or non-
291 legislative actions to improve relations between local law enforcement and the
292 community.

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

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

299
300 § 2-515.11 10. Bylaws, Organization and Quorum.

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

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

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

- 306 C. Members may from time to time select and appoint by majority vote a Chair, Vice-
307 Chair and Recording Secretary from its members, with or without the adoption of
308 bylaws.
- 309 D. Proposed bylaws and other CLEAC policies shall be consistent with the purposes of
310 this legislation and applicable law.
- 311 E. A majority of the Committee shall constitute a quorum for the purpose of conducting
312 committee business and for all other purposes.
- 313 F. All actions of the Committee shall be taken by a vote of the majority of voting
314 members present.
- 315 G. No Committee business may be conducted if a majority of voting seats are vacant.
316

317 § 2-515.12 H. Meetings.

318 CLEAC shall hold ~~an annual public meeting~~ QUARTERLY MEETINGS and such other
319 committee meetings as the members deem necessary in public meeting rooms or facilities of the
320 City. The provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings) shall apply to the
321 Committee.

322

323 § 2-515.13. ATTENDANCE OF CITY PERSONNEL AT COMMITTEE MEETINGS.

- 324 A. CLEAC MAY FORMALLY REQUEST THE ATTENDANCE OF THE POLICE
325 COMMISSIONER OR CHIEF OR OTHER MANAGEMENT PERSONNEL
326 AT ANY COMMITTEE MEETING TO REVIEW OR DISCUSS EXISTING OR
327 PROPOSED POLICE POLICIES AND PRACTICES.
- 328 B. ANY REQUEST SHALL BE IN WRITING AND MADE AT LEAST SEVEN
329 (7) DAYS IN ADVANCE WITH NOTICE OF THE MATTER(S) UNDER
330 DISCUSSION AT THE MEETING, INCLUDING TO RESPOND TO ANY
331 PENDING FORMAL REQUEST FOR RECORDS.
- 332 C. THE MAYOR, POLICE COMMISSIONER OR CHIEF MAY ASSIGN A
333 DESIGNEE TO APPEAR BEFORE THE COMMITTEE TO RESPOND TO A
334 FORMAL REQUEST TO ATTEND A COMMITTEE MEETING.

335

336 § 2-515.14 I2. Notice, Advertising and Venue.

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

341
342 § 2-515.15 ~~13~~. Compensation.

343 Committee members shall not receive any compensation for serving as a member of the
344 Committee.

345
346 § 2-515.16 ~~14~~. Removal of members.

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

349 § 2-515.17 ~~15~~. Statutory Authority.

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

352
353 § 2-515.18 ~~16~~. Related Provisions and Restrictions.

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

361
362 **SECTION 2.** DELEGATION. Appropriate City officials are authorized to take such actions as
363 are necessary to effectuate this ordinance.

364
365 **SECTION 3.** SEVERABILITY. If any provision, sentence, clause, section or part of this
366 ordinance or the application thereof to any person or circumstance is for any reason found to be
367 unconstitutional, illegal or invalid by a court of competent jurisdiction, such unconstitutionality,

368 illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,
369 clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Council of
370 the City of Harrisburg that this ordinance would have been adopted had such unconstitutional,
371 illegal or invalid provision, sentence, clause, section or part not been included herein.

372

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

375

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

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378 Seconded by: _____

379

380 Passed by Council: _____

381

382 Signed by the Mayor: _____