

2022 PROPOSED CHARTER AMENDMENT NO. 6

PROPOSED AMENDMENT TO THE AMENDED CHARTER OF THE CITY OF TULSA, OKLAHOMA, BY ADDING A NEW ARTICLE XIII, TITLED “OVERSIGHT AND MONITORING OF POLICE DEPARTMENT”, CREATING AN OFFICE OF THE INDEPENDENT MONITOR (OIM) AND A CITIZENS OVERSIGHT BOARD, AND PRESCRIBING THEIR QUALIFICATIONS, POWERS AND RESPONSIBILITIES.

That the Amended Charter of the City of Tulsa, Oklahoma, be amended to add a new Article XIII titled Oversight and Monitoring of Police Department, creating an Office of the Independent Monitor (OIM) and a Citizens Oversight Board, and prescribing their qualifications, powers and responsibilities:

“ARTICLE XIII. OVERSIGHT AND MONITORING OF POLICE DEPARTMENT

Section 1. Office of the Independent Monitor.

- A. By this Article, there is created the Office of the Independent Monitor. The Office of the Independent Monitor for the City of Tulsa shall consist of a full-time Monitor with appropriate professional, support staff, and, if applicable, contract services. For purposes of this Article, ‘Monitor’ means the head of the Office of the Independent Monitor.

- B. The Office of the Independent Monitor shall actively monitor certain internal investigations of Tulsa Police Department personnel; make recommendations regarding policy issues; provide independent community engagement, outreach, and initial complaint filing assistance in line with best practices and as outlined in this Article, and address other issues of concern to the members of the Citizen Oversight Board created pursuant to Section 7 of this Article, the Mayor or Chief of Police.

- C. The Monitor shall establish standards of professional conduct and a comprehensive training program for its own staff in order to review and evaluate whether completed Tulsa Police Department internal investigations have been properly conducted and to make recommendations concerning potential changes in policy, processes and training. Such policy-level recommendations to the Mayor and Chief of Police are non-binding, and management consideration and potential adoption of all or part(s) of such recommendations is pursuant to and in conformance with the management rights and responsibilities set forth and retained pursuant to any collective bargaining agreement with police officers regarding the right to manage the affairs of Tulsa Police Department in all respects including, but not limited to, the introduction of new, improved, or different methods and techniques of Tulsa Police Department operation or change in existing methods and techniques concerning supervision, discipline, use of force, and other policies; rules, regulations and orders; hiring; training; community relations; and the complaint process;

- D. The Office of the Independent Monitor shall provide policy guidance including, but not limited to, evaluations of community policing strategies employed by the City of Tulsa, best practices

from other cities around the country, and other policy objectives as determined by the Mayor, City Council, or Chief of Police.

Section 2. Appointment, qualifications, of Monitor and staff.

- A. The position of Monitor is created to serve in the classified service pursuant to the City Charter and consistent with the City's Personnel Policies and Procedures, the Mayor shall appoint the Monitor with the assistance of the Personnel Director, the Office of Human Resources and other City personnel designated by the Mayor. Such appointment shall be subject to confirmation by a majority vote of the entire membership of the City Council.
- B. Prior to the appointment of any person to the position of Monitor, the Mayor shall appoint a screening committee to initially interview and evaluate candidates for the position. The screening committee shall consist of the following six (6) persons:
 - 1. The chairperson of the Citizen Oversight Board, who shall be the chairperson of the screening committee;
 - 2. A member of City Council as selected by a majority of the City Council;
 - 3. A current or retired judge as selected by the Mayor subject to approval by a majority of the City Council;
 - 4. The Personnel Director;
 - 5. A person selected by the Mayor, subject to approval by a majority of the City Council, with extensive knowledge of internal police investigations or the monitoring of internal police investigations but who has never been employed by the Tulsa Police Department; and
 - 6. A sworn peace officer selected by the Mayor, subject to approval by a majority of the City Council, who is employed by the Tulsa Police Department. The screening committee's term shall expire upon the selection of the Monitor.
- C. The Personnel Director shall advertise the position of Monitor and certify all applicants meeting the requirements of the position pursuant to the City Charter and consistent with the City's Personnel Policies and Procedure. The Personnel Director shall present the names of all certified candidates to the screening committee.
- D. The screening committee shall forward to the Mayor the names of a minimum of three (3), but no more than five (5) candidates, for the position of Monitor.
- E. The Mayor shall appoint the Monitor from the list of names provided by the screening committee unless the Mayor decides not to appoint any of those candidates, in which case the Mayor shall request the screening committee to provide additional names.

- F. Deputy Monitors and support staff of the Office of the Independent Monitor shall be appointed in accordance with the City Charter to serve in the classified service, from candidates certified by the Personnel Director.
- G. Neither the Monitor, nor any employees of the Monitor's office, shall be or have formerly been employees or reserve officers of the Tulsa Police Department or have any immediate family formerly or currently serving in the Tulsa Police Department, nor shall have served as a peace officer within the Tulsa Metropolitan Statistical Area (MSA) within the last ten years.

Section 3. Mandatory oversight by the Office of the Independent Monitor.

- A. The Office of the Independent Monitor shall actively monitor any on-going criminal investigation of the incidents set forth below when the investigation is conducted by the Tulsa Police Department. For criminal investigations conducted by the District Attorney or law enforcement agencies of any other jurisdiction, the Office of the Independent Monitor shall actively monitor and participate in such investigations to the extent permitted by the agency. In addition, the Office of the Independent Monitor shall actively monitor and review on-going Tulsa Police Department internal investigations of incidents concerning Tulsa Police Department sworn personnel, including reserve officers, as follows:
 - 1. Any shooting or use of deadly force involving Tulsa Police Department sworn personnel, whether duty related or not;
 - 2. Any in-custody death;
 - 3. Any duty-related incident during which, or as a result of which, anyone dies;
 - 4. Any use of force by Tulsa Police Department sworn personnel resulting in a complaint to the Police Department made by either the person upon which force was utilized or by their personal legal representative;
 - 5. Any incident whether or not duty related, in which Tulsa Police Department sworn personnel, including reserve officers, are under investigation for, or charged by any jurisdiction with a felony;
 - 6. Any incident, whether or not duty-related, in which Tulsa Police Department sworn personnel including reserve officers, are under investigation for, or charged with, any state or federal felony; or
 - 7. Any incident, whether or not duty-related, in which Tulsa Police Department sworn personnel, including reserve officers, are under investigation for, or charged by, any jurisdiction with a misdemeanor or local law violation in which a use of force (defined as assaulting, beating, striking, fighting, or inflicting violence on a person) or threatened use of force is an element of the offense.

If the Independent Monitor finds that an internal Police Department investigation of the above incidents was not conducted, was improperly conducted, or incomplete, the Monitor shall advise the Mayor, the Chief of Police and the Citizen's Oversight Board of that finding and may conduct an independent investigation of the incidents. Subject to the requirements of Section 6 of this Article, in performance of the Independent Monitor's investigation, the Monitor may summon and compel the attendance and testimony of witnesses, the production of other evidence, and may impose penalties established by ordinance for the refusal to obey an order or a subpoena issued by the Monitor.

- B.** In addition, the Office of the Independent Monitor shall monitor any other internal investigation of possible misconduct by Tulsa Police Department sworn personnel when requested to do so by the Mayor. Within three (3) business days of determining to monitor an investigation or of receiving the request from the Mayor, the Office of the Independent Monitor shall advise the Chief of Police and the Tulsa Police Department internal investigations section only that the Office of the Independent Monitor will monitor the completed investigation pursuant to this paragraph.
- C.** The Tulsa Police Department internal investigations section shall forward to the Office of the Independent Monitor: Within three (3) business days of opening a new internal investigation, summary information regarding that investigation and the nature of the inquiry, allegations or complaint.
- D.** The Chief of Police, upon receipt of a report of completed internal investigations, shall deliver or cause to be delivered the completed report to the Office of the Independent Monitor within three (3) business days.
- E.** Upon receipt of the completed report from the Chief of Police, the Office of the Independent Monitor shall have access to all Tulsa Police Department investigative reports, interviews, evidence and evidence summaries concerning such completed report.
- F.** The Office of the Independent Monitor, upon receipt of the completed investigation report from the Chief of Police and the documentation, reports and evidence set forth in Subsection 3.E, above, shall undertake review and evaluation of the investigation, and no later than ten (10) business days thereafter shall provide the Office of the Independent Monitor's written evaluation and monitoring report regarding such internal investigation to the Chief of Police.
- G.** The Chief of Police shall withhold any determination and decisions regarding an internal investigation and the subject personnel until the Chief has reviewed and considered the Office of the Independent Monitor written evaluation and monitoring report, provided that such Office of the Independent Monitor written evaluation and monitoring report is provided to the Chief on or before the ten (10) business day period contemplated by Subsection 3.F, above. The Chief shall review the Office of the Independent Monitor evaluation and written report, and recommendations, if any, contained within it. If the Office of the Independent Monitor's evaluation and report recommends additional investigatory action, the Chief may request such action be taken by the Department's internal investigations section and subsequent to such action taken, proceed to make any determinations and decisions regarding the investigation

and personnel. If the Office of the Independent Monitor's evaluation and written report is not received within the time period allowed in this Article, the Chief shall proceed to make any determinations and decisions regarding the investigation and personnel based upon the internal investigative report.

Section 4. Additional Investigative Powers of the Monitor.

- A.** The Independent Monitor shall have the power to conduct independent investigations of any and all citizen complaints regarding criminal and non-criminal misconduct, including but not limited to the failure to provide service, discourtesy, racial discrimination, and bias by sworn Tulsa Police Department personnel, including reserve officers, and recommend discipline to both the Chief of Police and the Mayor.
- B.** Subject to the requirements of Section 6 of this Article, in performance of any Independent Monitor's investigation, the Monitor may summon and compel the attendance and testimony of witnesses, the production of other evidence, and may impose penalties established by ordinance for the refusal to obey an order or a subpoena issued by the Monitor.

Section 5. Public reporting by the Monitor.

- A.** No later than September 30th of each year, the Monitor shall submit an annual public report to the Mayor, City Council, and the Citizen Oversight Board, setting forth the work of the Office of the Independent Monitor during the prior fiscal year; identifying trends regarding: complaints and investigations of Tulsa Police Department sworn personnel, including, but without identifying specific persons; information regarding Tulsa Police Department sworn personnel who were the subject of multiple complaints; complainants who filed multiple complaints; issues that were raised by multiple complaints; and making recommendations regarding the sufficiency of investigations and potential changes to policies, rules, and training.
- B.** The report shall present information in statistical and summary form, without identifying specific persons except to the extent that incidents involving specific persons have otherwise been made public by the City.
- C.** In addition to the annual report, the Office of the Independent Monitor shall publish a status report, which shall be available to the public and which shall include, among other things, patterns relating to complaints, and recommendations regarding the sufficiency of investigations. Based upon an analysis of this information and other information available to the Monitor, the Office of the Independent Monitor shall make timely recommendations to the Mayor and Chief of Police regarding policy issues.
- D.** The Monitor may submit additional public reports to the Mayor, City Council, and the Citizen Oversight Board throughout the year about matters within the duties of the Office of the Independent Monitor.

Section 6. Confidentiality.

- A. The Monitor, the Office of the Independent Monitor and its staff, and all persons authorized to act on their behalf who are engaged in the administrative oversight and review process regarding Tulsa Police Department investigative and internal policies and procedures, shall have access to both the confidential law enforcement investigative and internal personnel investigation records and reports to the extent necessary to perform their duties and responsibilities. In addition, the Office of the Independent Monitor shall not become the custodian of any such law enforcement or internal personnel records and the Office of the Independent Monitor shall not be allowed access to documents protected by the attorney-client privilege or the attorney work product privilege. All deliberations and recommendations learned by any of those persons or groups during the exercise of their duties shall be confidential and not disclosed to the public unless and until included in and published in a report made pursuant to Section 5 of this Article.
- B. The Monitor, the Office of the Independent Monitor and its staff, and all consultants and experts retained by the Monitor and Office of the Independent Monitor, shall treat all documents and information made available for review by the Monitor regarding specific investigations or officers as confidential except to the extent needed to carry out their duties and shall not at any time provide, disclose, or release Tulsa Police Department, internal investigations, or any other personnel investigative documents, or any information contained in them.
- C. During the administrative oversight and review of any Tulsa Police Department or other matter, the Monitor, the Office of the Independent Monitor and its staff, and all consultants and experts retained by the Monitor and Office of the Independent Monitor, shall not discuss with any person or group, including the members of the Citizen Oversight Board, the status, or facts, or circumstances of any criminal investigation, other than reporting the fact that a criminal investigation has not been completed and any anticipated date by which a criminal investigation may be completed.

Section 7. The Citizen Oversight Board.

- A. By this Article there is created the Citizen Oversight Board.
- B. The role and responsibility of the Citizen Oversight Board shall be to:
 - 1. Assess the effectiveness of the Office of Independent Monitor;
 - 2. Make policy-level recommendations to the Mayor and Chief of Police concerning the management rights and responsibilities set forth and retained pursuant to any collective bargaining agreement with police officers regarding discipline, use of force, and other policies; rules; hiring; training; community relations; and the complaint process;

3. Address other issues of concern identified by the community, members of the Citizen Oversight Board, the Office of the Independent Monitor, the Chief of Police, the City Council or the Mayor; and
4. Exercise such other powers and duties as are set forth in this chapter.

Section 8. Appointment and qualifications of Citizen Oversight Board members.

- A. The Citizen Oversight Board shall consist of eleven (11) members, who shall be residents of the City of Tulsa appointed by the Mayor subject to confirmation by the City Council, nine of which shall be comprised of one member from each of the nine City Council Districts, and the remaining two members shall be at-large appointments.
- B. No officer or employee of the City, nor any currently serving officer of any other law enforcement agency in the State, shall be appointed to the Citizen Oversight Board.
- C. Neither the members of the Citizen Oversight Board nor any of their immediate family members (defined as husband, wife, son, daughter, mother, father, step-son, step-daughter, step-mother, step-father, grandmother, grandfather, brother, sister, domestic partner, and in-laws) shall have ever been employed by the Tulsa Police Department.
- D. The members of the Citizen Oversight Board should reflect the diversity of the City of Tulsa, including the ethnic, racial, and socioeconomic constitution of the population, as well as the City's diverse professional backgrounds, experience, and expertise of its citizens.
- E. The members of the Citizen Oversight Board shall not be compensated except for any previously approved and necessary personal expenses incurred in connection with the work of the Citizen Oversight Board.
- F. The members of the Citizen Oversight Board shall participate in an appropriate training program to be established by the Citizen Oversight Board working with the Office of the Independent Monitor so that Citizen Oversight Board members shall possess the applicable knowledge to perform their duties.

Section 9. Terms and vacancies.

- A. The terms of the nine members of the Citizen Oversight Board comprised of one member from each of the nine City Council Election Districts shall commence on the first Monday in July in the year 2024 and shall expire as follows: the term of office for members from Election Districts 1, 4, and 7 shall serve for a term of one (1) year and shall expire on the first Monday in July 2025; thereafter the members from Election Districts 1, 4, and 7 shall serve for a term of three (3) years. The term of office for members from Election Districts 2, 5, and 8 shall be for a term of two (2) years and shall expire on the first Monday in July in the year 2026; thereafter the members from Election District 2, 5, and 8 shall serve for a term of three (3) years. The term of office for members from Election Districts 3, 6, and 9 and shall be for a

term of three (3) years and shall expire on the first Monday in July in the year 2027; thereafter the members from Election Districts 3, 6, and 9 shall be for a term of three (3) years.

- B.** The terms of the two at-large Citizen Oversight Board members shall be for three years commencing on the first Monday in July in the year 2024.
- C.** Any vacancy occurring during the term of any Citizen Oversight Board member shall be filled by appointment by the Mayor and confirmed by City Council pursuant and subject to the requirements of Article XII, Section 11 of the Amended Charter of the City of Tulsa.
- D.** In the event of vacancies on the Citizen Oversight Board, appointments to fill such vacancies shall be for the remainder of the unexpired terms. A member of the Citizen Oversight Board shall have vacated his or her position on the Board if such member fails to attend three (3) consecutive meetings; provided that a vacancy so created shall not prohibit the reappointment of such member to the Citizen Oversight Board.
- E.** Each Citizen Oversight Board member shall continue to serve in such capacity until the member's successor has been duly appointed.

Section 10. Officers.

The Citizen Oversight Board shall annually elect from among its members a chairperson and a vice-chairperson, who shall serve in such capacities until their successors are duly elected. In case of a vacancy in either of these positions, the Citizen Oversight Board shall elect a successor who shall serve the unexpired balance of the predecessor's term.

Section 11. Meetings of the Citizen Oversight Board.

- A.** The Citizen Oversight Board, with staff support provided by the Office of the Independent Monitor, shall conduct at least three (3) meetings annually for public comment, including a meeting to be held not later than thirty (30) calendar days after the issuance of the Citizen Oversight Board's annual report and shall from time to time meet with citizens' groups to learn of citizens' concerns and to inform the citizens of relevant information regarding the activities of the Tulsa Police Department, the Office of the Independent Monitor, and the Citizen Oversight Board. After consideration of citizen accessibility factors, the Citizen Oversight Board shall schedule all meetings under this subsection at times and dates as convenient as possible for citizen attendance.
- B.** The Citizen Oversight Board shall meet at least ten times per year with a representative or representatives of the Office of the Independent Monitor.
- C.** The Citizen Oversight Board shall meet at least quarterly in public with the Chief of Police and shall meet with any other City personnel on an as-needed basis to discuss any issues of concern and to discuss and formulate and make policy recommendations for ways that the police department and its officers can improve its relationships with the citizens.

- D. The Citizen Oversight Board shall fix the time and place of its meetings.
- E. The Citizen Oversight Board shall maintain records of its meetings, which records shall be available to the public.
- F. All meetings of the Citizen Oversight Board shall be subject to the provisions of the Oklahoma Open Meetings Act.

Section 12. Interaction between the Office of Independent Monitor and the Citizen Oversight Board.

The Office of the Independent Monitor shall inform the Citizen Oversight Board of the status of police department investigations and the actions of the Office of the Independent Monitor and the Monitor in monitoring, reviewing and evaluating those investigations.

- A. The Citizen Oversight Board shall establish both qualitative and quantitative criteria for evaluating the effectiveness of the Office of the Independent Monitor.
- B. In determining whether the Office of Independent Monitor is effectively monitoring police investigations, the Citizen Oversight Board shall receive regular reports from the Office of Independent Monitor and may request to review appropriate documents and reports necessary to carry out the Citizen Oversight Board's duties and responsibilities. However, the Citizen Oversight Board shall not become the custodian of any such law enforcement or internal personnel investigative records and the Citizen Oversight Board shall not be allowed access to documents protected by the attorney-client privilege or the attorney work product privilege. The Citizen Oversight Board shall make recommendations to the Mayor and Chief of Police regarding the performance and effectiveness of the Office of the Independent Monitor and the Monitor and assist with public engagement and feedback.
- C. The Office of the Independent Monitor shall provide staff support to the Citizen Oversight Board.

Section 13. Reports of the Citizen Oversight Board.

- A. The Citizen Oversight Board shall furnish an annual public report to the Mayor and City Council regarding the Citizen Oversight Board's assessment of the work of the Office of the Independent Monitor; the Citizen Oversight Board's activities during the preceding year; concerns expressed by citizens; the Citizen Oversight Board's assessment of the police department's investigative processes and recommendations for ways that Tulsa Police Department can improve its relationships with the citizens.
- B. The Citizen Oversight Board's annual report shall be furnished concurrently with the Office of the Independent Monitor's annual report to the Mayor and City Council.
- C. In addition to the annual report, the Citizen Oversight Board may furnish additional reports, to the Mayor and City Council, which shall be available to the public and which shall include,

but not be limited to, patterns relating to complaints and recommendations regarding the sufficiency of investigations, if any.

- D. Upon request of the Citizen Oversight Board, the Mayor shall consider contracting with independent consultants to assist the Citizen Oversight Board in assessing the effectiveness of the Office of the Independent Monitor and the Monitor, and in preparing the Citizen Oversight Board’s annual report and any other reports.

Section 14. Rules.

The Citizen Oversight Board shall publish and make available to the public such procedural rules as it may adopt for the conduct of its business.”

We, the undersigned, constituting a majority of the legislative body of the City of Tulsa, duly and regularly elected, qualified and acting as the Tulsa City Council, do hereby subscribe our names to the above and foregoing, approving the text of the proposed 2022 Charter Amendment No. 6 of the City of Tulsa, which by Resolution of this Council, may be submitted to the qualified electors of the City of Tulsa, Oklahoma, for their approval or rejection at the general election to be held Tuesday, August 23, 2022.”

Done, this _____ day of _____ 2022.

Vanessa Hall-Harper, Councilor, District No. 1

Jeannie Cue, Councilor, District No. 2

Crista Patrick, Councilor, District No. 3

Kara Joy McKee, Councilor, District No. 4

Mykey Arthrell-Knezek, Councilor, District No. 5

Connie Dodson, Councilor, District No. 6

Lori Decter Wright, Councilor, District No. 7

Phil Lakin, Jr., Councilor, District No. 8

Jayne Fowler, Councilor, District No. 9

Prepared by:

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