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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TULSA, OKLAHOMA, ADOPTING A NEW TITLE 16, TULSA REVISED ORDINANCES, TITLED "INDEPENDENT REVIEW AND OVERSIGHT OF PUBLIC SAFETY"; CREATING THE OFFICE OF INDEPENDENT REVIEW AND OVERSIGHT OF PUBLIC SAFETY AND THE POSITION OF DIRECTOR; ESTABLISHING THE POWERS, DUTIES, RESPONSIBILITIES, QUALIFICATIONS, AND REPORTING REQUIREMENTS OF THE OFFICE AND DIRECTOR; PROVIDING FOR MONITORING AND REVIEW OF CERTAIN PUBLIC SAFETY MATTERS; PROVIDING FOR CONFIDENTIALITY AND LAWFUL HANDLING OF INFORMATION AND RECORDS; CREATING A CIVILIAN OVERSIGHT BOARD AND ESTABLISHING ITS MEMBERSHIP, QUALIFICATIONS, TERMS, POWERS, DUTIES, MEETINGS, AND REPORTING REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE CITY OF TULSA:

***Section 1. ENACTMENT.** Title 16 of the Tulsa Revised Ordinances, previously titled "General Services Department (REPEALED)," is hereby replaced in its entirety with a new Title 16, titled "Independent Review and Oversight of Public Safety," to read as follows:*

"TITLE 16 - INDEPENDENT REVIEW AND OVERSIGHT OF PUBLIC SAFETY

CHAPTER 1. - OFFICE OF INDEPENDENT REVIEW AND OVERSIGHT OF PUBLIC SAFETY

Section 100. - Definitions. For purposes of this chapter, the following words and phrases shall have the meanings stated below.

- A. "Director" means the Director of the Office of Independent Review and Oversight of Public Safety.
- B. "Monitor" means to observe or track the progress of an investigation conducted by the Tulsa Police Department, another City department or division, or another governmental entity, without directing, controlling, or interfering with the investigation.
- C. "Public Safety" means City departments, divisions, offices, and personnel performing law enforcement, fire prevention and suppression, rescue, hazardous materials response, emergency communications or 911 dispatch, emergency management, animal control, security, or code enforcement functions. The term does not include the exercise of judicial functions by the Municipal Court or authority assigned by the City Charter to an elected City officer independent of the Mayor.

- D. "Review" means to evaluate a completed investigation for completeness, objectivity, compliance with applicable policies and procedures, and policy or systemic issues. A Review is not a new investigation.

Section 101. - Office of Independent Review and Oversight of Public Safety.

- A. There is hereby established the Office of Independent Review and Oversight of Public Safety for the City of Tulsa. The Office shall consist of a full-time Director, appropriate professional and support staff, and contract services, as authorized by law and subject to appropriations.

Section 102. - Appointment and qualifications of Director and staff.

- A. The Director and employees of the Office shall serve in the classified service in accordance with Article X of the City Charter and applicable personnel rules.
- B. The Personnel Director shall administer the competitive process and certify eligible candidates for Director in accordance with Article X of the City Charter and applicable personnel rules. The Mayor, as appointing authority, shall appoint the Director from among the candidates properly certified by the Personnel Director.
- C. Before appointing the Director, the Mayor shall establish a seven-member advisory committee consisting of:
1. The chairperson of the Civilian Oversight Board, who shall chair the committee;
 2. A current or retired judge selected by the Mayor;
 3. A person selected by the Mayor with experience in internal investigations, civilian oversight, professional standards, governmental accountability, or a similar field;
 4. A person selected by the Mayor with experience in civil rights, community engagement, governmental ethics, administrative law, or a similar field;
 5. A resident of the City selected by the Mayor to represent community interests; and
 6. Two sworn Public Safety officers employed by the City, one from the Police Department and one from the Fire Department, selected by the Mayor.
- D. The advisory committee may interview candidates certified by the Personnel Director and provide the Mayor with its assessment and recommendations. The committee is advisory only and shall not limit the Mayor's authority to appoint any candidate properly certified for appointment.
- E. The Director and employees of the Office shall meet the qualifications established under the City Charter and applicable personnel rules and any additional lawful job qualifications established for their positions. Qualifications should promote professional competence, independence of judgment, and impartiality. To the extent allowed by law, the qualifications established for the position of Director shall preclude candidates who are or have been Public Safety officers or employees in the Tulsa Metropolitan Statistical Area, including the City of Tulsa, or who have an immediate family member who is or has been such an officer or employee. For purposes of this subsection, "immediate family member" means a spouse, domestic partner, parent, child, stepparent, stepchild, grandparent, sibling, parent-in-law, child-in-law, or sibling-in-law.

- F. Nothing in this section alters the authority of the Civil Service Commission, Personnel Director, Mayor, or any appointing authority under the City Charter.

Section 103. - Mandatory oversight.

A. The Office shall Monitor and Review:

1. Any City administrative investigation concerning an incident or alleged conduct involving Public Safety department or division personnel, including volunteers or reserve officers, that involves:
 - a. A discharge of a firearm or other use of deadly force against a person;
 - b. A death occurring while a person is detained, arrested, transported, or otherwise in the custody of Public Safety personnel;
 - c. A duty-related death of Public Safety personnel;
 - d. A use of force resulting in death or serious bodily injury;
 - e. Conduct that, if established, would constitute a felony; or
 - f. Conduct involving the use or threatened use of force that, if established, would constitute a misdemeanor;
 2. Any criminal investigation of an incident set forth in subsection A.1 when the investigation is conducted by the Tulsa Police Department, provided that for a criminal investigation conducted by the District Attorney or a law enforcement agency of another jurisdiction, the Office shall Monitor the investigation to the extent permitted by the investigating agency and applicable law; and
 3. Any other internal investigation of possible misconduct by Public Safety department or division personnel when requested by the Mayor.
- B. Within three (3) business days after opening an internal investigation subject to subsection A, the department or division conducting the investigation shall provide the Office with summary information regarding the investigation, including the nature of the inquiry, allegations, or complaint.
- C. Within three (3) business days after receiving the information required by subsection B, or after receiving a request from the Mayor pursuant to subsection A.3, the Office shall notify the relevant department or division of the scope of the Office's Monitoring and Review under subsection A.
- D. Within three (3) business days after the department or division head receives the completed investigation report, the department or division head shall deliver, or cause to be delivered, the report to the Office and shall provide the Office access to all interviews, evidence, and evidence summaries concerning the investigation.
- E. If evidence material to an investigation cannot reasonably be obtained voluntarily, the Director may request that the City Council consider exercising its investigative authority under Article II, Section 17 of the City Charter. Nothing in this section delegates to the Office, Director, or Civilian Oversight Board the City Council's authority to issue subpoenas, administer oaths, compel testimony, or require the production of evidence.

F. No later than ten (10) business days after both receiving the completed investigation report and obtaining access to the interviews, evidence, and evidence summaries required by subsection D, the Office shall provide its written report regarding the investigation to the department or division head. In reviewing the investigation, the Office may determine whether the investigation:

1. Adequately addressed the allegations and material evidence;
2. Reasonably identified and considered material evidence and witnesses; and
3. Complied with applicable investigative policies and procedures.

The Office may identify issues concerning policy, training, supervision, accountability, or departmental practices and may recommend additional investigation or other actions.

G. The department or division head shall not make a final determination or decision regarding the investigation or the subject personnel until the earlier of:

1. Receipt and consideration of the Office's written report under subsection F; or
2. Expiration of the ten (10) business-day period provided in subsection F without receipt of the Office's written report.

If the Office's written report recommends additional investigatory action, the department or division head may request that such action be taken. After completion of any additional investigatory action, the department or division head may proceed to make final determinations and decisions regarding the investigation and the subject personnel. Nothing in this subsection makes any finding or recommendation of the Office binding upon the Public Safety department or division head.

H. All findings and recommendations of the Office or Civilian Oversight Board are advisory and nonbinding. Nothing in this chapter authorizes the Office or Board to impose discipline, direct personnel actions, control Public Safety operations, or exercise authority assigned by the City Charter, applicable law, or any collective bargaining agreement to the Mayor, City Council, City Auditor, Civil Service Commission, department or division head, or other City officer or body.

Section 104. - Public reporting by the Director.

- A. No later than September 30 of each year, the Director shall submit a public annual report to the Mayor, City Auditor, City Council, and Civilian Oversight Board describing the Office's work during the preceding fiscal year. The report shall identify trends in complaints and investigations involving Public Safety personnel, including recurring allegations or issues, repeated complaints involving the same personnel without identifying those personnel, patterns involving repeat complainants when relevant to trend analysis, and recommendations concerning investigative sufficiency and potential changes to policies, rules, supervision, or training.
- B. The annual report shall present information in statistical, aggregate, or summary form and shall not identify a specific person except as permitted by applicable law and, when the information is nonpublic, only to the extent necessary to perform a duty imposed by law. Public reporting shall be consistent with Section 105.

- C. In addition to the annual report, the Office may publish periodic public status or trend reports summarizing complaint patterns, the status of matters within the Office's jurisdiction, and recommendations concerning investigative sufficiency or policy. Based on those reports and other information lawfully available to the Director, the Office may make timely policy-level recommendations to the Mayor and appropriate Public Safety department or division heads.
- D. The Director may issue additional public reports during the year concerning matters within the Office's duties, subject to Section 105 and applicable law.

Section 105. - Confidentiality and records.

- A. The Director, Office staff, and persons authorized to act on the Office's behalf may access nonpublic or otherwise restricted investigative and personnel records, data, documents, and reports only to the extent necessary to perform duties under this Title and to the extent permitted by applicable law. The Office shall not become the records custodian for law enforcement or personnel investigative records merely by receiving or reviewing them. The Office shall not require disclosure of material protected by the attorney-client privilege, attorney work-product doctrine, or another privilege or protection recognized by law.
- B. The Director, Office staff, consultants, and experts retained by the Office shall safeguard records and information concerning specific investigations or personnel against unauthorized access or disclosure and shall use or disclose such information only as necessary to perform duties under this Title or as otherwise authorized or required by law.
- C. During the Monitoring or Review of a pending criminal investigation or prosecution, the Director, Office staff, consultants, and experts shall not disclose nonpublic facts, evidence, or circumstances of the criminal matter to the Civilian Oversight Board or any other person except as authorized or required by law and consistent with the needs of the investigating or prosecuting authority. The Office may publicly report that a matter remains pending and may disclose an anticipated completion date if that information is lawfully available for disclosure.
- D. Nothing in this section creates an exemption from disclosure or requires disclosure of a record made confidential or privileged by law.

Section 106. - Civilian Oversight Board.

- A. There is hereby created the Civilian Oversight Board as an advisory board pursuant to Article XII, Section 4 of the Amended Charter of the City of Tulsa.
- B. The Civilian Oversight Board shall:
 - 1. Assess the effectiveness of the Office of Independent Review and Oversight of Public Safety;
 - 2. Make policy-level recommendations to the Mayor, City Auditor, City Council, and appropriate Public Safety department or division heads regarding disciplinary policies, use-of-force policies, rules, hiring, training, community relations, and complaint processes. Recommendations affecting City personnel remain subject to applicable law, the City Charter, personnel rules, and management rights and responsibilities retained under applicable collective bargaining agreements;

3. Consider other matters within the scope of this chapter identified by the community, Board members, the Office, City Auditor, City Council, Mayor, or a Public Safety department or division head; and
4. Exercise the other advisory powers and duties provided by this chapter.

Section 107. - Appointment and qualifications of Civilian Oversight Board members.

- A. The Civilian Oversight Board shall consist of eleven (11) residents of the City of Tulsa appointed by the Mayor and confirmed by the City Council. One (1) member shall be appointed from each of the nine (9) City Council Districts, and two (2) members shall be appointed at large. Each City Councilor may recommend one (1) member from his or her Council district.
- B. No City officer or employee, or person currently serving as a law enforcement officer, firefighter, or other public safety officer or employee of a governmental agency in Oklahoma, may serve on the Civilian Oversight Board.
- C. Neither a Civilian Oversight Board member nor an immediate family member of a Board member shall be or have been employed by the City of Tulsa. For purposes of this subsection, "immediate family member" shall have the same meaning as in Section 102.E.
- D. To the extent practicable and consistent with lawful appointment criteria, appointments should reflect the diversity of the City of Tulsa, including its racial, ethnic, socioeconomic, geographic, and professional diversity and the varied experience and expertise of its residents.
- E. Civilian Oversight Board members shall serve without compensation, as required by Article XII, Section 4 of the City Charter, but may be reimbursed for previously approved, necessary expenses incurred in performing Board duties, subject to applicable City policies and appropriations.
- F. Civilian Oversight Board members shall complete training appropriate to the Board's duties. The Board shall develop the training program in consultation with the Office, City Attorney, and appropriate Public Safety departments or divisions. Training shall include the Board's advisory role, confidentiality, the Oklahoma Open Meeting Act, the Oklahoma Open Records Act, applicable personnel and collective bargaining requirements, and relevant Public Safety policies and practices.

Section 108. - Terms, vacancies, disqualification, and removal.

- A. The initial terms of the nine (9) Civilian Oversight Board members appointed from City Council Districts shall begin on the first Monday in July 2027 and shall be staggered as follows: members from Districts 1, 4, and 7 shall serve initial terms of one (1) year, expiring on the first Monday in July 2028; members from Districts 2, 5, and 8 shall serve initial terms of two (2) years, expiring on the first Monday in July 2029; and members from Districts 3, 6, and 9 shall serve initial terms of three (3) years, expiring on the first Monday in July 2030. Thereafter, each district member shall serve a three-year term.
- B. The initial terms of the two (2) at-large Civilian Oversight Board members shall be three (3) years beginning on the first Monday in July 2027. Thereafter, each at-large member shall serve a three-year term.

- C. A vacancy occurring during a Board member's term shall be filled by appointment by the Mayor and confirmation by the City Council. An appointment to fill a vacancy shall be for the remainder of the unexpired term.
- D. A member who ceases to satisfy a qualification required by Section 107 is disqualified from service. Failure to attend three (3) consecutive regular meetings without good cause may constitute grounds for removal. A member may be removed before expiration of the member's term only by action of the Mayor and City Council in accordance with Article XII, Sections 4 and 11 of the City Charter, after notice to the member and a reasonable opportunity to respond.
- E. Each Board member shall continue to serve until the member's successor is appointed and qualified, unless the member resigns, becomes disqualified and is removed in accordance with subsection D, or otherwise ceases to hold office as provided by law.

Section 109. - Officers. The Civilian Oversight Board shall annually elect a chairperson and vice-chairperson from among its members. Each officer shall serve until a successor is elected. If either office becomes vacant, the Board shall elect a successor to serve the remainder of the unexpired officer term.

Section 110. - Meetings of the Civilian Oversight Board.

- A. With staff support from the Office, the Civilian Oversight Board shall conduct at least three (3) meetings each calendar year that provide an opportunity for public comment, including one meeting no later than thirty (30) calendar days after issuance of the Board's annual report. The Board may also meet with community groups to receive concerns and provide information about the activities of Public Safety departments and divisions, the Office, and the Board. Meetings under this subsection shall be scheduled at times and places reasonably convenient and accessible to the public.
- B. The Civilian Oversight Board shall hold no fewer than ten (10) meetings each calendar year.
- C. At least quarterly, the Civilian Oversight Board shall meet in public with one or more heads or designated representatives of Public Safety departments or divisions. The Board may meet with other City personnel as appropriate and consistent with the City Charter to discuss matters within the Board's advisory role and to develop policy recommendations for strengthening relationships between Public Safety personnel and Tulsa residents.
- D. A meeting may satisfy more than one meeting-frequency requirement in this section if the meeting otherwise satisfies each applicable requirement.
- E. The Civilian Oversight Board shall set the time and place of its meetings and shall maintain meeting records as required by applicable law.
- F. All meetings of the Civilian Oversight Board shall comply with the Oklahoma Open Meeting Act. Nothing in this chapter authorizes the Board to receive confidential information in an executive session unless an executive session is independently authorized by state law.

Section 111. - Interaction between the Office and the Civilian Oversight Board.

- A. Subject to Section 105 and applicable law, the Office shall provide the Civilian Oversight Board information reasonably necessary for the Board to perform its advisory duties,

including aggregate or appropriately redacted information concerning the status of Public Safety complaints and investigations and the Office's Monitoring and Review activities.

- B. The Civilian Oversight Board shall establish qualitative and quantitative criteria for evaluating the effectiveness of the Office.
- C. In evaluating the Office's effectiveness, the Board shall receive regular reports from the Office and may request documents and reports reasonably necessary to perform the Board's duties, subject to Section 105 and applicable law. The Board shall not become the custodian of law enforcement or internal personnel investigative records merely by receiving information from the Office and shall not require disclosure of material protected by the attorney-client privilege, attorney work-product doctrine, or another privilege or protection recognized by law. The Board shall make recommendations to the Mayor, City Auditor, and City Council concerning the performance and effectiveness of the Office and Director and may assist with public engagement and feedback.
- D. The Office shall provide staff support to the Civilian Oversight Board, subject to available appropriations and the Director's responsibility for administration of the Office.

Section 112. - Reports of the Civilian Oversight Board.

- A. The Civilian Oversight Board shall issue an annual public report to the Mayor, City Auditor, and City Council addressing the Board's assessment of the Office; the Board's activities during the preceding fiscal year; concerns expressed by residents; the Board's assessment of Public Safety administrative investigative processes within the scope of this chapter; and policy recommendations for strengthening relationships between Public Safety personnel and Tulsa residents.
- B. The Board shall issue its annual report concurrently with the Office's annual report required by Section 104, to the extent practicable.
- C. The Board may issue additional public reports to the Mayor, City Auditor, and City Council. Such reports may address complaint patterns, investigative sufficiency, and other matters within the Board's duties, subject to Section 105 and applicable law.
- D. At the Board's request, the Mayor may consider retaining independent consultants, subject to applicable procurement requirements and available appropriations, to assist the Board in evaluating the effectiveness of the Office and Director or preparing the Board's reports.

Section 113. - Rules. The Civilian Oversight Board may adopt procedural rules for the conduct of its business that are consistent with this Title, the City Charter, the Oklahoma Open Meeting Act, and other applicable law. The Board shall publish any rules it adopts and make them available to the public."

***Section 2. SEVERABILITY.** If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is declared invalid or unenforceable for any reason, the decision shall not affect the remaining provisions, which shall remain in full force and effect. The provisions of this Ordinance are declared severable.*

Section 3. REPEAL OF CONFLICTING ORDINANCES. *All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.*

Adopted by the Council _____.
Date

Chair of the Council

OFFICE OF THE MAYOR

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
at _____ Date
Time

Monroe Nichols IV, Mayor

(Seal)

ATTEST:

City Clerk

Approved:

City Attorney