



CITY OF HOUSTON

Executive Order

Subject: **Independent Police Oversight Board**

E.O. No:

1-5 Revised

Effective Date:

Upon Approval

1. AUTHORITY

1.1 Article VI, Houston City Charter - administrative authority of the Mayor.

2. PURPOSE

2.1 To create a process whereby appointed residents of the City of Houston may review internal police investigations of possible misconduct by employees of the Houston Police Department that involve allegations of excessive force, discharge of firearms, serious bodily injury or death, and all other Class I internal investigations, as well as Class II investigations involving mistreatment of citizens; to review and make recommendations on recruitment, training and evaluation of police officers; and to consider community concerns regarding the Department.

3. OBJECTIVE

3.1 To provide a system of increased accountability and transparency and to facilitate resident input into the internal investigative process of the Houston Police Department.

4. ORGANIZATION

4.1 Appointment. The Independent Police Oversight Board ("IPOB" or "Board") shall consist of 21 members and four alternate members, appointed by the Mayor and confirmed by City Council in accordance with the City's standard appointment process, including one member from each council district. Each member shall:

4.1.1 Be a United States citizen;

4.1.2 Have resided for at least one year, and continue to reside during the term of his/her appointment, within the corporate limits of the City;

4.1.3 Be willing to spend four to five hours a week reviewing cases and attending meetings;

4.1.4 Be willing to make a commitment to serve for up to three years;

4.1.5 Be willing to attend a two-to-three day training session;

4.1.6 Have no prior felony convictions or convictions for a crime involving moral turpitude;

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- 4.1.7 Hold no political office;
- 4.1.8 Not be employed by any law enforcement agency;
- 4.1.9 Not be an employee of the City of Houston; and
- 4.1.10 Not be an immediate family member of any Houston Police Department personnel.

4.2 **Board and Panel Chairs.** The Mayor shall appoint and City Council shall confirm one member to specifically serve as Chair of the Board and four members to serve as Panel Chairs. In addition to the qualifications set forth in paragraph 4.1, each Chair shall possess expertise in criminal justice as an attorney, judge, former law enforcement official, member of a civil rights organization or academician.

4.3 **Panels.** The Board shall be divided into four panels consisting of five members each, including the Panel Chair. The Board Chair, in consultation with each Panel Chair, shall assign members to each of the panels with a view towards maintaining diversity and varied expertise and experience on each panel. One alternate member shall be assigned to each panel.

4.4 **Terms.** Terms shall be staggered. The initial membership shall consist of 12 members (including alternates) appointed to two-year terms, and 12 members (including alternates) and the board chair appointed to three-year terms. Thereafter, all appointments shall be for a term of two years. Members may serve for no more than four consecutive terms. Appointments that fill the remainder of an unexpired term with less than 12 months remaining shall not be counted towards the term limit.

4.5 **Training.** Once appointed, Board members are required to attend a training session during which members of the Houston Police Department will provide to the Board members information regarding the disciplinary process, police psychology, police shootings, and other subjects as determined by the Chief of Police.

Board members shall also be required to attend a training session conducted by the Office of Inspector General to familiarize members with the role of the Inspector General in serving as an advisor to each panel.

4.6 **Quorum.** Three members of a panel, including the Panel Chair, shall constitute a quorum for the conduct of panel business. In the event a duly appointed Panel Chair is unable to attend a particular meeting of his/her panel, then the Panel Chair shall, with the approval of the Board Chair, designate a member of his/her panel to serve as acting Chair for such meeting.

4.7 **Meetings.**

4.7.1 Panel meetings shall be held during normal business hours or, upon approval of the Board Chair and the Assistant Chief of the appropriate command, after hours.

4.7.2 The Houston Police Department shall provide meeting/office space for the panels and their members.

4.7.3 All meetings shall be in person and held at the designated meeting place.

4.8 **Absence.** If a panel member will not be present at a meeting, he/she shall notify the Panel Chair at least 24 hours prior to the scheduled meeting time so that an alternate may be called. If a Panel Chair will not be present, he/she shall notify the Board Chair at

least 24 hours in advance so that an acting chair may be named.

- 4.9 **Vacancies.** If a Board member position becomes vacant through a member's death, disqualification, resignation, or removal from the Board, the same shall be filled by an alternate selected by the Mayor for the unexpired portion of such person's term.
- 4.10 **Removal.** The Mayor may remove a Board member for failure to attend meetings or for misconduct.

5. SCOPE

- 5.1 The Board, acting through its designated panels, may review all Class I and Class II internal investigations, and shall review internal investigations of possible misconduct by employees of the Houston Police Department that involve any of the following:
 - 5.1.1 Use of force;
 - 5.1.2 Discharge of firearms; and
 - 5.1.3 Serious bodily injury or death.
- 5.2 Individual panels, as assigned by the Board Chair, shall also:
 - 5.2.1 Serve as a Recruit Selection Panel to review and make recommendations to the Chief of Police on the employment suitability of all applicants selected for employment as police trainees;
 - 5.2.2 Assist in identifying and prioritizing non-mandated training to ensure police trainees and classified officers receive not only skill-based training and education but also interpersonal and relational education designed to ensure that all citizens are treated with dignity and respect;
 - 5.2.3 Review the periodic evaluation of officer conduct, including psychological evaluation, testing and counseling to ensure that officers maintain the highest degree of professionalism in the performance of their duties; and
 - 5.2.4 Monitor community concerns, report same to the Chief of Police, and conduct necessary follow-up in order to ensure that such concerns are given due consideration in the operation of the Police Department.

6. RESPONSIBILITIES

- 6.1 **Board and Panels.** The Board and its individual panels are responsible for the following:
 - 6.1.1 Reviewing police department internal investigations to determine if the investigation was sufficient and the conclusions were correct;
 - 6.1.2 Writing a recommendation to the Chief of Police on every case it reviews; and
 - 6.1.3 Performing such tasks as set forth in paragraph 5, above.
- 6.2 **Administrative Disciplinary Committee (ADC).** The Board Chair and Panel Chairs shall sit on the ADC, an internal committee responsible for reviewing investigations containing sustained allegations and making a disciplinary recommendation to the Chief of Police. The ADC shall include such police personnel, as may be assigned by the Chief of Police.
- 6.3 **Board Chair.** The Board Chair shall:

- 6.3.1 Supervise the overall operation of the Board;
- 6.3.2 Meet periodically with the Chief of Police to ensure proper coordination and responsiveness to the work of the Board;
- 6.3.3 Meet periodically with the Mayor and the Council Public Safety and Homeland Security Committee to report on the work of the Board;
- 6.3.4 Assign members and tasks to each panel, as set forth in paragraphs 4.3, 5.1 and 5.2, above;
- 6.3.5 Serve as a member of the ADC;
- 6.3.6 Recommend removal of members of the Board to the Mayor in accordance with paragraph 4.10, above;

6.4 **Panel Chair.** Each Panel Chair shall:

- 6.4.1 Call meetings of his/her panel, providing at least 72 hours notice except in the case of emergency;
- 6.4.2 Preside at all meetings of his/her panel;
- 6.4.3 Maintain a roster of members and alternates in attendance at panel meetings;
- 6.4.4 Maintain a log of cases reviewed along with the recommendations made to the Chief of Police;
- 6.4.5 Coordinate with the Internal Affairs Division to have case files available for preview prior to the panel meeting at which they will be considered;
- 6.4.6 Coordinate with the Internal Affairs Division to ensure attendance of the investigator and lieutenant for a specific case at the panel meeting at which the case will be considered;
- 6.4.7 Ensure that IPOB Form # 1 is completed and attached to each investigative file reviewed by that panel;
- 6.4.8 Ensure that IPOB Form #2 is made available to any dissenting member and, if completed, attached to that particular investigative file;
- 6.4.9 On behalf of his/her panel or a panel member, submit any special request to the Assistant Chief of the appropriate command or the Chief of Police; and
- 6.4.10 Serve as a member of the ADC.

6.5 **Panel member.** Each panel member shall:

- 6.5.1 Notify the Panel Chair when he/she will not be able to attend a called panel meeting;
- 6.5.2 Review investigations conducted by the Internal Affairs Division and make proposals for recommendations;
- 6.5.3 Sign IPOB Form #1 or #2 regarding each investigation reviewed by the panel member;
- 6.5.4 If a dissenting member, complete and sign IPOB Form #2; and
- 6.5.5 Attend panel meetings as requested by the Panel Chair or his/her designee.

6.6 **Chief of Police.** The Chief of Police shall:

- 6.6.1 Provide meeting/office space for each panel and its members;
- 6.6.2 Provide preview access to investigative files that will be considered by panels;
- 6.6.3 Promulgate and update the IPOB forms needed by the Board and provide a supply of the printed forms for use by the Board;
- 6.6.4 Ensure that each IPOB form is incorporated into and maintained as a permanent part of the file to which it pertains;
- 6.6.5 Consider Board requests for additional investigation by the Houston Police Department and, if approved, forward investigative file to the Internal Affairs Division;
- 6.6.6 Coordinate with the OIG in connection with the Inspector General's role as a consultant to the Board and its panels, and provide necessary assistance to the OIG in connection with any investigation carried out by that office in furtherance of the Inspector General's role as consultant to the Board; and
- 6.6.7 Consider recommendations of the Board.

6.5 Internal Affairs Division.

- 6.5.1 Conduct additional investigations, as requested by the Board and directed by the Chief of Police.

6.6 Inspector General. The Inspector General shall:

- 6.6.1 Serve as a special advisor to the Board and its panels in connection with the review of investigations and discipline;
- 6.6.2 Attend meetings of the panels when requested; and
- 6.6.3 Monitor the conduct of any additional investigation and meet with the Chief of Police or designee regarding any requests or recommendations for additional investigation.

7. REVIEW PROCEDURE

7.1 Police Department.

- 7.1.1 Upon completion of an investigation that involves use of force, discharge of firearms, serious bodily injury or death, or any other Class I or Class II allegation, or when an investigation of a disciplinary matter is otherwise approved for review by the Board, the Internal Affairs Division will forward the investigative file to the designated Board Panel.
- 7.1.2 Upon request of the Panel Chair, a member of the Internal Affairs Division will meet with the panel to answer any questions they might have concerning the investigation.
- 7.1.3 If a quorum of the members of a panel, in consultation with the Inspector General, decides that additional investigation is needed, the Panel Chair and the Inspector General will meet with the Internal Affairs Division Commander to discuss the panel's concerns. If the Internal Affairs Division Commander agrees with the panel, he/she will see that the additional investigation is completed and then return the file to the panel.

- 7.1.4 If the Internal Affairs Division Commander disagrees with the panel, the panel will complete IPOB Form #6 and attach it to the investigative file, indicating its request. The panel will then submit the file and request to the Assistant Chief of the appropriate command for consideration. If the Assistant Chief of the appropriate command agrees with the panel, the file will be returned to the Internal Affairs Division, which will complete the additional investigation and then return the file to the panel.
- 7.1.5 If the Assistant Chief of the appropriate command disagrees, the request will be forwarded to the Chief of Police. If the Chief of Police agrees that additional investigation is required, the investigative file will be returned to the Internal Affairs Division, which will complete the additional investigation and then return the file to the panel.
- 7.1.6 If the Chief of Police disagrees with the panel's request for additional investigation, he shall meet with the Inspector General in an effort to reach agreement on such additional investigation. In the event agreement cannot be reached, the Inspector General may conduct such investigation as he/she deems necessary, as authorized by law, to enable the panel to carry out its duties under this Executive Order.

7.2 Board Panels.

- 7.2.1 A panel shall have 14 days in which to complete its review of an investigation and make a recommendation to the Chief of Police. Investigative files shall be available in the IPOB reading area for the entire 14 day period. Panel members will have 24 hours per day, seven days per week access to the reading room so that they will be able to preview cases prior to their established meeting times. The Panel Chair shall designate the final day for preview of the cases to be considered at each panel meeting.
- 7.2.2 The panel shall meet to consider each matter presented to it.
- 7.2.3 The investigative file for the matter to be reviewed shall be left with the panel for the duration of the meeting at which it will be considered. The investigative file shall not be removed from the meeting or reading area. No copies of any document or paper in the investigative file shall be made by, or for, members of the review panel; however, panel members may take notes.
- 7.2.4 The panel shall vote on each matter presented to it; each matter shall be decided by a quorum.
- 7.2.5 If additional investigation is conducted as provided for in paragraph 7.1, when a file is returned to the panel with the results of the additional investigation, the panel shall consider the additional information in making its recommendation.
- 7.2.6 The panel shall record its recommendation on IPOB Form #1, and the Chair shall attach the form to the file along with any completed IPOB Form #2 related to the case, and submit the file to the Chief of Police.
- 7.2.7 In the event a panel fails to meet or complete its review within the 14 days, the IPOB shall be considered to have waived its right to review the case and it shall be forwarded to the ADC.