

DIVISION 7. - CIVILIAN REVIEW BOARD

Sec. 2-220. - Established.

- (a) There is hereby established the city civilian review board.
- (b) The civilian review board will review and evaluate, completed internal investigations of alleged police misconduct by GPD officers which involve:
  - (1) Allegations of the excessive use of force;
  - (2) Allegations of official oppression;
  - (3) Discharge of firearms;
  - (4) Serious bodily injury to another; and
  - (5) Any other investigations assigned and approved for review by the chief of police.
  - (6) Complaints of rude or impolite behavior will not be referred to the Board.
- (c) The civilian review board will review and evaluate, completed investigations conducted either by the Internal Affairs Office of the GPD or of the Galveston County Sheriff's Office of alleged police misconduct by peace officers of the Galveston Marshall's Office which involve:
  - (1) Allegations of the excessive use of force;
  - (2) Allegations of official oppression;
  - (3) Discharge of firearms;
  - (4) Serious bodily injury to another; and
  - (5) Any other investigations assigned and approved for review by the City Manager.
  - (6) Complaints of rude or impolite behavior will not be referred to the Board.
- (d) The terms used in subsections (b) and (c) shall be given the following meaning:
  - i.* *Discharge of a firearm* means the release, whether intentional or accidental, of any device which was loaded, designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.
  - ii.* *Excessive use of force* means more force than is necessary and reasonable under the circumstances.
  - iii.* *Official oppression* means to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment, or lien that he knows is unlawful; or to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful; or to intentionally subject another to sexual harassment.
  - iv.* *Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- e) The civilian review board shall be composed of seven (7) voting members, six (6) appointed by the city council from each council member's district and one (1) of which shall be an at-large position appointed by the mayor.
- f) One of the police officers assigned to the police department's office of professional standards, shall attend all meetings. The city manager may request additional staff to attend meetings and provide general policy information to the board.

Sec. 2-221. - Qualifications.

- (a) No board member shall hold an elective public office, and no member shall be appointed who is either a city employee or related to a city employee within the second degree of affinity or consanguinity. At the time of appointment, each board member shall be a citizen of the United States and shall have resided in the city for at least three (3) years; and
  - (1) Additionally, at the time of their initial appointment, board members must be willing to make a two-year commitment to serve and thereafter attend meetings as required;
  - (2) Be willing to sign and in fact execute a non-disclosure, confidentiality statement to be filed with the city secretary;
  - (3) Have no misdemeanor convictions three years prior to appointment (includes class "C" offenses but does not include violations of the city traffic code or the Texas Transportation Code) and no felony convictions;
  - (4) Attend all, initial as well as periodic, training sessions, conducted by the Galveston Police Department (GPD) and the Galveston Marshall Office and complete optional written evaluations of the civilian review board training to the presenting officer;
  - (5) Not be employed by any law enforcement agency; and
  - (6) Reside in the district from which they are appointed.
- (b) To be considered, applicants shall comply with the following appointment procedures:
  - (1) Applicants shall complete the affidavit form designated for this board attesting to their qualifications as provided in section 2-221;
  - (2) Applicants shall also complete the city's appointed/advisory board application form; and
  - (3) By applying, applicants agree to a background check to determine eligibility with subsection (a)(3) prior to any appointment. Such information shall be furnished to the city manager, who will provide the same to the appointing council member or mayor.
- (c) A member who ceases to possess any qualification required for appointment shall automatically vacate the position.

Sec. 2-222. – Terms and vacancies.

- (a) The board members shall be appointed by the city council for a term of two (2) years.
- (b) Members of the board shall elect a chairperson from among its voting members. Any vacancy in an unexpired term shall be filled by council appointment in accordance with subsection 2-161(d). All appointees shall serve at the discretion of city council. No member may serve for more than two (2) consecutive terms, or for any consecutive period greater than the period allowed by the City Charter.

- (c) A board member position which becomes vacant shall be filled by any alternate selected by the city council from the same district as the vacating member. If there is no such alternate, Council will fill the vacancy. A member's term shall commence upon appointment including appointments to fill vacant positions.

Sec. 2-223. ~~Power~~ Reserved

Sec. 2-224. - Reserved

Sec. 2-225. – Meetings, Quorum and voting.

- (a) The board shall meet as often as necessary to discuss matters within the concern of the board; however, the board shall meet no less than four (4) times during each calendar year.
- (b) The chairperson of the board may call additional meetings as necessary to conduct business.
- (c) The meeting shall be held at the police department.
- (d) A majority of the voting membership shall constitute a quorum for the conduct of business.
- (e) City staff shall not have the right to vote nor shall they be counted to determine a quorum.
- (f) Meetings of the board shall be posted by the city secretary; however, attendance by any person who is neither on the board or is a member of city staff shall be subject to approval of the chief.
- (g) The board may adopt its own rules for the conduct of business before it. Should the board fail to adopt its own rules of procedure, the conduct and procedure of the board meetings shall conform to and be governed by the City Charter, this Code, and most recent edition of Robert's Rules of Order
- (h) The chairperson shall:
  - (1) Call meetings of the board, with a minimum of 72-hours notice;
  - (2) Preside at all meetings;
  - (3) Maintain a roster of members;
  - (4) Maintain a log of cases reviewed, along with the recommendations made to the chief of police in matters involving GPD and the City Manager in matters involving City Marshalls..

Sec. 2-226. - Reserved

Sec. 2-227. - ~~Power~~ Conduct of Review

The board shall act as an advisory board and shall make all recommendations regarding conduct of the officer under review. The recommendations will be made to the chief of police in the instance of a review of a Galveston PD officer or to the City Manager in the instance of a review of a member of the City Marshall Office.

A, The board shall operate within the following guidelines:

- (1) The board shall receive a narrative statement and/or presentation related to the relevant facts and shall have access to the related portions of the investigation file being reviewed including but not limited to any video and/or audio recordings of the incident made the basis of their inquiry. The board shall not have any access to information placed in the portion of the personnel file governed by Texas Local Gov't Code 143.089(g), designated as the "g" file, of any officer whose conduct is being examined by the board unless the officers has given written consent to the delivery of that information to the board;
- (2) The board shall not have access to information designated confidential as a matter of law, such as NCIC/TCIC information. The police chief shall ensure that no confidential information is provided to the board.
- (3) Recommendations of the board shall be an open record and filed with the city secretary.

Sec. 2-228. - Responsibilities.

(a) The board is responsible for:

- (1) Reviewing completed internal investigations and providing comment on the results of the investigation.
- (2) Reviewing departmental policies, at the request of the chief of police or the City Manager and provide comments on the policy reviewed..

(b) Chief of police is responsible for the following:

- (1) Shall develop the civilian review board training, as recommended by the police department training division, and consider any evaluation of such training by members of the board.
- (2) Provide meeting space for the board to meet and office space for members to review files within the department;
- (3) Provide preview access to investigative files that will be considered by board members;
- (4) Promulgate any citizen review board forms needed and provide them to the board;
- (5) Ensure that each board form is incorporated into and maintained as a permanent part of the file to which it pertains;
- (6) For cases involving the City Marshall which have been referred to the Board by the City Manager, the Chief will be the custodian of that case and will make it available for review by the members of the Board; and
- (7) Ensure a member of the office of professional standards attends each meeting of the board and answer any relevant questions the board may pose.

Sec. 2-229. - Board process.

- (a) Upon completion of an investigation by the office of professional standards of a peace officer assigned to GPD involving: (1) use of force, (2) official oppression, (3) discharge of firearms, or (4) serious bodily injury or death, or (5) the assignment of an investigation for board review by the Chief, the office of professional standards will forward the investigative file to the chief's designee as well as to the city attorney's office for review. Once they have reviewed the investigative file and returned it to the office of professional standards, it will be made available to the citizen review board for their review.
  - (1) The police chief or his designee will notify the board chairperson that a matter involving a GPD officer is being referred and such notification will include the name of complainant, the name of the officer(s) against whom a complaint is made, date the complaint was made, and a brief synopsis of the complaint.
  
- (b) Upon completion of an investigation of a peace officer assigned to the Galveston Marshalls office by either the Galveston Sheriff's Office or the GPD office of professional standards involving: (1) use of force, (2) official oppression, (3) discharge of firearms, or (4) serious bodily injury or death, or (5) the assignment of an investigation for board review by the Chief, the completed investigation report will be forwarded to the City Manager's Office as well as to the city attorney's office for review. Once they have reviewed the investigative file and returned it to the office of professional standards, it will be forwarded to the Chief who will in turn made it available to the citizen review board for review.
  - (1) The police chief or his designee will notify the board chairperson that a matter involving a peace officer assigned to the City Marshall's Office is being referred and such notification will include the name of complainant, the name of the officer(s) against whom a complaint is made, date the complaint was made, and a brief synopsis of the complaint.
  
- (c) The citizen review board shall have fourteen (14) days to complete its review of an investigation and to make a recommendation to the chief of police. Investigative files shall be available in a designated and secured citizen review board reading area for the entire 14-day period. Board members will have access to the files during normal business hours, so that they will be able to preview cases prior to the next established meeting time. The chairperson shall designate the final day for preview of the cases to be considered at each meeting. The 14-day period may not be extended.
  
- (d) The investigative file to be reviewed shall be left with the board 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 additional copies of any document or paper in the investigative file shall be made by or for members of the board. Board members may take notes. All notes are to be destroyed prior to leaving the meeting room.
  
- (e) The chairperson shall record the board's recommendation on a form provided by the office of professional standards, add it to the investigative file and shall submit the recommendation to the Chief of Police for GPD cases and the City Manager for City Marshall cases.
  
- (f) In matters relating to officers employed by GPD, the Chief of Police will have the sole responsibility to determine what action will be taken, if any, in response to the board's recommendation
  
- (g) In matters relating to officers employed by the City Marshall, the City Manager will have the sole responsibility to determine what action will be taken, if any, in response to the board's recommendation