

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY OF CITY OF GALVESTON, TEXAS AMENDING CITY CODE CHAPTER 2 SECTION 7 SECTION 2-220 RELATING TO THE GALVESTON CIVILIAN REVIEW BOARD TO ENSURE COMPLIANCE WITH THE CONFIDENTIALITY REQUIREMENTS OF VARIOUS LAWS INCLUDING TEX. LOC. GOV'T CODE §143.089; PROVIDING FOR ATTENDANCE AT MEETINGS, PROVIDING THAT REPORTS OF THE BOARD BE FILED WITH THE CITY SECRETARY AND BE OPEN FOR PUBLIC REVIEW; PROVIDING FOR THE RESUMPTION OF ACTIVITIES OF THE CIVILIAN REVIEW BOARD, PROVIDING FOR AN EFFECTIVE DATE AND ENACTING OTHER MATTERS THEREWITH.

WHEREAS, the City of Galveston has previously established a Civilian Review Board to act as an advisory Board to the Chief of Police; and

WHEREAS, the Civilian Review Board composition charge and duties are set forth in Galveston City Code Chapter 2 Article IV, Division 7; and

WHEREAS, Galveston City Code Chapter 2 Article IV, Division 7 Sec. 2-220 the city civilian review board is to 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 and

WHEREAS, the City of Galveston has previously adopted the civil service laws of the State and Texas Loc. Gov't Code 143.089 prohibits disclosure of relevant information to the Civilian Review Board absent the consent of the officer involved in the incident; and

WHEREAS, the Council determines that Galveston City Code Chapter 2 Article IV, Division 7 Section 2-223 should be amended to include that the officer whose actions are scrutinized must give his consent to the release if any information included the officer's personnel file to the Civilian Review Board to ensure compliance with Texas Local Gov't Code 143.089 regarding confidentiality of the contents of the officer's personnel file.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVSTON, TEXAS:

SECTION 1. The findings and recitations set out in the Preamble of this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. The City code of the City of Galveston is amended to include Chapter 2, Article IV, Division 7, Section 2-223 to add the following italicized language:

Sec. 2-223. - Powers.

The board shall act as an advisory board to the chief of police and shall make all recommendations regarding the adequacy of an internal affairs investigation to the chief of police. *Furthermore, the board shall operate within the following guidelines:*

- a) *The board shall not have any access to information placed in the portion of the personnel file governed by Tex.Loc.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;*
- b) *.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.*
- c) *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.*
- d) *Recommendations of the board shall be an open record and filed with the City Secretary.*

SECTION 3. With the adoption of this Ordinance the suspension on the operation of the Civilian Review Board under Ordinance 19-075 is set aside and held for naught and the Civilian Review Board may now resume its activities.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall become effective upon its adoption and publication in accordance with the provision of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD S. GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular Meeting held on February 27, 2020, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2020.

JANELLE WILLIAMS
Secretary for the City Council
of the City of Galveston