

INITIATIVE PETITION

NOTICE: Whoever knowingly signs this petition more than once, signs a name other than their own, or signs when not a legal voter is liable to prosecution.

We, the undersigned, qualified electors of the City of Mansfield, Ohio respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of said City for approval or rejection at the general election to be held within the City of Mansfield, Ohio, on November 8, 2022, the following proposed amendment of the Mansfield Ohio Codified Ordinances of said City to-wit:

The following is a full and correct copy of the title and text of the proposed ordinance:

TITLE:

The Wayne McDowell Police Review Board Ordinance

AMENDMENT TO SECTIONS 175.01, 175.02, 175.03, 175.04, and 175.05 OF THE MANSFIELD OHIO CODIFIED ORDINANCES OF 1997 TO ENABLE POLICING REFORM BY RESTRUCTURING THE COMMUNITY POLICE REVIEW BOARD COMMISSION AND CREATE AN INDEPENDENT INVESTIGATORY BODY TO STRENGTHENING CIVILIAN POLICE REVIEW BOARD OVERSIGHT, ESTABLISHING THE COMMUNITY POLICE REVIEW BOARD COMMISSION FOR A PERIOD OF FIVE (5) YEARS FROM APRIL 1ST, 2024 THROUGH MARCH 31ST 2029

WHEREAS, The people of the City of Mansfield Ohio, having determined the need to reform and restructure The Community Police Review Board Commission, amend existing sections 175.01, 175.02, 175.03, 175.04, and 175.05 of the Mansfield Ohio Codified Ordinances of 1997 which will all now read as follows, and will become effective April 1st, 2024, current Community Police Review Board Commission would dissolve December 31st, 2023, upon adoption by voters:

175.01 CREATION, MEMBERS; QUALIFICATIONS; QUORUM.

(a) There is hereby restructuring of The Community Police Review Commission and creating a Department of the Inspector General. The Community Police Review Commission shall consist of an Inspector General (Investigator) and The Police Relations Review Board.

(b) The Mayor shall create a five (5) person committee of members from the community who have expressed interest in police oversight. At least two (2) members of the committee must represent a local civil rights organization. The task of the committee will be to identify, interview, and recommend to the Mayor an individual for the Inspector General position.

(c) The Mayor shall appoint the Inspector General among recommendations made by the advisor committee, with approval of City Council by majority vote. A vacancy of the Inspector General position shall be filled within ninety (90) days as described in paragraph (b) of this section.

(d) The Community Police Review Commission shall be independent from the Mansfield Police Department and the Inspector General shall serve under the guidance of The Police Relations Review Board.

(e) The Police Relations Review Board shall consist of seven (7) members appointed by the Mayor and confirmed by majority vote of City Council to serve without compensation for the term of two (2) years, except that of the initial members of such commission, three (3) members shall be appointed for a term of one (1) year and four (4) shall be appointed for a term of two (2) years. Thereafter, terms of appointments are for two (2) years, each term ending on the same day of the same month as the term it succeeds. Members may be reappointed for up two (2) additional terms.

(f) The Police Relations Review Board shall be comprised of only residents of Mansfield Ohio and there shall be no less than one (1) member from each of the four (4) neighborhood watch zones established by the Mansfield Police Department. The makeup of The Police Relations Review Board, so far as possible, shall reflect and be representative of the diverse communities within the City of Mansfield on the basis of race, sex, sexual orientation, religion, disability, ethnicity, age and socioeconomic status. Employees of the City are ineligible to serve as a member.

(g) The Mayor will shall appoint all members of The Police Relations Review Board among recommendations made by members of city council and community organizations who have interest in police oversight, with approval of Council by majority vote. In the spirit of Civilian Review, recommendations from at least two (2) local civil rights organizations must be sought out and considered.

(h) All appointees of The Police Relations Review Board shall be subject to a background review and criminal record check. Any person with a criminal felony or misdemeanor conviction for resisting arrest, assault of a police officer, obstructing official business, falsification or an offense involving dishonesty shall be deemed ineligible to serve as a member. All background check shall be provided and performed by the Mansfield Police Department.

(i) A quorum of the full The Police Relations Review Board shall consist of four (4) members. A vacancy in the Commission shall not impair the right of the remaining members to exercise

all the powers of the Commission. Any vacancy shall be filled within sixty (90) days by the Mayor with City Council approval as described in paragraph (g) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of such term. Any member appointed to fill a vacancy shall be eligible to serve three (3) full terms as described in paragraph (e) of this section.

(j) The Mayor may remove any Police Relations Review Board member, upon notice and hearing, for malfeasance, misfeasance, nonfeasance, or gross neglect of duty. Removal by the Mayor will be final unless Council disapproves with an affirmative two-thirds (2/3) vote.

175.02 ORIENTATION; TRAINING

(a) Within sixty (60) days of appointment to The Police Relations Review Board, each member shall attend and complete a training program at the Mansfield Police Department, sponsored by the department, consisting of but not limited to the following:

- (1) general orders, rules, and regulations of the department.
- (2) collective bargaining agreements.
- (3) police selection standards for recruits and training program.
- (4) disciplinary practice, policy and appeal processes.
- (5) citizen's complaint procedure.
- (6) participation in the citizen's observation (ride along) program.

(b) Members shall participate in the citizen's observation program at least twice during a term and shall participate in any mandatory training deemed necessary by the Mansfield Police Department.

175.03 POWERS AND DUTIES.

(a) The Police Relations Review Board shall receive, initiate, cause and with a majority vote of its members, direct the Inspector General to conduct an investigation of, and recommend resolution of complaints filed with the Mansfield Police Department or initiated by The Police Relations Review Board alleging misconduct by sworn members of the Mansfield Police Department. Upon an investigation's completion, the Inspector General will prepare and submit a report to The Police Relations Review Board for its review and disposition. The Police Relations Review Board shall make recommendations to the Chief of Police regarding resolution of the complaint and, where warranted by the facts, may make recommendations pertaining to discipline in accordance with the collective bargaining agreement. Any information gathered during an investigation by the Inspector General shall be subject to the restrictions of applicable privacy federal and state law or collective bargaining agreement.

(1) The Mansfield Police Department shall provide a copy of any external complainant filed against a sworn member of its department to the Secretary of The Police Relations Review Board within 7 (seven) days of filing date. Internal complaints are not applicable to this mandate.

(b) It is not a proper consideration for The Police Relations Review Board nor its Inspector General to choose not to investigate allegations of a Mansfield Police Officer or a Mansfield Police employee based on the fact or belief another investigative agency, including the Mansfield Police Department is investigating, or has already investigated and concluded that no misconduct or something less serious than the misconduct a complainant alleged took place. The Community Police Review Board Commission nor its Inspector General must never defer to the Mansfield Police Department or outside, non-federal law-enforcement authorities in investigating allegations of police misconduct. The Police Relations Review Board and its Inspector General must act independently, consistent with their mission of exercising civilian control, transparency, and accountability.

(c) The Mansfield Police Department shall make available its records relating to any matter under investigation, review, or evaluation by the Community Police Review Board Commission, subject to the restrictions of applicable federal and state law or collective bargaining agreement. The Community Police Review Board Commission shall have the authority to request the attendance of witnesses and the production of documents, photographs, audio recordings, electronic files, and other tangible evidence relating to any matter under investigation, review, or evaluation by the Community Police Review Board Commission, subject to the restrictions of applicable federal and state law or collective bargaining agreement. With approval of the Office of the City Law Director, the Community Police Review Board Commission shall have the authority to request subpoena issue to compel the attendance of a key witness or the production of any documents, photographs, audio recordings, electronic files or other tangible evidence relating to any matter under investigation, review, or evaluation by the Community Police Review Board Commission, subject to the restrictions of applicable federal and state law, and for city employee members of a bargaining unit, the terms of any collective bargaining agreement.

(d) Subject to the approval of Council, The Police Relations Review Board shall make rules providing for the procedure of The Police Relations Review Board and for the review of complaints filed with it. Rules and amendments thereto shall take effect fifteen (15) days after publication. No rule or regulations shall conflict with any statute, ordinance, collective bargaining agreement or state or federal law. Such rules and regulation shall fix the time and place of regular meetings and shall provide for special meetings, for appearances by private citizens and for such other matters as are pertinent to the operation of the Community Police Review Board Commission.

(e) At the time a complaint is reviewed afford the aggrieved person, any witnesses on behalf of the aggrieved person, any Police employee involved in the case and any witness on behalf of the Police employee an equal opportunity to be heard.

(f) In cases where a complaint is only investigated by the Mansfield Police Department, assess whether the investigation was thorough, accurate, credible, and impartial. If The Police Relations Review Board is satisfied with the investigation or disposition of the case, such conclusion shall be noted in the minutes of the meeting. The Police Relations Review Board must promptly notify complainants of the status, progress, and disposition of their complaints. If The Police Relations Review Board

determines a complaint warrants no action, it is the duty and responsibility of The Police Relations Review Board to notify the complainant.

(g) Include on the meeting agenda a structured opportunity for members of the public to direct questions to The Police Relations Review Board.

(h) Educate the public concerning Mansfield Police Department investigations and disciplinary process in order to promote public understanding of the system.

(i) Make written recommendations to the Mayor and City Council to improve the relationship between the public and the Mansfield Police Department

(j) Treat all information received in the course of its duties as confidential and shall not disclose such information unless permitted or authorized by law

(k) Report to the Mayor and City Council as they may from time-to-time request.

(l) Submit an annual report of its operations to City Council. Such report shall include any recommendations for improving the functions of the Community Police Review Board Commission.

175.04 ORGANIZATION

(a) The Police Relations Review Board shall have three (3) elected officers; Chairperson, Vice-Chairperson and Secretary, who shall each serve for a period of one (1) year. The Police Relations Commission will select its elected officers from among its ranks by a majority vote, using, at its discretion, a run-off process should there be more than two candidates for a position. No member will serve more than two (2) consecutive one-year terms in a position. If two (2) consecutive one-year terms are served and a member is term limited in an elected officer position, members are permitted to run for one of the other elected officer positions.

(b) The Chairperson shall:

(1) maintain order and appropriate decorum.

(2) preside over all meetings and have the right to vote on all issues.

(3) assure that all meetings are conducted in compliance with all applicable city, state, and federal laws.

(4) select any member to preside in their absence or in the event of personal conflict if the Vice-Chairperson is unavailable.

(c) The Vice-Chairperson shall:

(1) maintain order and appropriate decorum in the absence of the Chairperson.

(2) preside over all meetings and have the right to vote on all issues in the absence of the Chairperson.

(3) assure that all meeting are conducted in compliance with all applicable city, state, and federal laws in the absence of the Chairperson.

(d) The Secretary shall:

(1) be responsible for tape recording all meetings.

(2) send meeting notices to Community Police Review Board Commission members and the media as required by law. Send notices to complaints when necessary.

(3) maintain written minutes of all Police Relations Review Board meetings.

(e) The Assistant Clerk of Mansfield City Council shall act as the Clerk for The Police Relations Review Board and shall maintain a permanent file cabinet(s) for Police Relations Review Board records and maintain such records in appropriate order for so long as the Commission shall deem necessary.

(f) No official meeting shall be held unless a quorum is present. The affirmative vote of a majority of the members present at any meeting when those present constitute a quorum at any regular or special meeting shall be necessary to pass a resolution or make any decision or recommendation.

(g) The Police Relations Review Board shall meet bi-monthly and shall hold such additional meetings as needed. Additionally, meetings may be called upon the concurrence of three (3) members of the Commission.

(h) All meeting and business transacted shall be tape recorded. Written minutes of all meeting and business transacted should be maintained by The Police Relations Review Board Secretary. All such tapes and minutes shall be matters of public record.

(i) Roberts Rules of Order shall control all meetings.

(j) Community Police Review Board Commission members must disclose any conflict of interest and is prohibited from acting on any such matter.

(k) The Chief of Police or their designee and the Law Director or their designee should be present at each Community Police Review Board Commission meeting unless otherwise excused.

(l) Any requirements of Ohio's Sunshine Law and Public Records Act that applies to the Commission shall be followed

175.05 FILING OF COMPLAINTS

(a) Complaints may be made by an aggrieved person. An aggrieved person is any person directly affected by alleged police misconduct, or a violation of police policy or practice and, includes any person who witnessed alleged police misconduct. All complaints must be made in writing on an official complaint form provided by the Mansfield Police Department and signed by the aggrieved person.

(b) Complaints may be filed with the Police Department pursuant to standard police department procedures or the complaint may be presented to the Clerk of City Council or a member of The Police Relations Review Board. Any Police Relations Review Board member receiving a complaint shall immediately convey said complaint to the Clerk of Council. Any complaints received by a Police Relations Review Board member and conveyed to the Clerk of Council, as well as those filed directly with such Clerk shall be stamped with a receipt date, copied and maintained in The Community Police Review

Board Commission 's permanent file as described in 175.04(e). The original of any complaints filed with the Clerk of Council or presented to a Commission member shall immediately be conveyed to the Mansfield Police Department for processing and handling.

(c) The Mansfield Police Department shall publish in its complaint literature where an aggrieved person can obtain a complaint form. All complaint literature shall inform the aggrieved party he or she may be present when The Police Relations Review Board reviews the disposition of his or her complaint. It shall be the responsibility of The Police Relations Review Board to inform the aggrieved party of the date the review will be conducted.

We hereby designate the following persons as a committee to represent the petitioners in all matters relating to this petition or its circulation.

Alomar Davenport	575 Stocking Ave.,	Mansfield Ohio 44903
Anna Marie Durtschi	238 Third Ave.,	Mansfield Ohio 44903
Carla James	11 Stimens Dr.,	Mansfield Ohio 44907
Christa Harris	646 Russell Rd.,	Mansfield Ohio 44903
Latonya Ann Palmer	11 Lind Ave.,	Mansfield Ohio 44903