

PETITION FOR SUBMISSION OF PROPOSED AMENDMENT TO CHARTER

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

To the Council, the legislative authority of the City of Akron, Ohio.

We, the undersigned, qualified electors of the City of Akron, Ohio respectfully petition the legislative authority to forthwith provide by Ordinance, for the submission to the electors of said City, the following proposed amendment to the Charter of said City to-wit:

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

TITLE:

AN AMENDMENT IMPROVING POLICE-COMMUNITY RELATIONS

Section 68a – Police Community Relations

(A) The Division of Police shall engage in practices that foster strong community relations with the people of the City of Akron. The Mayor shall prescribe rules and regulations, to be implemented by the Chief of the Division of Police, regarding appropriate policies and programs for the Division of Police to improve community relations by providing ongoing officer training that promotes police de-escalation techniques, race and implicit bias training, non-lethal force options, community policing skills, mediation and conflict management, and mental health crisis intervention techniques. The Division of Police, in service to the people of the City of Akron, shall strive to continuously improve and strengthen ties to the community at-large and all residents. Community relation efforts shall routinely be re-evaluated by the Mayor, Council, and the Chief of the Division of Police, in consultation with the Citizens' Police Oversight Board or its successor and include using new research and best practices on community and police relations. Council shall enact ordinances and resolutions in furtherance of these policies and programs.

(B) There shall be a Citizens' Police Oversight Board which shall consist of nine members. There shall be an open application process for all appointments to the Board. Three members shall be appointed by the Mayor with the consent of Council, ~~and six~~ three members shall be appointed by Council by a two-thirds majority of the council members; and three members shall be selected by the Citizens' Police Oversight Board through the civil rights organization selection process described in this Section. Members shall be representative of the diverse communities within the City of Akron on the basis of race, sex, sexual orientation, gender identity or expression, religion, disability, ethnicity, age, socioeconomic status, and geographic region. Each member shall be a resident of the City of Akron and no more than two members may reside in the same ward. In making

appointments to the Board, the Mayor and Council shall endeavor to include the following: an attorney with criminal justice and/or civil rights experience; a member between the ages of 18 and 35; a member from the faith-based community; a member with a professional background in mental health services; a member affiliated with an organization that represents economically disadvantaged and underserved citizens of Akron; and a member with a professional background in law enforcement. No more than two (2) members of the Board shall be individuals who are currently or were formerly employed in a law enforcement capacity at any level of government. No member shall be a current employee of the City of Akron. The initial members of the Board shall be appointed within 90 days of the effective date of this section. The term of office for members of the Board shall be four years, except that three of the initial appointments shall be for two-year terms. No member may serve more than eight consecutive years on the Board. The Mayor may remove any member of the Board, upon notice and hearing, with the consent of Council, for malfeasance, misfeasance, nonfeasance, incompetence, incapacity, or neglect of duty.

- 1) Board-Appointed Member Selection. The Board shall establish a standing Membership Selection Subcommittee responsible for facilitating the selection of the three Board-appointed members. Members of the subcommittee shall be selected by a majority vote of the full Board and shall consist of no fewer than three and no more than five members of the Board. When a Board-appointed seat is vacant or a term is expiring, this subcommittee shall convene an external Civil Rights Selection Committee composed of no fewer than five and no more than nine leaders, each representing a distinct qualifying civil rights organization as defined in paragraph (2) of this subsection. No organization may hold more than one seat on the Civil Rights Selection Committee. The Civil Rights Selection Committee shall review all applications, conduct interviews, and submit written recommendations to the Membership Selection Subcommittee. The Subcommittee shall present recommended candidates to the full Board, and such members shall be appointed upon approval by a majority vote of the Board.
- 2) Definition of Qualifying Civil Rights Organization. For purposes of this subsection, a "qualifying civil rights organization" shall mean a nonprofit organization that: (i) is recognized as tax-exempt under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code; (ii) has a demonstrated history of at least three (3) years of active work in the City of Akron or Summit County advancing civil rights, racial equity, social justice, or the protection of constitutional or statutory rights; and (iii) engages in activities such as legal advocacy, policy reform, community organizing, public education, or direct services aimed at addressing discrimination or inequities affecting historically marginalized

populations. Organizations whose primary purpose is partisan political activity, law enforcement representation, or collective bargaining on behalf of law enforcement personnel shall not qualify as civil rights organizations under this subsection.

3) Removal of Board-Appointed Members. For members appointed through the Board-selection process under paragraph (B)(1) of this subsection, the Mayor's removal authority shall require, in addition to Council consent, concurrent approval by a two-thirds (2/3) majority vote of the full Board.

(C) There shall be an Office of the Independent Police Auditor ("OIPA"), consisting of a full-time Independent Police Auditor, a full-time Deputy Independent Police Auditor, at least one other full-time staff member focused on administrative support and community engagement; and such other personnel as needed. The personnel of the OIPA shall be appointed by a two-thirds vote of the Board. The Independent Police Auditor shall be directed solely by the Board, and the Independent Police Auditor shall be the chief executive of the OIPA and shall solely direct all other employees of the OIPA. Upon the effective date of this section, the individual serving as the Independent Police Auditor for the City of Akron, Ohio shall become the Independent Police Auditor under this section for a period of one (1) year, after which they may be re-appointed by the Board. The Board may terminate the employment of any personnel within the OIPA, upon notice and hearing, for malfeasance, misfeasance, nonfeasance, incompetence, incapacity, or neglect of duty.

(D) The OIPA and the Board shall provide external and independent oversight and review of policing practices within the City of Akron, Ohio. Such oversight shall include but not be limited to the receipt of complaints from the public alleging misconduct by members of the Division of Police, the investigation of alleged misconduct by members of the Division of Police, and the reporting of findings and recommendations concerning alleged misconduct by members of the Division of Police to the Mayor and Council. Upon a vote of two-thirds of the Board, the Board and OIPA may on its own initiative conduct investigations of the operations and policies of the Division of Police and of police officer conduct and report its findings and make recommendations to the Mayor and Council. The Division of Police and any other city office or department shall make available its records relating to any incident or investigation that the OIPA is permitted to monitor or audit under this section, subject to the restrictions of applicable federal and state law. The OIPA and the Board shall have the authority to compel the attendance and testimony of witnesses and the production of documents, photographs, audio recordings, electronic files, and other tangible evidence relating to any incident or investigation that

the OIPA is permitted to monitor or audit under this section, subject to the restrictions of applicable federal and state law.

- (E) Subject to the approval of Council, the Board shall adopt rules providing for the procedures and operations of the Board and the OIPA, including for the scheduling of regular Board meetings and for the election of a Board chair and vice chair. Proceedings of the Board and records of the Board and the OIPA shall be subject to Ohio's public meetings and public records laws, but the Board may by rule provide for greater public access than provided under state law.
- (F) The Board and the OIPA shall propose a budget on an annual basis, and funding for the Board and the OIPA shall be appropriated on an annual basis in an amount sufficient to pay for the personnel services and other expenses necessary for the effective operations of the Board and the OIPA. Annual appropriations made for the Board and the OIPA shall not be reduced unless financial circumstances dictate an overall reduction to the City's budget, in the event of which, the annual appropriation made for the Board and the OIPA shall not be reduced in an amount disproportionate to the overall decrease in city expenditures. The Mayor shall set forth the basis for any reduction in writing to the Council and the Board at the time of submission to the Council of any reduction in appropriations as measured against the appropriations made for the previous fiscal year. Within 30 days of the adoption of this section, Council shall make an initial appropriation of \$100,000 for the Board to begin operations and thereafter make a supplemental appropriation for the first fiscal year within 60 days after being requested by the Board.
- (G) The Board shall annually issue a report to the community of its activities and recommendations made to the Mayor and Council.
- (H) Council shall enact any necessary additional legislation implementing this Section no later than June 30, 2023.
- (I) This Section shall be interpreted and applied in a manner that is consistent with the terms of any relevant collective bargaining agreement.
- (J) Any provision of this Section held invalid by a court shall be severable from the remaining portions of this Section.
- (K) Response to OIPA Recommendations. Upon the OIPA's completed review of a use of force incident, if the review contains any recommendation — including a recommendation to change the disposition of the use of force, to impose or initiate disciplinary action, to conduct further investigation, to direct action by the Akron Police

Department Office of Professional Standards and Accountability, or any other recommendation — the Chief of Police shall respond in writing to each individual recommendation within forty-five calendar days of the OIPA's transmittal of the completed review (the "Response Period").

- 1) Content of Written Response. The Chief of Police's written response shall address each OIPA recommendation individually and shall include either:
 - a) A confirmation that the recommendation was or will be followed, a description of actions taken or planned to implement the recommendation, the anticipated timeline for implementation, and, if applicable, a description of any additional disciplinary or other action imposed; or
 - b) A statement that the Chief of Police does not intend to follow the recommendation, or intends to take action different from that recommended. Such statement shall include: (i) a detailed justification for the deviation; (ii) a description of the alternative action, if any, the Chief of Police intends to take; and (iii) the legal or operational basis for the Chief's position.
- 2) Submission and Default. The Chief of Police's written response shall be submitted to the OIPA within the Response Period. Failure by the Chief of Police to submit a written response within the Response Period shall constitute a constructive acceptance of each OIPA recommendation for which no response was provided, and the OIPA shall document such constructive acceptance in its public records.
- 3) Meet-and-Confer Requirement. Within ten business days after the Chief of Police submits a response that rejects or modifies any OIPA recommendation, the Chief of Police and the Independent Police Auditor shall meet and confer regarding the Chief's response. If, following such meeting, the Chief of Police and the Independent Police Auditor do not reach agreement, the Chief of Police shall notify the Mayor in writing within three business days of the conclusion of the meet-and-confer. The OIPA shall simultaneously notify the Mayor of the outcome of any meet-and-confer, independent of the Chief of Police's notification, to ensure the Mayor receives direct and unfiltered reporting of unresolved disputes.
- 4) Mayor's Response. Within ten (10) business days after receiving written notice of the Chief of Police's disagreement with OIPA recommendations, the Mayor shall provide the OIPA a written response to each disputed recommendation. Failure by

the Mayor to submit a written response within the Response Period shall constitute a constructive acceptance of each OIPA recommendation for which no response was provided, and the OIPA shall document such constructive acceptance in its public records. The Mayor's written response shall include either:

- a) A confirmation that the recommendation should be followed and whether the Mayor will direct the Chief of Police to implement such recommendation, including a timeline for implementation; or
- b) A statement that the Mayor agrees with the Chief of Police's deviation and does not intend to direct implementation of the OIPA recommendation. Such statement shall include a detailed justification for taking no action or alternative action, and a description of what alternative action, if any, will be taken.

5) Public Reporting and Transparency. The OIPA shall maintain a publicly accessible log of all responses and non-responses by the Chief of Police and the Mayor pursuant to this subsection. The log shall be published on the City of Akron's official website and updated within five business days of each response or expiration of a Response Period. The Board shall include a summary of compliance with this subsection in its annual report issued pursuant to subsection (G).

6) Council Notification. If the Mayor's written response pursuant to paragraph (4) of this subsection confirms that no action will be taken on any OIPA recommendation, the Mayor shall simultaneously transmit a copy of such response to the President of City Council. City Council may, by motion, request a public hearing on the matter within thirty (30) days of receipt of the Mayor's response.

7) Mayor's Annual Police Oversight Accountability Report. No later than March 31 of each year, the Mayor shall transmit to the OIPA, City Council, and the public a written Annual Police Oversight Accountability Report covering the prior calendar year. The Report shall include:

- a) A complete accounting of all OIPA recommendations received during the calendar year, the Mayor's individual response to each recommendation under subsection (K)(4), and the current implementation status of each recommendation;

- b) A summary of all cases in which the Mayor did not support an OIPA recommendation, including the stated justification for each non-support position;
- c) A summary of all cases in which the Mayor incurred a constructive acceptance under subsection (K)(4) by failing to respond within the Response Period;
- d) A description of any directives issued by the Mayor to the Chief of Police regarding implementation of OIPA recommendations, and the outcome of such directives; and
- e) A statement of the Mayor's policy priorities and commitments regarding police oversight and accountability for the coming calendar year.

8) City Council Independent Authority to Adopt Legislative OIPA

Recommendations. Notwithstanding any rejection, non-response, or contrary action by the Chief of Police or the Mayor pursuant to this subsection, City Council shall retain independent authority to consider and adopt, by ordinance or resolution, any OIPA recommendation that falls within the legislative jurisdiction of City Council under the Charter of the City of Akron or the laws of the State of Ohio. Nothing in this subsection shall be construed to limit or condition Council's legislative power upon the prior consent or approval of the Chief of Police or the Mayor.

- a) Definition of Legislative Recommendation. For purposes of this subsection, an OIPA recommendation is a "legislative recommendation" if it calls for action that: (i) requires the enactment, amendment, or repeal of a City ordinance or resolution; (ii) establishes or modifies a policy, standard, or procedure that under Ohio law or the City Charter requires legislative authorization; (iii) appropriates, redirects, or restricts the use of public funds; (iv) creates, modifies, or abolishes a City office, board, commission, or program; or (v) establishes or modifies rights, duties, or remedies applicable to City residents or City employees that require legislative action for legal effect.
- b) OIPA Classification of Recommendations. At the time of transmittal of a completed review pursuant to this subsection, the OIPA shall classify each recommendation as: (i) an "Administrative Recommendation," meaning one that may be implemented by the Chief of Police or the Mayor through executive or departmental action without legislative authorization; (ii) a "Legislative Recommendation," as defined in paragraph (a) of this subsection; or (iii) a "Dual-Track Recommendation," meaning one that may be implemented either through executive action or through legislation, or that would benefit

from both. The classification shall be set forth in the transmittal letter and shall be included in the public accountability log maintained pursuant to subsection (K)(6). The OIPA's classification shall be advisory and shall not limit the authority of City Council to act on any recommendation.

c) Council Review Period for Legislative and Dual-Track

Recommendations. Upon receipt of any Legislative Recommendation or Dual-Track Recommendation from the OIPA pursuant to this subsection, the President of City Council shall refer the recommendation to the appropriate standing committee within ten (10) business days. The standing committee shall hold at least one public hearing on the recommendation within sixty (60) days of referral, unless Council by majority vote extends the review period for good cause shown. Following the public hearing, the standing committee shall report to the full Council with a recommendation to adopt, adopt with modification, table, or reject the OIPA recommendation. Full Council shall vote on the recommendation within thirty (30) days of the committee report.

d) Council Action Independent of Executive Branch Rejection. City

Council may adopt a Legislative Recommendation or Dual-Track Recommendation by ordinance or resolution regardless of whether the Chief of Police or the Mayor has rejected, modified, or failed to respond to the same recommendation. The adoption of an OIPA recommendation by Council shall not be conditioned upon the concurrence of the Chief of Police or the Mayor, except to the extent that any such ordinance or resolution requires Mayoral signature or is subject to veto under the Charter of the City of Akron.

e) No Waiver of Council Authority. Nothing in this subsection shall be

construed as a waiver of City Council's independent legislative authority. City Council may initiate legislation on any subject within its jurisdiction, including subjects on which the OIPA has made recommendations, regardless of whether the OIPA has classified a recommendation as legislative, administrative, or dual-track, and regardless of the status of any response by the Chief of Police or the Mayor.

f) Coordination with Collective Bargaining. Any ordinance or resolution

adopted by City Council pursuant to this subsection that affects terms or conditions of employment of bargaining unit members shall be implemented in a manner consistent with the applicable collective bargaining agreement and Ohio Revised Code Chapter 4117. To the extent any provision of a Council-adopted ordinance implementing an

OIPA recommendation conflicts with an existing collective bargaining agreement, such provision shall take effect upon the expiration or renegotiation of the applicable agreement, unless the parties mutually agree to earlier implementation.

(L) Subpoena Authority of the Office of the Independent Police Auditor. The Office of the Independent Police Auditor shall have the authority, as an independent function established by this Charter, to issue subpoenas in connection with any review, audit, investigation, or inquiry within the OIPA's authorized jurisdiction under this Section. This authority is established at the charter level and shall supersede any inconsistent provision in a City ordinance or administrative rule, subject to the limitations set forth in this subsection.

1) Scope of Subpoena Authority. The OIPA's subpoena power shall include the authority to:

- a) Compel the production of documents, records, photographs, video or audio recordings, electronic communications, and other materials relevant to any matter within the OIPA's jurisdiction;
- b) Compel the attendance and sworn testimony of witnesses, including non-sworn City employees, contractors, and members of the public with relevant knowledge; and
- c) Administer oaths and affirmations to witnesses appearing before the OIPA.

2) Enforcement. Subpoenas issued pursuant to this subsection may be enforced in the Summit County Court of Common Pleas. Failure to comply with a lawfully issued OIPA subpoena, absent a valid legal privilege or the limitation stated in paragraph (3) of this subsection, shall constitute a basis for civil enforcement. The City Law Department shall provide legal support for subpoena enforcement upon request of the OIPA, consistent with its duties to the Board.

3) Collective Bargaining Limitation and Prospective Application. To the extent that the current collective bargaining agreement between the City of Akron and any certified employee organization expressly limits the compelled testimony or production of records by bargaining unit members in the context of an OIPA investigation, the OIPA shall not seek to enforce a subpoena against such members in contravention of those express provisions during the term of such agreement. This limitation shall not be construed to prevent the OIPA from

issuing subpoenas to bargaining unit members for matters not covered by the collective bargaining agreement, or for the production of records maintained in a non-personal capacity. Upon the expiration, renegotiation, or modification of any such collective bargaining agreement, the OIPA's full subpoena authority under this subsection shall apply without limitation. Nothing in this subsection shall be construed to conflict with subsection (I) of this Section.

- 4) Protections for Witnesses. No person shall be subjected to retaliation, adverse employment action, or any other adverse consequence solely as a result of good faith compliance with an OIPA subpoena. The OIPA shall adopt procedures to protect the confidentiality of witnesses in accordance with applicable law.
- 5) Non-Interference with Criminal Investigations. The exercise of subpoena authority under this subsection shall not be used to interfere with any active criminal investigation by a law enforcement agency. Where an OIPA review and an active criminal investigation involve overlapping subject matter, the OIPA shall consult with the relevant law enforcement agency to coordinate timing and scope, consistent with the OIPA's independent oversight mandate.

COMMITTEE OF THE PETITIONERS

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

NAME	ADDRESS
Bruce Butcher	839 Packard Drive, Akron OH 44320
Joyce Penfield	247 Portage Lakes Drive, Unit C, Akron OH 44319
James Talbert	303 Black Street, Akron OH 44306
Stacy Jenkins	1460 Commonwealth, Akron OH 44313
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