

ORDINANCE NO. 2015-01-003

**AN ORDINANCE AUTHORIZING THE URBANA POLICE DEPARTMENT TO
PURCHASE TASERS AND FOR CIVILIAN POLICE REVIEW BOARD OVERSIGHT
OVER DEPLOYMENT AND USE OF TASERS**

(TASER Ordinance)

WHEREAS, the City of Urbana, an Illinois municipal corporation, (hereinafter, the “City”) is a home rule entity pursuant to Article 7, § 6 of the Constitution of the State of Illinois and 65 ILCS 5/1-1-10; and

WHEREAS, the City is responsible for protecting the lives, health, safety, and property of its citizens and businesses and those who visit the City; and

WHEREAS, the City has established and maintains a Police Department in order to protect the lives, health, safety, and property of the City’s residents and businesses and those who visit the City; and

WHEREAS, the City recognizes that its Police Department must continue to adapt to meet and address new demands placed upon the Police Department in protecting the lives, health, safety, and property of the City’s residents and businesses and those who visit the City; and

WHEREAS, the City recognizes the tools available to law enforcement nationwide have evolved and/or increased so that police departments have more tailored tools to address the various risk situations to which members of the Police Department are subjected; and

WHEREAS, the City Council deems it appropriate to authorize the Police Department to purchase TASERS in order to allow members of the Police Department access to an alternative to the use of lethal force (firearms) in those incidents where lower levels of response to resistance tactics are unsuccessful and/or unfeasible; and

WHEREAS, the City Council recognize that the use of TASERs by the Police Department is of significant interest to citizens of the City; and

WHEREAS, the City Council recognizes that civilian oversight concerning the deployment and use of TASERs is appropriate; and

WHEREAS, by reason of Ordinance No. 2011-05-034 (Urbana City Code Sec. 19-20 *et seq.*), the City established and maintains a Civilian Police Review Board (hereinafter, the “CPRB”) to –

- (a) Provide a systematic means by which to achieve continuous improvement in police community interactions; and
- (b) Provide oversight of internal police investigations through review of such investigations; and
- (c) Provide an independent process for review of citizen complaints; and
- (d) Oversee a monitoring system for tracking receipt of complaints lodged against sworn officers; and
- (e) Add a citizen perspective to the evaluation of these complaints; and
- (f) Contribute to timely, fair and objective review of citizen complaints; and
- (g) Provide fair treatment to and protect the rights of police officers; and

WHEREAS, the City Council deems it appropriate to amend Ordinance No. 2011-05-034 (Urbana City Code Sec. 19-20 *et seq.*) in order to confer authority on the CPRB to generally review the Police Department’s compliance with proper directives, policies, practices, procedures, and protocols concerning the deployment and use of TASERs and, where appropriate, make recommendations to the Mayor and/or the City Council regarding the same.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois as follows:

Section 1. The Urbana Police Department shall be and hereby is authorized, to the extent funds are or may become available, to purchase TASERs for those Urbana Police Officers who satisfactorily complete Crisis Intervention Team training.

Section 2. Chapter 19, Article III, Division 1, Section 19-20 shall be and hereby is amended by adding a new sub-section (h) which shall provide –

Generally review the display and use of TASERs by the Urbana Police Department and, where appropriate, make recommendations to the Mayor, the City Council, and the Chief of Police concerning their display and use.

Section 3. Chapter 19, Article III, Division 1, Section 19-25 shall be and hereby is amended by redesignating sub-section (e) as sub-section (f) and adding a new sub-section (e) which shall provide –

Members shall generally review incident reports and such other relevant information involving the display and use of TASERs, where the members deem appropriate, make recommendations to the Mayor, City Council and Chief of Police concerning the display and use of TASERs provided by the Police Department without regard to the individual identities of the Urbana Police Officers who display or use TASERs or the individuals who have been threatened with or tased by a TASER by one or more Urbana Police Officers as more fully provided for in Division 4 entitled “Review of TASER Displays.”

Section 4. Chapter 19, Article III shall be and hereby is amended by adding a new Division 4 entitled “Review of TASER Displays” which shall be in the form and substance appended hereto and made a part hereof as Exhibit A.

Section 5. Chapter 19, Article I shall be and hereby is amended as follows:

Sec. 19-2 Reserved.

Sec. 19-3 - Qualified TASERs Users.

Those Police Officers who are specially and specifically trained in the proper use of TASERS shall be permitted to carry, display and discharge TASERS in a manner which is consistent with Police Department directives, policies, procedures, practices, and/or protocols, as the case may be, concerning the carrying, displaying, and discharging of such TASERS. No Police Officer shall carry, display or discharge any TASER unless and until the Police Department has adopted directives, policies, procedures, practices, and/or protocols concerning the proper display and discharge of TASERS and until he or she has completed training in the use of such devices.

Secs. 19-4 – 19-15 – Reserved.

Section 6. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 7. The City Clerk is directed to publish this Ordinance and cause the appropriate sections of Chapter 19, Police, of the Urbana City Code to reflect the amendments as hereinabove stated and set forth.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the City Council of the City of Urbana, at a regular meeting of said Council on the ___ of _____, 201_ at which a proper quorum was present.

PASSED by the City Council of and for the City of Urbana, Illinois this ____ Day of _____, 201_ with the “ayes” and “nays” being recorded as follows:

AYES: _____.

NAYS: _____.

ABSTENTIONS: _____.

Phyllis D. Clark, City Clerk.

APPROVED by the Mayor this _____ Day of _____, 201_.

Laurel Lunt Prussing, Mayor.

EXHIBIT A

Sec. 19-42. – Purpose of CPRB Review of TASER Displays.

The purpose of the CPRB's review of TASER displays is to afford the community, through the CPRB, a structure and a forum through which the community can be informed and express concerns about the display of TASER devices. For purposes of this Division 4, "TASER Display" shall mean and include the unholstering and/or discharge of a TASER device.

Sec. 19-43. – Limitations on CPRB's Review of TASER Displays.

The CPRB shall review the Police Department's TASER Displays in the manner provided in this Division 4 and shall have the authority to make recommendations concerning amendments to Police Department practices concerning TASER Displays. Except in the context of a citizen complaint under this ordinance, the CPRB shall have no authority to review the conduct of any individual Police Officer or any individual TASER Display. A non-union member of the Police Department Command Staff shall be appointed by the Chief of Police to participate as an advisor to the CPRB during all reviews of incident reports and related materials concerning TASER Displays. The aforesaid Command Staff individual must not have had any direct involvement in any of the TASER incidents then under review by the CPRB. The CPRB shall have no authority to compel the appearance of any Police Officer at any meeting of the CPRB which is convened to review TASER Displays.

Sec. 19-44. – Police Department Investigation.

The Police Department shall investigate and review each incident involving a TASER Display in the same manner as it investigates and reviews other forms of response to resistance. Following each review of a TASER Display, the Police Department shall provide one or more incident reports, along with such other information as the Police Department deems necessary and appropriate for understanding the reason or need for the TASER Display, to the Human Relations Officer as provided for in Section 19-45 of this Division.

Sec. 19-45. – Reporting to CPRB.

(a) Subject to Section 19-50 of this Division, upon the completion of the incident reports involving four (4) TASER Displays, the Police Department shall provide copies of the four (4) incident reports, together with such other information as the Police Department deems necessary and appropriate, to the Human Relations Officer. Prior to submitting the said incident reports and related information, if any, the Police Department shall redact all information which could otherwise be used to identify the specific individual(s) involved in the TASER Display incident including, but not necessarily limited to the Police Officers name and badge number, the names of the individuals subjected to the TASER Display, and the names of all witnesses to the incident involving the TASER Display. Following the submission of the initial four (4) TASER Display incident reports and other information, if any, the Police Department shall continue to submit TASER Display incident reports in the manner provided herein and in groups of four (4) such reports with the aforesaid redactions made. The Police Department shall provide the reports in

groups of four (4) reports, with the aforesaid redactions made, within fourteen (14) calendar days after completion of the fourth investigative and review report.

(b) Within seven (7) calendar days following receipt by the Human Relations Officer of the four (4) Police Department TASER Display incident reports and other information, if any, the Human Relations Officer shall distribute copies of those incident reports and other information to the members of the CPRB. The Human Relations Officer shall otherwise maintain the confidentiality of the TASER Display incident reports, other information (if any) submitted with the said incident reports, and all information contained therein.

Sec. 19-46. – CPRB Review of TASER Display Incident Reports.

(a) The CPRB shall commence its review of the four (4) TASER Display incident reports and other information, if any, provided by the Police Department at the CPRB's next regularly scheduled meeting. The CPRB shall consider the information contained in the four (4) TASER Display incident reports and other information, if any, in the aggregate. Upon completion of its review of the four (4) TASER Display incident reports, the CPRB may recommend amendments concerning the Police Department's practices concerning the TASER Displays and provide reasons therefore.

(b) The CPRB's recommendations, if any, and reasons therefore, shall be provided to the Human Relations Officer who shall prepare a report which contains those recommendations along with such other information which the Human Relations Officer deems necessary and appropriate.

(c) If the CPRB makes a recommendation concerning changes in policies, procedures, protocols, or practices, as the case may be, in TASER Displays by the Police Department, it shall provide reasons for each such recommendation.

(d) The Human Relations Officer shall provide the Chief of Police with a complete copy of the CPRB's TASER Display report within seven (7) calendar days after completion of the CPRB report.

Sec. 19-47. – Review of CPRB Report.

The Chief of Police or his or her designee shall review and provide written comment on the CPRB's recommendations and report on TASER Displays within fourteen (14) days of his or her receipt of the CPRB's said report and recommendations. Within fourteen (14) calendar days following completion of the Chief of Police's review of and comment on the CPRB report and recommendations concerning changes to TASER Display policies, procedures, protocols, or practices, as the case may be, the Chief of Police or his or her designee shall provide the Human Relations Officer with a copy of the Police Chief's written review and comment. Such review and comment may include:

(a) any objection which the Police Department has to any statement or recommendation contained in the CPRB TASER Display report and recommendations; and/or

(b) alternative recommendations to any recommendations contained in the CPRB TASER Display report along with the reasons for any such alternative recommendations.

Sec. 19-48. – Reports to the Mayor and/or City Council.

The Human Relations Officer shall provide the Mayor and the City Council with copies of each CPRB TASER Display report and recommendation and the Police Chief’s written review and comments on each such CPRB report regarding TASER Displays.

Sec. 19-49. – TASER Display Incident Reports and Information Not Included for CPRB Review.

(a) In the event that a citizen complaint regarding a TASER Display is received by the City, the Police Department shall not include within any group of four (4) TASER Display-related incident reports the incident report or any other information involving a TASER Display contained in the said citizen complaint which otherwise would be provided to the Human Relations Officer.

(b) In the event that a criminal proceeding or a civil proceeding is initiated which alleges an improper or unlawful TASER Display, any Police Department incident report and other information related to the TASER Display event shall not be included in any group of four (4) incident reports submitted by the Police Department to the CPRB for review until all criminal or civil proceedings, involving such event, as the case may be, have been completed. Upon completion of all such criminal or civil proceedings, as the case may be, including any time for filing appeals thereof, the Police Department TASER Display incident report and related information, if any, shall be included with the next group of TASER Display incident reports forwarded by the Police Department to the CPRB.

Sec. 19-51. – Governing Rules.

The CPRB shall adopt rules to implement this Division 4 and its Sections.

Sec. 19-52. – Law Enforcement Process.

All CPRB reviews of TASER Display incident reports shall be considered as part of the City’s law enforcement process.

Sec. 19-53. – Production of Documents.

In the event any member of the CPRB or any person employed by the City receives a subpoena to produce documents, a request to produce documents, or a court order to produce documents issued in any pending civil or criminal proceeding which seeks the production of documents considered and/or reviewed by the CPRB in connection with any TASER Display, such recipient shall promptly notify the Chief of Police and the City Attorney of such subpoena, request for document production, or court order and forward the same to the City Attorney.

Sec. 19-54. Performance Review.

The CPRB and the Police Department shall conduct a thorough evaluation of this Division 4 twelve (12) months after its effective date. The review process shall include an analysis of this Division 4's strengths, weaknesses and effectiveness. The CPRB and the Police Department shall tender written reports to the Mayor and the City Council summarizing their respective findings and recommendations. The report provided for in this Section shall be tendered in a timely manner but not later than three (3) months after the commencement of the review and evaluation process.