



EXECUTIVE ORDER
**INDEPENDENT POLICE OVERSIGHT BOARD AND
OFFICE OF POLICING REFORM AND ACCOUNTABILITY**

EO No.	EO 1-5 Revised
Effective Date:	Upon Approval

1. AUTHORITY

Article VI, Houston City Charter - administrative authority of the Mayor.

2. PURPOSE

To create a hybrid model of civilian police oversight, which includes both a reformed and diverse civilian board and a full-time, paid administrative and investigative staff to independently review and investigate allegations of misconduct by employees of the Houston Police Department (HPD).

3. OBJECTIVE

To reform the current Independent Police Oversight Board (IPOB) into an effective, diverse, civilian board and to create the Office of Policing Reform and Accountability (OPRA), an office of full-time, paid, administrative and investigative staff under the Office of Inspector General, which together can provide a system of increased accountability and transparency for HPD.

4. ORGANIZATION —INDEPENDENT POLICE OVERSIGHT BOARD

4.1. Appointment. The Independent Police Oversight Board (IPOB or the Board) shall consist of twenty- one (21) members and four (4) alternate members, appointed by the Mayor and confirmed by City Council in accordance with the City's standard appointment process, including one member from each council district. Each member shall:

- 4.1.1. Have resided for at least one year, and continue to reside during the term of his/her appointment, within the corporate limits of the City;
- 4.1.2. Be willing to spend at least four to five hours a week reviewing cases and attending meetings;
- 4.1.3. Be willing to make a commitment to serve for up to three years;
- 4.1.4. Be willing to attend a two-to-three-day training session;
- 4.1.5. Have no prior felony convictions or convictions for a crime involving moral turpitude;
- 4.1.6. Hold no political office;
- 4.1.7. Not be employed by any law enforcement agency;
- 4.1.8. Not be an employee of the City of Houston; and
- 4.1.9. Not be an immediate family member of any HPD personnel.

Approved:

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Date Approved:

5/25/2021

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- 4.2. **Board and Panel Chairs.** The Mayor shall appoint, and City Council shall confirm, one member to specifically serve as Chair of the Board and four (4) members to serve as Panel Chairs.
- 4.3. **Panels.** The Board shall be divided into four (4) panels consisting of five members each, including the Panel Chair. The Board Chair, in consultation with each Panel Chair, shall assign members to each of the panels with a view toward maintaining diversity and varied expertise and experience on each panel. One alternate member shall be assigned to each panel.
- 4.4. **Terms.** Since its inception, IPOB member terms have been staggered. All appointments shall be for a term of two years. Members may serve for no more than four consecutive terms. Appointments that fill the remainder of an unexpired term with less than 12 months remaining shall not be counted towards the term limit. Any vacancy that occurs during an unexpired term shall be filled for the remainder thereof in the manner prescribed in Section 4.1. A member shall hold office until the member's successor has been nominated by the Mayor and confirmed by City Council.
- 4.5. **Training.** Board members shall attend training necessary to ensure that members can effectively carry out their responsibilities.
- 4.6. **Quorum.** Three members of a panel, including the Panel Chair, shall constitute a quorum for the conduct of panel business. In the event a Panel Chair is unable to attend a meeting of his/her panel, then the Panel Chair shall, with the approval of the Board Chair, designate a member of his/her panel to serve as acting Chair for such meeting.
- 4.7. **Meetings.**
- 4.7.1. Panel meetings shall be held during normal business hours or, upon approval of the Board Chair and the Deputy Inspector General (DIG), after hours.
- 4.7.2. The City shall provide meeting/office space for the panels and their members.
- 4.7.3. All meetings shall be held in person and in accordance with the rules established by the Board Chair in consultation with the DIG.
- 4.8. **Absence.** If a panel member will not be present at a meeting, he/she shall notify the Panel Chair at least three (3) business days prior to the scheduled meeting time so that an alternate may be called. If a Panel Chair will not be present, he/she shall notify the Board Chair at least three (3) business days in advance so that an acting chair may be named.
- 4.9. **Vacancies.** If a Board member position becomes vacant through a member's death, disqualification, resignation, or removal from the Board, the same shall be filled by an alternate selected by the Mayor for the unexpired portion of such person's term.
- 4.10. **Removal.** The Mayor may remove a Board member for failure to attend meetings or for inappropriate behavior.

5. RESPONSIBILITIES — IPOB

5.1. Independent Police Oversight Board

5.1.1. **The Board**, acting through its designated panels, and with the assistance and support of OPRA:

5.1.1.1. May review any and all internal investigations, and shall review internal investigations of possible misconduct by employees of HPD that involve any of the following:

(a) Use of force;

- (b) Discharge of firearms; and/or
- (c) Serious bodily injury or death;

- 5.1.1.2. Shall review investigations identified in 5.1.1.1 to determine if each investigation is sufficient and the conclusions are supported by evidence;
 - 5.1.1.3. Shall recommend, in writing, to the Chief of Police on every case it reviews, whether or not training and/or policy revisions are appropriate;
 - 5.1.1.4. Shall identify complaints to be investigated by OPRA, independently of IAD;
 - 5.1.1.5. Shall review existing and proposed HPD policies;
 - 5.1.1.6. Shall review and make recommendations to the Chief of Police on the employment suitability of all applicants for employment as police trainees;
 - 5.1.1.7. Shall assist in identifying and prioritizing non-mandated training to ensure police trainees and classified officers receive not only skill-based training and education, but also interpersonal and relational education designed to ensure that all citizens are treated with dignity and respect; including crisis-intervention training and training on the handling of citizens with mental-health issues;
 - 5.1.1.8. Shall review the periodic evaluation of officer conduct, including psychological evaluation, testing and counseling to ensure that officers maintain the highest degree of professionalism in the performance of their duties;
 - 5.1.1.9. Shall monitor community concerns, report same to the Chief of Police, and conduct follow-up to ensure that such concerns are given due consideration in the operation of HPD; and
 - 5.1.1.10. Shall recommend reforms related to HPD's recruiting, hiring, promotion, disciplinary, and termination policies and procedures.
- 5.1.2. **Administrative Disciplinary Committee (ADC).** The Board Chair and a panel member from each panel appointed by the Panel Chair shall sit on the ADC, an internal committee currently responsible for reviewing investigations containing sustained allegations and making a disciplinary recommendation to the Chief of Police. The ADC shall include such HPD personnel, as may be assigned by the Chief of Police. Members chosen to sit on the ADC must be able to serve a minimum of six consecutive months.
- 5.1.3. **Board Chair.** The Board Chair shall:
- 5.1.3.1. Supervise the overall operation of the Board;
 - 5.1.3.2. Meet periodically with the DIG to ensure proper coordination and responsiveness to the work of the Board;
 - 5.1.3.3. Meet periodically with the Chief of Police to ensure proper coordination and responsiveness to the work of the Board;
 - 5.1.3.4. Submit quarterly reports to the Mayor and the Council Public Safety and Homeland Security Committee to report on the work of the Board;
 - 5.1.3.5. Assign members and tasks to each panel, as set forth above;
 - 5.1.3.6. Serve as a member of the ADC;

5.1.3.7. Recommend removal of members of the Board to the Mayor in accordance with paragraph 4.10, above; and

5.1.3.8. Act as spokesperson for the Board in communicating with the community.

5.1.4. **Panel Chair.** Each Panel Chair shall:

5.1.4.1. Call meetings of his/her panel, providing at least 72-hours' notice to panel members, except in case of emergency;

5.1.4.2. Preside at all meetings of his/her panel;

5.1.4.3. Submit a roster of members and alternates in attendance at panel meetings to the Board Chair and the DIG;

5.1.4.4. Submit a log of cases reviewed, along with the recommendations made to the Chief of Police, to the Board Chair and to the DIG;

5.1.4.5. Coordinate with the Internal Affairs Division (IAD) to have case files available for review prior to the panel meeting at which they will be considered;

5.1.4.6. Coordinate with IAD to ensure availability of an appropriate IAD officer at the panel meeting at which the case will be considered;

5.1.4.7. Ensure that IPOB Form #1 is completed and attached to each investigative file reviewed by that panel;

5.1.4.8. Ensure that IPOB Form #2 is made available to any dissenting member and, if completed, attached to that particular investigative file;

5.1.4.9. On behalf of his/her panel or a panel member, submit any special request to the IAD or the Chief of Police; and

5.1.4.10. Serve as a member of the ADC or appoint a member of his/her panel to serve on the ADC.

5.1.5. **Panel member.** Each panel member shall:

5.1.5.1. Review investigations conducted by IAD and participate in recommendations;

5.1.5.2. Sign IPOB Form #1 or #2 regarding each investigation reviewed by the panel member;

5.1.5.3. If a dissenting member, complete and sign IPOB Form #2;

5.1.5.4. Attend panel meetings as requested by the Panel Chair or his/her designee;

5.1.5.5. Serve as a member of the ADC when selected by the Panel Chair; and

5.1.5.6. Notify the Panel Chair when he/she will not be able to attend a called panel meeting.

6. ORGANIZATION —OFFICE OF POLICING REFORM AND ACCOUNTABILITY

- 6.1. **The Office of Policing Reform and Accountability.** OPRA shall provide administrative and investigatory support for IPOB.
- 6.2. **Appointment.** The Mayor shall appoint, in accordance with the City's standard appointment process, an executive-level Deputy Inspector General (DIG), Office of Policing Reform and Accountability, in the Office of Inspector General to direct the functions of the OPRA to achieve this Executive Order's purpose and objective.
- 6.3. **Deputy Inspector General, Office of Policing Reform and Accountability.** The DIG shall have dual reporting, reporting directly to the Inspector General and a dotted line to the Mayor or Mayor's designee, and shall direct the functions of the OPRA to achieve this Executive Order's purpose and objective.

7. RESPONSIBILITIES —OFFICE OF POLICING REFORM AND ACCOUNTABILITY

7.1. The Office of Policing Reform and Accountability shall:

- 7.1.1. Update website and, in addition to the other avenues for complaints, create a process to allow community members to submit complaints online;
- 7.1.2. Ensure community members can submit complaints in-person at community organizations, such as the National Association for the Advancement of Colored People (NAACP), League of United Latin American Citizens (LULAC), and any other community organizations approved by the DIG;
- 7.1.3. Translate and accept complaint forms in multiple languages;
- 7.1.4. Communicate in a transparent and timely fashion with complainants, including confirmation of complaint intake and the results of the complaint;
- 7.1.5. Serve as an ombudsman to complainants or potential complainants to assist them in understanding the process and requirements;
- 7.1.6. Provide training or evaluate and select an independent training group to provide training, to Board members at the beginning of their terms and on an annual basis;
- 7.1.7. Establish timelines, create reports of implementation, and measure progress toward increased independence and transparency;
- 7.1.8. Attend meetings of the IPOB panels as necessary to achieve the objectives of the office;
- 7.1.9. Handle the day-to-day functioning of OPRA; and
- 7.1.10. Audit IPOB annually.

7.2. The Office of Policing Reform and Accountability shall assist and support IPOB to:

- 7.2.1. Investigate allegations of police misconduct as identified by the Board, independent of IAD;
- 7.2.2. Develop and implement specific plans for community outreach at defined times and locations, including outreach to: (a) inform community of process for complaints; (b) listen to community on specific issues; (c) report back to community on results; and (d) raise the profile of IPOB and OPRA in the community; and

7.2.3. Perform recordkeeping and administrative tasks.

8. CHIEF OF POLICE

8.1. **Chief of Police.** The Chief of Police or his/her designee shall:

- 8.1.1. Facilitate access to personnel and/or records necessary for the Board and the OPRA to accomplish their responsibilities as set forth in this Executive Order;
- 8.1.2. Provide access to investigative files that will be considered by panels;
- 8.1.3. Ensure that each IPOB form is incorporated into and maintained as a permanent part of the file to which it pertains;
- 8.1.4. Consider Board requests for additional investigation by IAD and, if approved, forward to IAD for handling; and
- 8.1.5. Consider recommendations of the Board.

9. INTERNAL AFFAIRS

9.1. **Internal Affairs.** Internal Affairs shall:

- 9.1.1. Provide DIG and Chair with a list of all IAD matters;
- 9.1.2. Provide Chair and Panel Chairs with access to IAD files for review;
- 9.1.3. Be available for questions by Board and Panel Chairs, as described above;
- 9.1.4. Coordinate with DIG, as necessary, to support OPRA to accomplish its responsibilities set forth in this Executive Order; and
- 9.1.5. Conduct additional investigations, as requested by the Board and directed by the Chief of Police.

10. CASE REVIEW PROCEDURE

10.1. **Police Department.**

- 10.1.1. Upon completion of an investigation, the Internal Affairs Division will forward the investigative file to the designated Board Panel.
- 10.1.2. Upon request of the Panel Chair, a member of the Internal Affairs Division will meet with the panel to answer any questions they might have concerning the investigation.
- 10.1.3. If a majority of the quorum of the members of a panel present, in consultation with the DIG, decides that additional investigation is needed, the Panel Chair and the DIG will meet with the Internal Affairs Division Commander to discuss the panel's concerns. If the Internal Affairs Division Commander agrees with the panel, he/she will see that the additional investigation is completed and then return the file to the panel for panel review.
- 10.1.4. If the Internal Affairs Division Commander disagrees with the panel, the request will be forwarded to the Chief of Police. If the Chief of Police agrees that additional investigation is required, the investigative file will be returned to the Internal Affairs Division, which will complete the additional investigation and then return the file to the panel.

10.1.5. If the Chief of Police disagrees with the panel's request for additional investigation, he shall meet with the DIG in an effort to reach agreement on such additional investigation. In the event agreement cannot be reached, the DIG may conduct such additional investigation as he/she deems necessary, as authorized by law, to enable the panel to carry out its duties under this Executive Order.

10.2. **Board Panels.**

10.2.1. A panel shall have a minimum of fourteen (14) calendar days in which to complete its review of an investigation and make a recommendation to the Chief of Police. The Chief of Police will determine this timeline based on case deadlines under existing law. Investigative files shall be available in a secure reading area for the entire period, with reasonable access.

10.2.2. The panel shall meet to consider each matter presented to it.

10.2.3. The investigative file for the matter to be reviewed shall be left with the panel, and shall not be removed, for the duration of the meeting at which it will be considered. No copies of any document or paper in the investigative file shall be made by, or for, members of the review panel; however, panel members may take notes.

10.2.4. The panel shall vote on each matter presented to it; each matter shall be decided by a majority vote of the quorum present.

10.2.5. If additional investigation is conducted by OPRA, when a file is returned to the panel with the results of the additional investigation, the panel shall consider the additional information in making its recommendation.

10.2.6. The panel shall record its recommendation on IPOB Form #1, and the Chair shall attach the form to the file along with any completed IPOB Form #2 related to the case and submit the file to the Chief of Police.

10.2.7. In the event a panel fails to meet or complete its review within the timeframe requested after receipt of additional investigation, if any, the Board shall be considered to have waived its right to review the case and it shall be forwarded to the ADC.

10.2.8. In accordance with Chapter 143 of the Local Government Code, IPOB members must maintain strict confidentiality in connection with all investigative materials.

10.3. **Office of Policing Reform and Accountability.**

10.3.1. OPRA investigates complaints as assigned by the Board.

10.3.2. With the exception of the timeframe and the location requirements, IPOB review of an independent investigation conducted by OPRA shall be in accordance with 10.2.

10.3.3. In the event a complaint is investigated by both IAD and OPRA, the same panel shall review both investigations, if reasonably possible.

11. **CONFLICT AND REPEAL**

11.1. This Order supersedes Executive Order 1-5, Independent Police Oversight Board, signed April 28, 2021, which shall be of no further force or effect.