

BYLAWS
of the
CIVILIAN POLICE REVIEW AND ADVISORY BOARD
MORGANTOWN, WEST VIRGINIA

Article I – Name

The name of this Board shall be “Civilian Police Review and Advisory Board” of the City of Morgantown, West Virginia.

Article II - Authority

The Board is established pursuant to Ordinance 2022-12, which re-codified Article 180.5 entitled “Civilian Police Review and Advisory Board” as Article 178 of the City Code of the City of Morgantown. These Bylaws are enacted pursuant to City Code section 178.04(c).

Article III – Purpose

It is our purpose to further the exchange of information between community members and the Morgantown Police Department; to support just and equitable policing policies and practices and to make recommendations that protect and serve the life and health and safety of all who live, work and play in the City of Morgantown.

Article IV – Definitions

“City” means the City of Morgantown, West Virginia

“Board” means the Civilian Police Review and Advisory Board.

“Member” means a member of the Board. Unless otherwise specified, the term “members” or “membership” refers to the sitting members of the Board.

“Immediate Family” means a parent, spouse, child, sibling, or domestic partner.

“Morgantown City Administration” means all employees and officers of the City of Morgantown and all employees and officers of the boards, commissions, authorities, and agencies established by the City of Morgantown, excluding the appointed members of such boards, commissions, authorities, and agencies who serve without compensation.

“Chief” means the Chief of the Morgantown Police Department.

Article V – Membership, Terms of Office, Resignation, Removal from Office, Vacancies, Officers and Committees

A. Members – The Board shall consist of nine (9) members appointed by City Council.

B. Qualifications –

1. Each member shall be a resident of the City or an active member of an organization that works within the City to promote purposes consistent with the purpose of the Board. If a member ceases to meet this qualification, the member shall immediately notify City Council, but the member shall remain in office until a successor is appointed unless he or she resigns or is removed from the Board. Each member shall be at least 18 years of age.
2. No member shall hold any other office or employment with the Morgantown City Administration while a member of the Board.
3. No member of the Board shall be a former employee of the Morgantown Police Department.

4. No member of the Board shall be an immediate family member of any member of the Morgantown City Administration, City Council, or Morgantown Police Department.
 5. Three members shall come from historically disadvantaged communities that have traditionally experienced disparate policing or shall be residents of publicly subsidized housing. Three additional members shall be nominated by organizations that seek racial or social justice on behalf of historically disadvantaged communities or persons with disabilities.
 6. Openings on the Board should be filled based on The City of Morgantown Diversity, Equity, and Inclusion Plan adopted by Resolution 2020-05 of the Morgantown City Council on March 3, 2020, as amended. In the event of a conflict between the membership qualifications and appointment procedures of this Article and the provisions of the City's diversity, equity, and inclusion plan, the provisions of this Article shall control.
 7. In the event that no applicant meets the requirements of subparagraph(b)(5), a position may be filled by seeking applicants according to the process identified by The City of Morgantown Diversity, Equity, and Inclusion Plan.
- C. Terms of Office – The Board shall initially consist of nine members appointed to the following terms: (i) three members appointed for a term of 1 year, (ii) three members appointed for a term of two years, and (iii) three members appointed for a term of 3 years. Each term thereafter shall be a 3-year term. Members shall continue in office until a successor is appointed, unless the member resigns or is removed from office.
- D. Resignation of Member – Any Board member may resign by delivering a written notice, including an email communication, to the City Clerk stating the effective date of the resignation. A copy of the notice or email communication

shall be delivered to the Chair of the Board. If an effective date is not stated in the resignation notice, the resignation shall be effective upon receipt by the City Clerk.

- E. Removal from Office – The Board may, by a vote of 2/3 of its membership, request that the Morgantown City Council remove a Board member because of misfeasance, malfeasance, or excessive absence from Board meetings. “Excessive absence from Board meetings” means missing three consecutive regular meetings of the Board.

- F. Vacancies – When a Board member resigns or is removed from office, City Council shall appoint a person to fill the vacancy for the remainder of the vacant term. In appointing a person to fill a vacancy, City Council will endeavor to preserve the composition of the Board consistent with Article V, Section B(5), (6) and (7) of these Bylaws.

- G. Officers –
 - 1. The Board shall elect officers for a one-year term at its first regular meeting in each calendar year. The officers shall be a Chair, a Vice-Chair and a Secretary. A vacancy in any office may be filled at any regular meeting. A member may serve in multiple officer roles.

 - 2. The Chair of the Board shall call all meetings, preside at all meetings, appoint committees, assign an ad hoc task to one or more Board members, and generally perform the duties of a presiding officer. The Chair or Chair’s designee is the official spokesperson for the Board on all matters of community concern addressed by the Board. The Chair or a member designated by the Chair shall be the Board’s liaison person with the Morgantown Police Department.

 - 3. The Vice-Chair shall preside over meetings in the absence of the Chair and perform any other responsibilities designated by the Chair or authorized by the Board. In the event of the absence of the Chair

and Vice Chair at a meeting, a majority of the members present at a meeting will select a presiding officer to fulfill the duties of the Chair.

4. The Secretary shall prepare the agenda for all meetings and transmit the same to the City Clerk, shall be responsible for keeping accurate records of all Board meetings, and shall be responsible for submitting annual reports, work plans, and such other reports as the Board may compile to the City Clerk or City Council. An additional Board member may be designated to assist the Secretary.

H. Committees – The Board may establish one or more committees. The members of such committees shall be appointed by the Chair.

Article VI – Quorum, Meetings, Minutes, Electronic Participation, and Voting

- A. Quorum – At any Board meeting, the presence of a majority of Board members then in office, physically or electronically, shall constitute a quorum.
- B. Regular Meetings - The Board shall conduct regular meetings no less than monthly, on a schedule established by the Board. Any meeting may be canceled by the Chair with the consent of a majority of the members then in office.
 1. At its first regular meeting each calendar year, the Board shall establish the regular meeting schedule for the year.
 2. The Board shall provide a time for public comment at each of its regular meetings. The Board may establish a specific, uniform time period for each public commenter to address the Board.
 3. The Board may establish such other provisions for the conduct of its regular meetings as it deems reasonable and necessary. In the event

of a dispute as to procedure, the Chair may utilize Robert’s Rules of Order for guidance.

C. Special Meetings – The Board may conduct special meetings on the call of the Chair or a majority of members. The call for a special meeting shall specify the time and place of the special meeting and the business to be transacted.

D. Emergency Meetings – The Board may conduct emergency meetings for the purpose of addressing an “unexpected event” as defined by West Virginia Code Chapter 6, Article 9A, Section 2(2).

E. Open meetings – Meetings will be conducted in accordance with the West Virginia Open Governmental Proceedings Act, West Virginia Code Chapter 6, Article 9A. The Board shall seek the assistance of the City Clerk in ensuring compliance with requirements for open meetings.

1. Notice of the date, time, place and agenda of all regular meetings shall be made available to the public at least three business days before the meeting. Notice of the date, time, place and purpose of all special meetings shall be made available to the public at least two business days before the meeting. Notice of the date, time, place and purpose of all emergency meetings, and the facts and circumstances of the emergency, shall be made available to the public as soon as practicable prior to the meeting.

2. The Board may go into Executive Session as provided in, and for the reasons stated in, West Virginia Code Chapter 6, Article 9A, Section 4.

3. Minutes shall be kept of all meetings, except for Executive Sessions, and made available to the public, in accordance with West Virginia Code Chapter 6, Article 9A, Section 5.

F. Participation by Electronic Communication Means – Members of the Board may participate in meetings electronically pursuant to and in

accordance with the “City Council Policy on Conduct of Public Meetings by Electronic Means” adopted on May 5, 2020, and as amended. In such cases the Board will ensure that the electronically-participating member’s voice will be heard clearly by the members of the Board and the public who are physically present at the meeting, and that the electronically-participating member can clearly hear the proceedings. The fact that a member participates electronically shall be recorded in the Minutes of the meeting.

G. Voting –

1. All members of the Board who are present at a meeting physically or electronically, including the Chair, may vote at any meeting.
2. The vote of a majority of members present at a meeting with a quorum is necessary for the Board to take an action.
3. All votes of members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot, or by proxy.
4. Members shall be permitted to file written explanations of their votes after the result of the voting has been determined. Such explanations shall be included in the Minutes of the meeting.

Article VII – Work with Other Entities

- A. The Board may invite members of the Morgantown City Administration, including the Chief of Police or designee(s), or specific group representatives or community members to participate with the Board in the consideration of specific issues or policies.
- B. The Board shall request an annual meeting with the Chief to discuss updates and issues of mutual interest.
- C. The Board shall consult with the City Attorney as to legal matters and shall be represented by the City Attorney in any legal dispute

involving the Board which may arise, subject to any applicable laws, rules, and regulations and with the consent of the City Manager.

- D. The Board may consult with the National Association for Civilian Oversight of Law Enforcement (“NACOLE”) or with civilian police review boards or equivalent entities in other jurisdictions.

Article VIII – Orientation and Training

- A. Each member of the Board, prior to the beginning of the member’s term, should attend a public meeting of the Board.
- B. Each new member of the Board shall receive from a Board officer a packet of information which shall consist of the following: (1) Ordinance 2022-12, (2) the Board’s Bylaws, (3) Agendas and Minutes of meetings of the Board for the prior two years, (4) the Annual Reports of the Board for the past two years, (5) statistical and other reports issued by the Board during the prior two years, (6) written policies and procedures of the Morgantown Police Department which are relevant to the Board’s work, and (7) any other material deemed appropriate. This packet shall be in addition to orientation materials provided by the City Clerk and City Attorney on matters such as the West Virginia Open Governmental Proceedings Act.
- C. Each new member of the Board shall be provided with an orientation to the Board by the Chair or Vice Chair.
- D. Each new member of the Board shall participate in a ride-along with one or more members of the Morgantown Police Department within 60 days of the beginning of the new member’s term of office. The duration of the ride-along shall be at least two hours. Completion of the member’s ride-along shall be reported to the Chair in writing and placed in the Minutes of the Board. A re-appointed member of the Board shall participate in a Police Department ride-along unless such member has participated in a ride-along within the previous two years.

- E. Within three months of taking office, each new member shall participate in an orientation provided by the Morgantown Police Department. This orientation shall include Department (1) staffing and organization, (2) hiring procedures, (3) training procedures, (4) policies and practices relating to use of force, officer and suspect safety, de-escalation, handling of mentally-impaired individuals, community policing, respect for individuals' civil rights, etc., and (5) problems faced by the Department such as short-staffing.

- F. Members of the Board shall have annual training sponsored or provided by NACOLE or a similar organization or expert individual dedicated to principles of community policing and respect for individuals' civil rights.

Article IX – Powers and Duties

- A. The Board shall have the following powers and duties:
 - 1. To develop and administer a process to conduct initial, periodic, and complaint-based compliance auditing for existing policies and procedures of the Morgantown Police Department and to make recommendations regarding the findings, the audit process, and the compliance by the Morgantown Police Department with established policies and procedures.
 - a. The Board Secretary shall submit a request on or about the first business day of each month to the Morgantown Police Department for any updates or amendments to its administrative and operational policies and the Board expects to promptly receive any such documents pursuant to City Code section 178.05(b). The Board shall review such amendments and updates, and may adopt a formal position statement regarding them. Such position statements shall be conveyed to the Chief.

2. To develop and administer a process to conduct initial, periodic, and complaint-based review of existing policies and procedures of the Morgantown Police Department and make recommendations on the review findings as to the policies and procedures and any recommended revisions, modifications, or additions.
3. To develop and administer a process to receive, review, and advise upon materials and practices related to the recruitment, hiring, and training of the Morgantown Police Department, with the goals of increasing diversity, furthering community cooperation, and eliminating misconduct.
4. To develop and administer a process to receive public suggestions for recruitment, hiring, and training to be offered to the Morgantown Police Department; to review the suggestions; and to advise the Morgantown Police Department as to the recommendations of the Board upon the suggestions.
5. To organize and conduct community outreach related to the Board's purposes and activities.
6. To establish goals and measurements of progress toward those goals via an Annual Report and work plan as specified in Article XII of these Bylaws, and to provide regular reports on its activity and progress toward the goals.
7. To provide means for recognition of police officers who contribute to positive policing practices.
8. To provide policy recommendations to the City Council, City Manager, Morgantown Police Civil Service Commission, and Morgantown Police Department.
9. To enter into contracts necessary and helpful to the conduct of its business, subject to the availability of funds allocated for such purpose. Such contracts may include, but shall not be limited to, retention of such

persons or entities as may be necessary or helpful to assist the Board in the conduct of its functions.

10. To request, and receive information, documents, reports, and assistance from the Morgantown Police Department through the Chief of Police and from city agencies through the City Manager's Office. The Morgantown Police Department is expected to render assistance to the board in order to provide insight into policies, procedures, and officer experience, pursuant to City Code section 178.05(h).

- B. If the Board makes a recommendation or policy statement regarding any policy or procedure of the Morgantown Police Department, the Board expects to promptly receive a response from the Chief or his designee pursuant to City Code section 178.05(h). The Chief's response should include justification for any rejection of a recommendation by the Board. If the Chief rejects the Board's recommendation, the Board may file a written request to the City Manager and/or City Council to review the matter.
- C. In the event that a member of the public directs a written complaint of police misconduct to the Board, the Board shall promptly transmit the complaint to the Chief and the City Manager with a request that the Chief and/or City Manager report their findings on the complaint to the Board pursuant to City Code section 178.05(h). The Board will acknowledge receipt of such complaints from members of the public, will report to the complainant when any response is received from the Chief and/or City Manager, and may when appropriate provide some or all of the contents of the response to the complainant.
- D. The Board may not investigate complaints of misconduct by individual police officers or make any recommendations or statements regarding possible discipline of individual police officers. However, the Board may review issues of Morgantown Police Department policies and procedures which arise out of complaints of misconduct, as provided in Article IX, Sections A(1) and A(2) of these Bylaws.

- E. The Board may not review discipline decisions relating to individual police officers. However, the Board may review issues of Morgantown Police Department policies and procedures which arise out of discipline decisions, as provided in Article IX, Sections A(1) and A(2) of these Bylaws.

Article X – Outreach to the Public

- A. The Board shall hold periodic public meetings and listening sessions, and use other additional methods in order to ascertain how people in the community view the Morgantown Police Department, its strengths and weaknesses, and what ideas they have for improving the Police Department.
- B. The Board shall also hold public meetings, issue written reports and use such other means as it deems appropriate to report to community members on its activities, and to summarize its findings and recommendations.

Article XI – Collection of Data

- A. The Board shall collect statistical data relating to the operations of the Morgantown Police Department. This data shall include, but not be limited to, calls for assistance, stops, arrests, charges, and convictions. It shall include demographic data such as race, sex, age and other relevant characteristics of involved persons.
- B. The Morgantown Police Department and the Board will work together to collect, maintain and report the data, while ensuring that all required or appropriate privacy and confidentiality protections are afforded to the individuals involved in the incidents underlying the collected data.

Article XII – Reports and Work Plan

- A. On or before January 31 of each year, the Board shall file an Annual Report with the City Clerk setting forth the activities of the Board for the previous calendar year and establishing a work plan for the Board for the current year. The Annual Report shall include statistical data relating to the operations of the Morgantown Police Department including calls for assistance, stops, searches, arrests, charges and convictions, which will include demographic data such as race, sex, age, and other relevant and available circumstances of involved persons. The Annual Report shall also contain recommendations for revisions to Morgantown Police Department policies, training and practices that the Board concludes are needed. The City Clerk shall distribute the report to City Council, the City Manager, the Chief of Police, and the President of the Morgantown Police Civil Service Commission. The Annual Report shall then be released to the public.

- B. In addition to the Annual Report, the Board may issue such reports as it deems appropriate regarding statistical data, policies, procedures, hiring and training of officers, and such other matters pertaining to the Morgantown Police Department as the Board finds appropriate.

Article XIII - Ethics and Conflict of Interest

- A. Board members shall comply with the provisions of West Virginia Code Chapter 6B, Article 2, Section 5 (“Ethical standards for elected and appointed officials and public employees”), and shall demonstrate a commitment to integrity, impartiality and professionalism. A Board member shall not let a personal interest compromise these values.

- B. Each Board member has a duty to disclose potential conflicts of interest. A Board member with a conflict of interest must recuse himself/herself from discussions and voting on the matter giving rise to the conflict of interest. If Board members are in doubt about whether they have a conflict of interest, they should consult with the City Attorney.

Article XIV – FOIA Compliance

The Board shall comply with the West Virginia Freedom of Information Act (“FOIA”), West Virginia Code Chapter 29B, Article 1, and the City of Morgantown Public Records Request Regulations.

Article XV – Funding and Compensation of Board Members

- A. City Council may appropriate funds that it deems necessary to support activities of the Board. The Board, with the approval of City Council, may apply for State, Federal or foundation financial aid in grants or other forms of financial assistance through the City Administration to assist in carrying out training or projects.
- B. Board members shall receive no compensation, but may be reimbursed for expenses authorized by the Chair.

Article XVI – Liability of Board Members

No member of the Board shall be liable for any action taken or omitted in good faith, providing that said member has been designated to execute said action by the Chair or other officer, or by affirmative vote by the membership.

Article XVII – Confidentiality

Board members may have occasion to review materials that are confidential in nature. Any confidential information learned as a result of the review of such documents shall be kept confidential except for official purposes or except when disclosure is required by law or ordered by a court of competent jurisdiction.

Article XVIII – Amendments to Bylaws

These Bylaws may be amended by two-thirds of the members present, physically or electronically, at any regular Board meeting that has a quorum,

provided that a draft of the amendment was submitted and published in the Agenda before the meeting.

Enacted November 9, 2023