



Legislation Details (With Text)

File #: 81-23 Version: 1 Name:
Type: Ordinance Status: Passed
File created: 2/23/2023 In control: City Council
On agenda: 4/25/2023 Final action: 4/25/2023
Title: Be it hereby ordained by the City Council of the City of Malden that the Code of the City of Malden (MCC) be amended by adding Title 2, Chapter .16, Section .150 POLICE COMMUNITY ADVISORY COUNCIL
Sponsors: Karen Colon Hayes, Amanda Linehan, Carey McDonald, Stephen Winslow, Peg Crowe, Ryan O'Malley

Indexes:

Code sections:

Attachments: 1. Police Community Advisory Council Paper - 2.22.23, 2. Mayor's Letter to the Council re PCAC Ordinance, 3. Final Paper: 81-23

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows show dates from 4/25/2023 to 2/28/2023 with actions like 'ordained', 'enrolled', 'recommended favorably', and 'referred'.

Be it hereby ordained by the City Council of the City of Malden that the Code of the City of Malden (MCC) be amended by adding Title 2, Chapter .16, Section .150 POLICE COMMUNITY ADVISORY COUNCIL

2.16.150 POLICE COMMUNITY ADVISORY COUNCIL

- 1. The Police / Community Advisory Council (PCAC) is charged to promote public awareness and broad community engagement on the city's police services, activities, programs, and general public safety issues.
2. The duties of the PCAC shall include:
1. Solicit public input, publish information, and listen to community opinions, experiences and needs on policing and public safety issues.
2. Provide community-based feedback to the Police Chief or their designee on issues of public safety, police programs, activities, policies, and major initiatives, or any other area where the Police Department is requesting public feedback, or any area the PCAC members decide would provide a benefit to the community.

3. Review reports, data, outcomes, policies, practices and other non-confidential information from the Police Department or other public safety and community sources, paying special attention to issues of diversity, equity, inclusion and belonging.
4. Make written recommendations based on the PCAC's review of public input, Police Department data and other relevant information. Such recommendations should be made annually to the Police Commissioner and Police Chief, and may also be to the Mayor, City Council or other city officials. The PCAC may make additional recommendations as needed.
5. Enhance police-community relations by serving as a liaison between the Police Department and the Malden community, such as by sharing information on any positive impacts, exceptional performance, improvements and successful initiatives of the Police Department.
6. Other actions the PCAC may initiate to carry out its charge.
3. The PCAC shall consist of seven members: five regular members, including three appointed by the Mayor and two by the City Council, and two youth members appointed by the Superintendent of Schools. The appointing authority shall make appointments based on a well-publicized and accessible application process.
1. The regular members shall be appointed for three-year terms, with the initial appointments staggered as follows upon the creation of the PCAC:
  1. Initially, the Mayor shall appoint three members to two-year terms
  2. Initially, the City Council shall appoint two members to one-year terms
  3. Once the initial terms are completed, all subsequent appointments shall be for three-year terms
2. Regular members can serve a maximum of three full terms or nine years. Members who are appointed to a fill a vacancy may serve up to one additional year, for a total of ten years on the PCAC.
3. Youth members shall be current high school students residing in Malden, and shall be appointed for one-year terms by the Superintendent of Schools; youth members can serve a maximum of three terms. Once a former youth member is no longer in high school, they may serve up to two additional regular three-year terms.
4. Collectively, the members shall be representative of the most recent Census demographics of Malden in terms of race, gender, age, immigration status, and other relevant factors. Members shall be Malden residents at their time of appointment.
5. Members may not be city employees. Members may not be current or former police officers, or have police officers as members of their current household.
6. Each year, the members shall choose from among themselves a Chair and a Vice Chair as well as other leadership positions as needed. The Vice Chair shall fulfill the role of Chair in the Chair's absence.
7. If a member resigns before the conclusion of their term, the appointing authority shall appoint a successor, as soon as is practical, to fulfill the unexpired term of the member whose seat was vacated.
8. A member may be removed from PCAC by the appointing authority.
9. All members shall receive an annual stipend for their service.
4. The Mayor, City Solicitor, Police Commissioner and Police Chief, or their designees, shall be liaisons to the PCAC. The City Council shall appoint one of its members as a liaison to the PCAC. Any city official who receives a recommendation from the PCAC shall provide a response in writing which describes their response, rationale,

and what actions may be taken which are in alignment with the recommendation. All liaisons shall receive copies of all PCAC recommendations.

5. The PCAC shall employ a clerk to manage administrative functions. The PCAC shall maintain a website where it can share important public information. The PCAC may receive appropriations, grants or other funds, and may engage consultants to carry out its activities.
6. The PCAC shall meet regularly to carry out its charge. The PCAC shall hold, at least once per year, well-publicized public hearings to present and analyze the annual data on police actions and demographics. These hearings shall allow for virtual participation and provide for non-English interpretation.
7. The Police Department shall provide the PCAC with requested documents and information, consistent with the provisions of the Massachusetts Public Records Law, in a timely manner. This information shall include:
  1. Annual data regarding use of force, calls for service, traffic-stops and other police-initiated encounters, and received civilian complaints and concerns. This data should be disaggregated by race, age, language, gender, and other relevant factors of the civilians involved;
  2. Annual data on the department's staffing demographics, including age, gender, race, languages spoken, location, rank, recent hires, and other relevant factors;
  3. Updated copies of all department policies and procedures, including prompt notification to any changes to policies on the use of force;
  4. Copies of communication to or from the Massachusetts Peace Officer Standards and Training (POST) Commission which are related to Malden and are a matter of public record, which may include any reports on police officer misconduct, unprofessionalism, or other areas, any correspondence to or from Malden city employees and officials, as well as any general public guidance from the POST Commission; and
  5. Other relevant information requested by the PCAC or determined to be relevant by the Police Department.
8. If the PCAC receives or encounters complaints about police officer conduct or behavior, it may refer these to the Massachusetts POST Commission.