

QUARTERLY ASCERTAINMENTS / COMMUNITY ISSUES

STATION: WKKW—February, 2021

SUBJECT: Attempt to establish a civilian police review board in the city of Morgantown

DISCUSSION:

After seven months of meetings, members of Morgantown City Council received an executive summary of the ordinance that will create the Civilian Police Review and Advisory Board. The proposed ordinance will go to Attorney General Patrick Morrissey for review before being submitted as an action item for council.

The special committee was established following protests in the city following the death of George Floyd. A total of 22 meetings were held between July of 2020 and January of 2021 to develop the measure.

Before retiring in June of 2020, and in the wake of the George Floyd incident, outgoing Morgantown police chief Ed Preston sent correspondence to council members saying the city was the first agency in the state to report use of force for the FBI national data base, banned choke holds, and instituted training for implicit bias, de-escalation and other critical issues. The policies were adopted well in advance of the George Floyd incident.

“There wasn't something wrong in that moment immediately they were responding to,” Mayor Ron Dulaney said, “They were doing it to protect, I believe, the safety and the welfare of our officers and citizens.”

President of the Morgantown/Kingwood Branch of the NAACP, Jerry Carr asserted that the board is not looking for wrong doing, but is more of another set of eyes and ears that could facilitate improvement and enhance community safety.

“It cannot discipline police officers, that’s something that is only done by the Morgantown Police Department, it can't interfere with current departmental processes,” Carr said, “And it is not an H.R. department for the police department.”

In the 150 cities that have similar structures, Carr says the improve community relations with police, improve policies and procedures in some cases and can reduce the possibility of legal liability.

Early in the process, councilors received a letter from Attorney General Patrick Morrissey cautioning the committee about violating the portion of state code that dictates how the Police Civil Service Commission is used for hiring, firing, discipline and misconduct complaints. According to Morgantown legal counsel Ryan Simonton, following the letter changes were made in the language to clearly state the board was strictly only advisory and could only make recommendations to city and police officials.

“it’s not entirely clear under West Virginia law what portions of the draft document are legally permissible for cities or might be challenged,” Simonton said.

The nine member board will be selected by members of city council and will also help police build relationships, according to Carr.

“We know that relationships need to be repaired in certain parts of the community and this is a great way to make that to occur,” Carr said,” So, why be ahead of that and see if we can make things better.”

Local attorney William Cohen has participated in the process and is confident the board will pass the legal test from state officials.

“We do not believe there is any conflict between this proposed ordinance and any provisions of West Virginia statutory or constitutional law,” Cohen said.

DATE: Sunday, February 7th, 2021

TIME / DURATION: 2:52

GUESTS: Morgantown Mayor Ron Dulaney, Morgantown/Kingwood NAACP Branch President Jerry Carr, Morgantown City Attorney Ryan Simonton.

MEDIA INTEREST: Morgantown AM – WAJR, Dominion Post, WVAQ, WKKW, WBOY, WDTV, facebook, twitter

YEAR: 2021

QUARTER: 1st