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ORDINANCE NO. _____

ORDINANCE RELATING TO THE POLICE DEPARTMENT, AMENDING CHAPTER 43 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, BY AMENDING SECTION 43-13, RETIRED-COMMISSION CARD AND UNIFORM PRIVILEGE OF SWORN POLICE PERSONNEL WHO RETIRE FROM EMPLOY OF CITY.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. Section 43-13 of Division 1 of Article I of Chapter 43 of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

**CHAPTER 43.
POLICE DEPARTMENT
ARTICLE I. IN GENERAL
Division 1. General Provisions**

§ 43-13. Retired ~~commission~~ officer identification card and uniform privilege of sworn police personnel who retire from employ of City.

- (a) *Generally.* At any time after leaving the employ of the City, sworn personnel of the Police Department or their heirs may be allowed to retain possession of the Department badge and uniform, subject to the restrictions below. ~~The carrying of firearms is restricted, pursuant to applicable Oklahoma law. Retired personnel may retain their status as a peace officer of the State of Oklahoma, retired, unless disqualified under the provisions of State law or provisions under this section or Police Department policies.~~
- (b) ~~Retired-commission~~ officer identification cards. Upon the written application of a former or present Oklahoma City Police Department officer for a retired-~~commission~~ officer identification card, the Department's Office of Professional Standards ~~internal affairs division~~ shall cause a review of the applicant's personnel files, background check and criminal record to be made and compiled. This information shall be conveyed to the Deputy Chief in charge of the retiree's last bureau or its successor, who shall meet with the applicant to ensure the accuracy of the compiled information and shall either grant or deny the application. If denied, the Deputy Chief shall in writing state the reasons for denial.
- ~~(1) Notice and initial hearing.~~ ~~The decision of the Deputy Chief on the application shall be made in writing and a copy mailed to the applicant at his last known address. If the decision is to deny the application, the notice shall include the basis for the denial. Following said notice, the Assistant Chief of Police or the person performing the duties of the Assistant Chief of Police shall provide a hearing to determine the propriety of~~

~~denying a retired commission card. At this hearing, the appellant has the right to be represented by counsel, to confront and cross examine witnesses and to offer evidence. Within ten days of this hearing, the Assistant Chief of Police will issue a written decision with the basis therefor and shall mail a copy to the appellant. Under no circumstance shall this hearing confer any additional rights which are not granted by law.~~

~~(2) *Appeals.* Within ten days after notice of the denial of the application, the appellant may appeal the decision of the Assistant Chief of Police to the Chief of Police, whose decision shall be based only on the Assistant Chief's written decision, the application, and any documents submitted during the hearing in front of the Assistant Chief. Within ten days the Chief of Police shall issue a written opinion granting or denying the application and shall mail a copy to the applicant's last known address. If denied, the applicant may appeal the decision of the Chief of Police to the City Manager, whose decision is final and shall be based only on the Chief's written decision, the application and any documents submitted during the hearing before the Assistant Chief.~~

~~(3) *Standard.* No Oklahoma City Police Department police officer with a record of felony conviction and/or a record of conviction for larceny, theft, false pretense, fraud, embezzlement, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense or any Departmental violation which dictates that the denial of said commission be for the good of the service shall be allowed to retain their status as a peace officer after retirement.~~

~~(4) *Granting the application.* If at any stage of the proceedings contained herein the decision is made to grant the application, the authorized representative of the Police Department of the City shall issue the applicant a retired commission card.~~

(c) *Uniform privilege.* Upon the written application of a former or present Oklahoma City Police Department officer for the privilege of wearing the Oklahoma City Police Department uniform, the Department's ~~Internal Affairs Division~~ Office of Professional Standards shall cause a review of the applicant's personnel files, background check and criminal record to be made and compiled. This information shall be conveyed to the Deputy Chief in charge of the retiree's last bureau or its successor, who shall meet with the applicant to ensure the accuracy of the compiled information and shall either grant or deny the application. If denied, the Deputy Chief shall in writing state the reasons for denial.

~~Approval will be based on the standard established herein and predicated on the same restrictions that apply to active, full time Oklahoma City police officers working on an off duty job. Said privilege shall also be subject to all policies, procedures and rules of the Oklahoma City Police Department Operations Manual and any amendments thereto.~~

~~(d)(1)~~ *Notice and initial hearing.* The decision of the Deputy Chief on the application submitted pursuant to subsections (b) or (c) of this Section shall be made in writing and a copy mailed to the applicant at his last known address. If the decision is to deny the application, the notice shall include the basis for the denial. ~~Following said notice, the Assistant Chief of Police or the person performing the duties of the Assistant Chief of Police shall provide a hearing to determine the propriety of denying the privilege of wearing the Oklahoma City Police Department uniform. At this hearing, the appellant has the right to be represented by counsel,~~

~~to confront and cross examine witnesses and to offer evidence. Within ten days of this hearing, the Assistant Chief of Police will issue a written decision with the basis therefor and shall mail a copy to the appellant. Under no circumstance shall this hearing confer any additional rights which are not granted by law.~~

- ~~(e)(2)~~ Reconsideration Appeals. Within ten calendar days after notice of the denial of the application, the applicant may submit a written request to the Chief of Police to reconsider the denial. ~~appellant may appeal the decision of the Assistant Chief of Police to the Chief of Police, whose decision shall be based only on the Assistant Chief's written decision, the application, and any documents submitted during the hearing in front of the Assistant Chief. Within ten days the Chief of Police shall issue a written opinion granting or denying the application and shall mail a copy to the applicant's last known address. If denied, the applicant may appeal the decision of the Chief of Police to the City Manager, whose decision is final and shall be based only on the Chief's written decision, the application and any documents submitted during the hearing before the Assistant Chief. Upon written request for reconsideration, the Chief of Police will issue a written decision to the applicant affirming or reversing the decision of the Deputy Chief. The written decision of the Chief of Police is final.~~
- ~~(f)(3)~~ Standard. Both the Deputy Chief, in considering an application and the Chief of Police, in reconsidering the denial of an application, may consider if the applicant has a No Oklahoma City Police Department police officer with a record of felony conviction or a record of conviction for larceny, theft, false pretense, fraud, embezzlement, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense involving a firearm, or any other offense or any departmental violation, which dictates that the denial of said commission be for the good of the service shall be allowed the privilege to continue to wear the Oklahoma City Police Department uniform.
- ~~(g)(4)~~ Granting the application. If, upon initial application or upon reconsideration by the Chief of Police at any stage of the proceedings contained herein, the decision is made to grant the application, the authorized representative of the Police Department of the City shall issue the applicant a retired officer identification card or written permission to wear the Oklahoma City Police Department uniform, or both. Upon receiving written permission to wear the Oklahoma City Police Department uniform, the officer will be issued a "rocker" patch which identifies the officer as retired. The "rocker" patch shall immediately be affixed to the uniform at the officer's expense. The "rocker" patch shall be affixed directly above the City of Oklahoma City Police Department patch on each arm of the uniform. The written permission to wear the Oklahoma City Police Department uniform with a "rocker" patch identifying the former officer as retired shall be subject to the restrictions contained in subsection (h).
- ~~(h)~~ Uniform restrictions. A former or retired officer granted the privilege and written permission to wear the Oklahoma City Police Department uniform with a "rocker" patch identifying the former or retired officer as retired, shall only be permitted to wear said uniform for ceremonial purposes (e.g., funerals, weddings, or other civic related events). No former or retired officer granted the privilege and written permission to wear the Oklahoma City Police Department uniform with a "rocker" patch identifying the former or retired officer as retired shall be permitted to wear said uniform for employment purposes or while employed in any capacity.

- (i) Any retired or former officer previously granted the privilege and written permission to wear the Oklahoma City Police Department uniform prior to the enactment of this ordinance, may continue to wear said uniform for a period of two (2) years from the date the ordinance is enacted. After the two (2) year period has elapsed, the previously granted written permission to wear the uniform is expressly revoked and the former or retired officer shall be required to make written application to continue to wear the uniform as set forth in subsection (c). If the application is granted, the former or retired officer shall be required to affix a “rocker” patch to the uniform as set forth in subsection (g) and will be subject to the restrictions contained in subsection (h).
- (j) Offense. It shall be unlawful and constitute a Class “a” offense for any individual to wear a City of Oklahoma City Police Department badge or uniform without authorization to do so by the Chief of Police.

INTRODUCED AND CONSIDERED in open meeting of the Council of the City of
Oklahoma City the 28th day of February, 2023.

PASSED by the Council and **SIGNED** by the Mayor of the City of Oklahoma City this
____ day of _____, 2023.

ATTEST: (Seal)

CITY CLERK

MAYOR

REVIEWED for form and legality.



Assistant Municipal Counselor