

MEETING MINUTES

CITIZENS' POLICE ADVISORY COMMITTEE

Wednesday, March 14, 2018

7:00 p.m.

Lorraine H. Morton Civic Center
2100 Ridge Ave, Room 2402

Members Present: Jay Lytle; Tim Higgins; Becky Biller; Robert Egan; Marie Babb-Fowler; Harriet Sallach; Aleksandr Granchalek

Members Absent: Debbie Wiggins; Jim Gordon

City Council Members Present: Alderman Fleming (CPAC Liaison)

Staff Present: Sgt. Dennis Leaks (EPD); Alexandra B. MacKey (Assistant City Attorney)

1. Quorum:

Meeting called to order at 7:02 p.m. Quorum declared with 7 members present. Member Raymond Wells resigned as he moved out of state.

2. Approval of Meeting Minutes of October 9, 2017:

Motion by Lytle and second to approve October 9, 2017 meeting minutes. Comment by Sallach regarding addition of language to include definition of “entering by force” given by Cmdr. Wright and Sgt. Leaks. Motion by Lytle amended to approve minutes with that addition. **Motion to accept meeting minutes of October 9, 2017, adopted 7-0.**

3. Public Comment:

None.

4. Discussion:

(a) Meeting with Citizens' Police Complaint Assessment Committee

Discussion tabled until the end of the meeting.

5: New Business:

(a) Appoint Meeting Chair.

Discussion regarding rotating chair at each meeting. Sallach moves, with second for 3/14/18 chair to be Marie Babb-Fowler. **Motion adopted 7-0.**

(b) Review and discuss Complaint Register (“CR”) 17-03.

CPAC discussion about CR 17-03. Lytle inquires why there is no video. Sgt. Leaks clarifies that the vehicle was facing the street and the incident occurred on the sidewalk. Sgt. Leaks clarifies that the Taser was not used by the Accused Officer. Discussion occurs regarding when an officer can use physical contract to create space. Sgt. Leaks clarifies that an officer can use discretion and it is subject to the officer's safety.

A clarification of rules is made and Babb-Fowler along with Sgt. Leaks read rules 1, 2, 44, and 74.

Inquiry made by Biller regarding the Vice Principal and Principal both wanting the arrest to be moved off school grounds, but only contact used with Principal. Sgt. Leaks stated that it was an issue of officer safety.

Alderman Fleming inquired about the conflicting report of use of “hands on chest” by the Accused Officer or not. The report states that the Accused Officer did not remember if he/she placed “hands on chest.” Discussion regarding if a push or movement would be justified. Sgt. Leaks says that regardless a push would be justified if used for officer safety.

Discussion regarding obstruction of an arrest. Sgt. Leaks states that no one has the right to intervene when an officer is making an arrest.

Alderman Fleming inquired about obtaining an officer’s complaint history when reviewing complaints. Sgt. Leaks clarified that Human Services is provided the history, but not CPAC.

Biller reads definition of obstruction of justice and inquires how this situation would be an obstruction. Sgt. Leaks says that when safety is at issue, the officer must use discretion and that there is no way to know the “intent” of the person approaching an officer making an arrest.

Sallach says that it is unknown whether a person is credible when approaching a situation.

Credibility of witnesses is discussed.

Alderman Fleming inquired about the standard for officer interference, if there is a standard and what it is. Granchalek states that the underlined goal is personal safety.

Sallach discussed priority of the officer is the arrest, not moving the arrest off school grounds.

Motion for approval of exoneration, second.

Granchalek asked for clarification about the definition of exoneration. Clarification given.

Vote for exoneration took place by Rule.

Rule 1: motion passed 6-1, 1 vote for not-sustained.

Rule 2: motion passed 6-1, 1 vote for not-sustained.

Rule 44: motion passed 4-2, 1 vote for not sustained, 1 vote for sustained.

Rule 74: motion passed, 5-2, 2 votes for not sustained

(c) Review and discuss Departmental Inquiry (“DI”) 17-05.

CPAC discussion about DI 17-05. Biller noted that the way the report was written, it is unclear which alleged rule violations pertain to each Officer. Babb-Fowler agrees.

Sgt. Leaks clarified which rules pertain to which officer. Rule 18 pertains to the accused patrol officers 1 & 2; rules 2, 6, 18, 20, and 40 pertain to Accused Detective; and Rule 6 pertains to the Accused Victim Advocate.

Discussion regarding the phone number on the report and if the Victim Advocate called the wrong number. Sgt. Leaks clarified that the boyfriend's phone number was placed in the wrong place on the report by the Patrol Officer. The Victim Advocate called the number to follow-up, as soon as it was known the phone number was mistaken, Victim Advocate ended call.

Granchalek stated it is unknown how "unfounded" can be reached in a "he said, she said" situation.

Sgt. Leaks stated that several factors attribute to the finding of "unfounded" including that seven months passed from when the incident allegedly occurred to the filing of the complaint, the erratic behavior of the complainant, and four/five officer recollections of events all match.

Ald. Fleming inquired why the timing of the filing of the complaint matters. CPAC discussed whether when a complaint is filed matters. Ald. Fleming objects to the information regarding the complainant's arrest being in the report, as the committee does not receive the officer's background, should not have complainant's either. Says it is unnecessary information.

Babb-Fowler moves for a vote on the findings as a whole, second.

Victim Advocate: **Motion adopted, 7-0 exonerated.**

Detective: **Unfounded Motion adopted, 4-3, 3 votes not-sustained to 2, 6, 18, and 20; Rule 40 not applicable.**

Patrol Officers 1 & 2: **Unfounded Motion adopted, 4-3, 3 votes for not-sustained.**

(d) Review and discuss Departmental Inquiry ("DI") 17-06.

CPAC discussion about DI 17-06. Granchalek inquired about audio and/or video and asked what the role of interacting with citizens with a recording is. Sgt. Leaks clarified that no audio/video exists as it was prior to the body camera roll-out and no dash camera video is available because the incident occurred away from the police vehicles.

Babb-Fowler moved for a vote, second.

Rule 51 Exonerated: **Motion adopted, 5-2, 2 votes for not sustained.**

Rule 74 Exonerated: **Motion adopted, 4-3, 3 votes for not sustained.**

(e) Review and discuss Departmental Inquiry ("DI") 17-07.

CPAC discussion about DI 17-07. Sallach inquired whether when the EPD calls for an ambulance, is there a charge? Sgt. Leaks stated he believe the City pays for the ambulance in that situation.

Granchalek asked how much judgment and how much policy controlled this incident. Sgt. Leaks clarified that this was not a judgment call, it was all legal and had to do with

probable cause. A discussion occurred regarding whether the officer asked the woman if she spat on the complainant. She was not asked.

Granchalek inquired whether if everything the complainant alleged was true and the Accused Officer did not arrest the woman, would the Accused Officer be in trouble? Sgt. Leaks answered affirmatively.

Discussion occurred as to why the woman was not arrested. Sgt. Leaks clarified that the woman was too intoxicated and was found injured; therefore her injuries became a priority.

Motion for not sustained, second.

Rule 3: **Motion adopted, 7-0.**

Rule 4, **Motion adopted, 5-2, with two in opposition and vote for unfounded.**

4. Discussion:

Tabled discussion resumed with the CPCPAC. CPCPAC gave members a questionnaire regarding the CPAC process. CPAC requested time to answer survey. Babb-Fowler invited CPCPAC to the meeting in April to discuss further. Members of CPCPAC invited CPAC to their next meeting which will be held on April 4, at 7:00 p.m. in room 2402.

6. Adjournment:

Upon motion and second, the meeting was adjourned at 8:22 p.m.