



PUBLIC NOTICE OF A REGULAR MEETING

CITIZENS' POLICE ADVISORY COMMITTEE MEETING

Wednesday, March 13, 2019

7:00 p.m.

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

AGENDA

- 1. CALL TO ORDER / DECLARATION OF QUORUM**
- 2. APPROVAL OF MEETINGS MINUTES OF December 12, 2018**
- 3. PUBLIC COMMENT**
- 4. OLD BUSINESS**
 - a. Appoint Committee Chair.
 - b. Meeting Minutes (09/12/18)
- 5. NEW BUSINESS**
 - a. Review and discuss Departmental Inquiries 18-12, and 18-13.
 - b. Executive Session
- 6. ADJOURNMENT**

Next Meeting: April 10, 2019 at 7:00 p.m. in Room 2402

Order & Agenda Items are subject to change. Information about the Citizens' Police Advisory Committee is available at: <https://www.cityofevanston.org/government/agendas-minutes/citizens-police-advisory-committee>. Questions can be directed to Cmdr. Jody Wright at 847-866-5047.

The City is committed to ensuring accessibility for all citizens; if an accommodation is needed to participate in this meeting, please contact this Department 48 hours in advance so that arrangements can be made for the accommodation if possible.



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Next Meeting: April 10, 2019 at 7:00 p.m. in Room 2402

MEETING MINUTES

CITIZENS' POLICE ADVISORY COMMITTEE

Wednesday, September 12, 2018

7:00 p.m.

Lorraine H. Morton Civic Center

2100 Ridge Ave, Room 4900

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

Members Absent: Jim Gordon

City Council Members Present: None

Staff Present: Sgt. Jason Garner (EPD); Alexandra B. Ruggie (Assistant City Attorney)

1. Quorum:

Meeting called to order at 7:03 p.m. Quorum declared with 8 members present.

2. Approval of Meeting Minutes of May 9, 2018:

Motion to accept meeting minutes of May 9, 2018 and second, adopted 7-0, Granchalek abstained.

3. Public Comment: None.

4. Appoint Meeting Chair.

Babb- Fowler nominated Debbie Wiggins. Wiggins accepted nomination.

Sallach nominated Aleksandr Granchalek. Granchalek accepted nomination.

Biller nominated Jim Gordon. Gordon not present.

Sallach motioned to table nominations of a new chair to the next meeting when all are present. Granchalek second. **Motion to table nominations adopted 7-0.**

5: New Business:

(a) Review and discuss DI 18-07:

Granchalek stated that if equipment was used properly there would not be a complaint. Lytle stated that when the siren goes on, the BWC goes on, is that correct? Sgt. Garner said it was correct.

Biller stated allegations were rude, disrespectful and that implicates Rule 6 - inept.

Biller moved to convene into Executive session pursuant to OMA 5(c)(1). Second by Granchalek. Motion Adopted 7-0. CPAC held executive session.

Back in open session:

Lytle questioned if the camera should have gone on when the lights went on? Sgt. Garner clarified that yes, the BWC should have gone on and stated that he previously ran an audit of the device; the BWC was turned off well before the incident and was not presumably on the "on" position when the lights came on. Lytle asked if it was the Accused Officer's fault. Sgt. Garner said it was. Biller clarified that the Accused Officer stated the BWC malfunctioned, but that it was part of the training and part of the consequences. Biller clarified that the BWC is internal, not for CPAC. Granchalek stated that the Accused Officer must have known that the camera was off. Sallach stated that the Accused Officer found out the BWC was off at the station.

Sallach inquired how the Accused Officer determined if there was new damage or not on the car that was hit, do officers obtain training on new/old damage? Also was there damage on the new car? Sgt. Garner clarified that Accused Officer stated that no damage was observed on either car as a result of the contact between the cars.

Granchalek inquired whether it was protocol to interview the other driver. Sgt. Garner stated it is and OPS did attempt to interview other driver, but was unable to reach the other driver.

Sallach inquired regarding the statute regarding forms necessary for damage to a vehicle in an accident. Sgt. Garner clarified that is correct, there was an accident report that noted that there was no damage on either car, but the Unit 2 driver believed there was damage. The dollar amount on the report was listed as below the statutory amount.

Biller commented that in the report, the last page there is a notation of an interaction three weeks later and is irrelevant to this complaint and is unnecessary. Granchalek inquired how that case became part of the investigation of this Complaint.

Lytle stated it was disturbing that too many of the cameras that have not worked. Sgt. Garner clarified that there was not a reprimand. Granchalek stated that if any other equipment failed, the Accused Officer would be reprimanded. Biller stated that because this Complaint did not address BWC, therefore not addressed here at CPAC.

Sgt. Garner clarified that a BWC review is a verbal reprimand regarding BWC usage. Lytle, Granchalek, and Wiggins all stated they worry the BWC usage is going to be an ongoing issue. Biller stated that without the video, it inhibits this committee's ability to accurately review complaints. Granchalek and Sallach agreed.

Higgins inquired regarding if the Accused Officer is the only judge of whether damage occurred? Sgt. Garner clarified that traffic court and a civil suit with insurance

companies then rule on this. Higgins then inquired if the Accused Officer could have offered an explanation of further options. Sgt. Garner explained that he is unsure here because there is no audio. Higgins inquired for next meeting to find out what a BWC review is?

Sgt. Garner stated that discipline is discretionary regarding use of video and will be progressive. Biller inquired regarding audio. Sgt. Garner clarified it is part of BWC.

Biller read rule 1. Higgins read Rule 18. Biller read Rule 20.

Rule 1: Sallach inquired how this applies to Rule 1. Biller clarified that Rule 1 is a catch all. Biller moved to accept not sustained, Babb-Fowler second. **Motion for not sustained is approved 7-0.**

Rule 18: Biller moved to accept not sustained, Granchalek second. **Motion for not sustained is approved 7-0.**

Rule 20: Lytle said it was only 18 minutes that the Complainant had to wait. Sallach clarified it was raining and the caller was told of the delay.

Biller moved to accept not sustained, Sallach and Granchalek second. **Motion for not sustained is approved 7-0.**

Biller stated that Rule 6 is implicated by allegations. A discussion was held regarding Rule 1 and its applicability. Granchalek then said that Rule 9c should be added because of failure to use equipment. Lytle and Sallach clarified that this is not before CPAC.

Lytle motioned to recommend to Chief to increase training on the use of BWC and Dash Cameras. Granchalek second. **Motion to recommend to Chief regarding BWC is approved 7-0.**

Biller requested an item be added to the next agenda to discuss the form filled out by OPS to make it more efficient for CPAC. Sallach stated she was interested, but that the form is written as an internal document. A discussion was held regarding the form. Assistant City Attorney Ruggie stated that a discussion item would be added to the next agenda.

6. Adjournment:

Upon motion and second, the meeting was adjourned at 7:58 p.m.

MEETING MINUTES

CITIZENS' POLICE ADVISORY COMMITTEE

Wednesday, December 12, 2018

7:00 p.m.

Lorraine H. Morton Civic Center

2100 Ridge Ave, Room 2404

Members Present: Becky Biller; Harriet Sallach; Debbie Wiggins; Marie Babb-Fowler; Tim Higgins; Jim Gordon

Members Absent: Aleks Grandchalek & Robert Egan

City Council Members Present: None

Staff Present: Commander Jason Garner (EPD); Sgt. Jodie Hart (EPD); Alexandra B. Ruggie (Assistant City Attorney)

1. Quorum:

Meeting called to order at 7:03 p.m. Quorum declared with 6 members present.

2. Approval of Meeting Minutes of September 12, 2018:

Sallach moves to table the minutes. Gordon second. **Motion to table 9/12/18 minutes adopted: 6-0.**

3. Public Comment: None.

4. Appoint Meeting Chair.

Sallach moves to table. Gordon seconds. **Motion to table appointment of meeting chair adopted: 6-0.**

5: New Business:

(a) Review and discuss DI 18-08:

Open discussion was held regarding DI 18-08. Sallach moves to accept Exonerated. Gordon second. **Motion adopted, 6-0 for Exonerated.**

(b) Review and discuss DI 18-09:

Open discussion was held. Several questions were asked to clarify the report. Gordon moves to approve not sustained. Wiggins second. **Motion adopted, 6-0 for not sustained.**

(c) Review and discuss DI 18-10:

Open discussion was held. Several comments were made regarding the Complainant's lack of cooperation in participating in the complaint. Biller inquired why Rule 74 was not

implicated as the Complainant mentioned that the Accused Officer was profiling. Sallach and Wiggins disagreed because it was not a formal lodged complaint. Babb-Fowler agreed with Biller that the rules implicated should be noted. Biller requested that any Rule referenced should be cited in the review. Biller also inquired regarding a conflict of interest of the Patrol Sgt. from being at the scene and doing the investigation. Gordon clarified that Biller is requesting Rule 74 be added. **Wiggins moved to convene into Executive Session pursuant to OMA 5(c)(1). Second by Biller. Motion Adopted 6-0. CPAC held executive session.**

CPAC went into executive session.

CPAC went back into open session and had a discussion regarding the Illinois Vehicle Code violations. Wiggins moved to vote to accept the disposition of SOL. Higgins and Gordon second. **Motion approved 4-2 for SOL.** Biller voted for not-sustained and Sallach voted for exonerated. Babb-Fowler suggested a memorandum be issued to the Chief to add Rule 74. Commander Garner agreed to send said memorandum. Biller moves to add 74, **motion carries 4-2.**

(d) Review and discuss DI 18-11: CPAC watched surveillance video of the scene. A discussion was held in open session. Gordon moved to accept the dispositions of unfounded. Sallach seconded the motion. **Motion approved 6-0 for unfounded.**

6. Adjournment:

Upon motion and second, the meeting was adjourned at 8:08 p.m.

EVANSTON POLICE DEPARTMENT
Office of Professional Standards
Department Inquiry
3/6/2019

DI# 18-12

Initiated : September 23, 2018 Completed: December 23, 2018

Allegation

On September 23, 2018, the Office of Professional Standards received a verbal complaint about a felony stop that was conducted at the gas station located at Oakton and McCormick. The Complainant, a passenger of the vehicle, stated that he wanted to know the criteria for the overwhelming police response to the "Shots Fired" call and if proper procedure was used. He also declared the display of force, which included guns being pointed at him, was ridiculous and other citizens in the area were placed in danger due to this encounter. The Complainant has not indicated whether he wants to pursue with a formal complaint.

If the allegations are true, Accused Officer One will have violated departmental rules 1, 2, and 4.

**The Incident, per the Incident Report
(Authored by the Responding Officer)**

On September 23, 2018, a "Shots Fired", call was reported near the 200 block of Richmond Ave. Witnesses reported a black Acura leaving the area at a high rate of speed. Accused Officer One located the car going westbound near Oakton at Grey and proceeded with a felony stop. Units in the area gave assistance to Accused Officer One near the 2400 block of Oakton. It was determined that neither driver nor passenger had any involvement with the incident and were released on scene with the vehicle. Further inquiry into the shots fired call revealed; the possible sound originated from a 25 shot display cake style firework launcher recently ignited at James Park.

Actions Taken / Findings, OPS Sergeant

On September 23, 2018, to September 25, 2018, the OPS Sergeant spoke with the Complainant regarding this incident over the phone. The OPS Sergeant detailed the events which lead to the felony stop and scheduled a meeting with the Complainant at Office of Professional Standards office.

On September 28, 2018, The OPS Commander and the OPS Sergeant met with the Complainant in the Office of Professional Standards office and explained to him the felony stop in-depth. The Complainant felt better about the incident after clarification was given but, he was still unsure if he would proceed with his complaint. An additional call was made to the Complainant on October 09, 2018. The complainant stated he would return the OPS Sergeant's call at a later time. There has been no further communication from the Complainant to date.

The OPS Sergeant located the body worn and squad car camera videos. After review of the videos it was revealed that Accused Officer One's body worn camera was not turned on at the start of the incident. The videos were marked as a complaint in the database for preservation purposes. The combined videos of Accused Officer One and the assist units on scene provided a good representation of the felony stop. The incident's event report, police report, and

EVANSTON POLICE DEPARTMENT

Office of Professional Standards

Department Inquiry

3/6/2019

DI# 18-13

Initiated: September 23, 2018 Completed: December 28, 2018

Allegation:

On October 8, 2018, to October 11, 2018, the Office of Professional Standards received multiple emails from the Complainant with addenda and attachments. The Complainant says due to the incident which occurred on October 03, 2018, he received two municipal code violation citations; 9-4-14/Restraint of Animals Required and 9-4-7(A)/Cruelty to Animals. His complaint is that he was improperly cited and describes the citations as insulting, damaging to his reputation, and an error. The Complainant also expressed that Accused Officer One was incompetent and did not know the wording of the ordinance cited.

If the allegations are true, the Accused Officer will have violated departmental rules 1, 2, and 6.

The Incident, per the Incident Report

On October 03, 2018, a citizen was walking her dog near the 300 block of Sherman. The Complainant's foster dog broke free while he was trying to gain control with the leash and attacked the citizen's dog. The citizen tried to protect her dog during the attack resulting in injury to her left middle finger, a bite which was received from her own dog. The Complainant took the citizen to the animal hospital near McCormick in Skokie but, her dog was deceased upon arrival. The citizen later went to Evanston Hospital for treatment of her injuries. While she was there she contacted the Evanston Police Department to report the incident. Furthermore, the Complainant states the dog he was fostering has since been euthanized.

Actions Taken/ Findings, OPS Sergeant

On October 08, 2018, the Complainant and the OPS Sergeant had a meeting in the Office of Professional Standard Office to discuss this incident. The Complainant received two municipal code violation citations; 9-4-14/Restraint of Animals Required and 9-4-7(A)/Cruelty to Animals. He further insists the citations were improperly cited and Accused Officer One did not know the wording of the ordinance cited.

On October 09, 2018, to October 18, 2018, multiple emails where sent by the Complainant requesting the City of Evanston to assist him legally by filing motions to contest the citations. The OPS Sergeant forwarded all correspondence to the City of Evanston Legal Department, they affirmed the Administrative Hearings process will continue as scheduled and they will not be able to provide legal assistance to the Complainant. He must file motions on his own accord. The Complainant confirmed he planned to proceed with his complaint because he was denied appropriate process due to the incompetence of the officers involved from the Evanston Police Department.

On October 11, 2018, the Complainant sent a detailed email with attachments to the OPS Sergeant, clarifying what he is requesting from the Evanston Police Department. Employees mentioned in this email include, Accused Officer One, Accused Officer Two, and Accused Sergeant One.

This incident is considered a Departmental Inquiry regarding primarily Rule # 6 – Incompetency or inefficiency in the performance of a duty or task. The OPS Sergeant concluded that internal review of the citation's issuance is reasonable, given the totality of the circumstances. After consulting with Accused Officer Two, EPD Record Bureau, COE Legal Department, and COE Hearings Division, the OPS Sergeant was unable to find a more appropriate ordinance(s) than those cited previously. The Complainant was found liable of City Ordinance 9-4-14/Restraint of Animals Required and non-labile for City Ordinance 9-4-7(A)/Cruelty to Animals.

Findings/Recommendations, Patrol Sergeant

Assigned to review the OPS Investigation, the Patrol Sergeant advised the Accused Officers of the complaint and directed them to submit individual memorandums delineating their recollections for this incident. The Accused Officers complied.

Accused Officer One's memorandum (dated 12/13/18) states that he was dispatched to the station to follow up on the incident and speak to the citizen. She stated she was told to sign as a complainant for two city ordinance tickets by Accused Officer Two. Accused Officer One then spoke with Accused Officer Two, whom relayed he reviewed the incident and felt the Complainant was in violation of 9-4-14/Restraint of Animals Required and 9-4-7(A)/Cruelty to Animals. Accused Officer Two confirmed that Accused Officer One should go forward with issuing the citations. Accused Officer One later issued the citations to the Complainant. Footage was captured by way of body worn camera.

Accused Officer Two's memorandum (dated 12/05/18) states the Evanston Police Service Desk called him because they wanted to know what the appropriate citation code would be when a dog kills another dog. After looking through the city ordinances, the only violations he found were 9-4-14/Restraint of Animals Required and 9-4-7(A)/Cruelty to Animals, as defined in the city code. The Complainant asked for Accused Officer Two to justify the citations, because he was in disagreement with the Cruelty to Animals violation. Accused Officer Two explained that the Complainant was not being accused of animal cruelty. The citation was issued according to the city code and the violation falls under animal cruelty. Accused Officer Two advised the Complainant to go to the Administrative Hearing to explain his story and let the Judge make a decision on the citations. There has been no further communication with the Complainant.

Accused Sergeant One's memorandum (dated 12/13/18) states in response to the Evanston Police Service Desk, he met with the Complainant in regard to his frustrations with being cited with multiple code violations. The Complainant was specifically in disagreement with the Cruelty to Animals citation claiming it was an error and damaging to his reputation as well. The Complainant requested the citations to be voided. Accused Sergeant One explained to the Complainant that voiding the citations was not possible and the appropriate process would be to attend court and contest the ticket. The Complainant did not agree and indicated he would pursue other avenues of remedy. Accused Sergeant One provided contact information for him and the Office of Professional Standards.

Upon reviewing the facts of this incident, the Patrol Sergeant believes that Accused Officer One acted in good faith while issuing the citations in this case. His decision was based on an ambiguous ordinance and did so at the direction of Accused Officer Two, who is presumably more knowledgeable in matters such as these. As a result, the Patrol Sergeant believes there is a lack of satisfactory evidence to support the alleged department rules violations (Rules 1, 2, and 6) and suggest this incident be closed as, Not Sustained.

Findings from the Patrol Commander

After reviewing the above mentioned submitted memorandums, body worn camera footage, and supporting documents associated with this incident; his findings are as follows:

- Accused Officer One acted in good faith, based on the information he received from Accused Officer Two and should not have been placed in this position.
- Accused Sergeant One was professional and thorough in his attempt to explain the actions of Accused Officer One and Accused Officer Two. However, Accused Sergeant One failed to notify the Complainant that he was being audio/video recorded at the time of their interaction.
- Accused Officer Two should have communicated that he would be investigating the incident and there was no rush to issue a citation to the Complainant. Additionally, after the investigation any citations issued would have been thoroughly explored and issued only by Accused Officer Two.

It is the Patrol Commander's recommendation that Accused Officer One and Accused Sergeant One be **Exonerated** in relation to Rules 1, 2, and 6.

In Conclusion, Accused Officer Two is in violation of Rule 6 because of the vagueness of the ordinance 9-4-14/Restraint of Animals Required and it is recommended that he receive an **Oral Reprimand** based on **Policy Failure**.

The Patrol Commander also recommends that Accused Sergeant One's receive **Oral Reprimand** for failure to adhere to Evanston Police Policy 432.5, Portable Audio/Video Recording.

On December 31, 2018, the Patrol Commander advised his immediate supervisor, Deputy Chief of Field Operations, of his findings. The Deputy Chief concurred with the Commander's recommendations and the Chief of Police approved the disposition.

Disposition:

Accused Officer One, Exonerated (Rules 1, 2, and 6)

Accused Officer Two, Exonerated (Rules 1, and 2) Oral Reprimand (Rule 6)

Accused Sergeant One, Exonerated (Rules 1, 2, and 6), Oral Reprimand (Policy 432.5)