



MEETING MINUTES

CITIZENS' POLICE ADVISORY COMMITTEE

Monday, October 9, 2017

7:00 p.m.

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

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

Members Absent: Aleksandr Granchalek; Raymond Wells

City Council Members Present: Alderman Fleming (CPAC Liaison)

Staff Present: Cmdr. Jody Wright (EPD); Sgt. Dennis Leaks (EPD); Henry J. Ford, Jr. (Assistant City Attorney)

1. Quorum:

Meeting called to order at 7:05 p.m. Quorum declared with 8 members present.

2. Appoint Meeting Chair and discuss Chair's term:

Motion by Biller and second by Wiggins to appoint Egan as tonight's meeting Chair. Biller withdraws motion. Motion by Sallach to appoint Lytle as meeting Chair, no second.

Motion by Lytle and second by Gordon to appoint Sallach as meeting Chair. Lytle accepts friendly amendment to appoint Sallach as Meeting Chair for tonight's meeting.

Motion adopted 8-0 for Sallach to serve as October 9, 2017 meeting Chair.

3. Approval of Meeting Minutes of September 27, 2017:

Motion by Lytle and second by Gordon to approve September 27, 2017 special meeting minutes. Comment by Sallach regarding 2 additional attendees, Deputy Clerk Burns and an intern of Alderman Fleming. Ford clarified that those individuals attended the meeting publicly and the minutes do not need to reflect non-member and/or staff attendants that did not provide any public comment. **Motion to accept meeting minutes of September 27, 2017, adopted 8-0.**

4. Public Comment:

Karen Courtright – question about whether meeting packets, including minutes, will be posted online.

5: New Business:

(a) Appoint Meeting Chair and discuss Chair's term.

See item number 2 above for summary and discussion.

(b) Review and discuss Open Meetings Act training for members.

Discussion of online Open Meetings Act certification training for CPAC members. Cmdr. Wright has online training certifications for all CPAC members except Sallach and Wells. Sallach to provide certification to staff at the next meeting.

Comment by Sallach about members' possible participation in the Citizen's Police Academy and discussion. Babb-Fowler, Lytle, Egan, Gordon, and Wiggins all identify that participation in the Citizen's Police Academy was not a requirement for their CPAC membership.

(c) Review and discuss meeting schedule.

Discussion about changing CPAC regular meetings from the 1st Monday of the month to another time that does not conflict with City Council meetings or standing City Council committee meetings. Gordon suggests Tuesday and Lytle suggests third Tuesday of the month. Cmdr. Wright reminds CPAC of reporting timeframes to the City's Human Services Committee. CPAC discusses the meeting option of the second Wednesday of each month.

Motion by Lytle and second by Gordon to change CPAC meetings from the 1st Monday of the month to the 2nd Wednesday of the month, starting November 8, 2017. **Motion adopted 8-0.**

(d) Review and discuss CPAC procedures.

Discussion about how CPAC members' recommendations will be recorded and reported to the Police Chief and the Human Services Committee in the minutes.

Motion by Lytle to approve telephonic participation of members. Assistant City Attorney Ford clarified that any remote participation must comply with Open Meetings Act; only specific circumstances allow for electronic attendance per Section 7 of the OMA; motion conflicts with OMA. Lytle withdraws motion.

Comment by Sallach that CPAC members provide their recommendations regarding complaint and departmental inquiry dispositions. Assistant City Attorney Ford clarifies that recommendations from any CPAC members will be recorded in open session publicly. Biller suggests that CPAC members individually provide recommended dispositions for officers at issue and if the member wants to provide written comments, then he/she can do so. Assistant City Attorney Ford clarifies that any written comments provided by members will be public record and become part of the minutes.

(e) Review and discuss Complaint Register ("CR") 17-02.

CPAC discussion about CR 17-02. Request by Babb-Fowler for the definitions of an informal station adjustment and formal station adjustment. Cmdr. Wright provides definitions.

Higgins requests clarification about page 5 of the CR where Deputy Chief disagreed with Acting Commander's assessment of policy failure. Cmdr. Wright clarifies that the Deputy Chief disagreed with the Acting Commander's position that the use of the formal station adjustment paperwork was a policy failure. However, the Deputy Chief did not disagree with the recommended dispositions. Cmdr. Wright circulates sample copies of

the formal station adjustment (documented as No. 1 in the attached) and informal station adjustment (documented as No. 2 in the attached) for CPAC review.

Egan requested clarification of Rule 6 and 20; rules read by Wiggins.

Discussion about Lytle's comment that area of police interaction with complainant is not an unsafe area. Cmdr. Wright clarifies that the accused officers observed unsafe conduct.

Higgins requests clarification about the steps taken when individuals continue to refuse to obey police commands. Cmdr. Wright identifies question as a hypothetical that depends on the conduct exhibited or observed.

Discussion about the type of vehicle used to transport complainant and other individual. Cmdr. Wright states that the vehicle was a Police Squadrol (wagon with 2 separate departments for transport) assigned to Accused Officers 1 & 2 on patrol of downtown at the time of the incident.

Inquiry by Alderman Fleming about whether patrol officers at issue were assigned Squadrol in response to reports of youth downtown. Cmdr. Wright responds affirmatively.

Discussion about Wiggins' inquiry on whether there were multiple reports of traffic obstruction. Cmdr. Wright confirms that calls for service received by police, and patrol officers in area spoke to certain business owners regarding reports.

Discussion about Babb-Fowlers' inquiries into the type of station adjustment forms used, statements found on page 3 of the CR, and recollections of Accused Officer 1 versus Accused Officer 4.

Discussion about Gordon's analysis of the CR. Concerned about length of time it took for complaint filing and use of wrong paperwork. Egan agrees with Gordon's analysis.

Discussion and comment by Biller about 2 issues with the CR, the lack of probable cause for the arrest, and use of the wrong paperwork by the police. Cmdr. Wright identifies police discretion for station adjustments with juveniles under the Juvenile Court Act.

Discussion about Biller's inquiry on the reason why non-juvenile police officers dispatched to area at issue. Cmdr. Wright and Sgt. Leaks state that any officer can be dispatched to respond to a call for service, but forms involving juveniles to be completed by juvenile detectives.

Discussion about Biller's inquiry on the reason why the 5th officer not identified as the accused in the CR. Cmdr. Wright confirms that the 5th officer would be subject to any training provided in the recommended disposition.

Motion by Lytle and second by Gordon concurring with the recommendation to find Accused Officers One and Two exonerated. Under Rules 6 and 20. **Motion adopted 7-1 with Biller in opposition.** Alderman Fleming (non-voting member) also opposed

motion. Alternatively, for Accused Officers One and Two, Biller recommends that the disposition should be sustained under Rules 2 and 6. See Biller's attached written comments attached.

Motion by Lytle and second by Babb-Fowler recommending the disposition of sustained under Rule 6 and 20 for Accused Officer Three. Amendment by Biller accepted adding a sustained disposition for Accused Officer Three also under Rule 2. Cmdr. Wright clarifies that Rule 2 at issue for all accused officers in this CR. **Motion recommending the disposition of sustained for Accused Officer Three under Rules 2, 6, and 20 adopted 8-0.**

Motion by Lytle and second by Egan recommending the disposition of sustained under Rules 2 and 6 for Accused Officer Four. **Motion adopted 8-0.**

Cmdr. Wright clarifies that training identified in CR disposition will be for all accused officers.

(f) Review and discuss Departmental Inquiry ("DI") 17-04.

Discussion and comment by members about DI 17-04.

Discussion about Biller's inquiry into basis for Rule 74 violation. Sgt. Leaks confirms that the alleged Rule 74 violation based on sexual orientation discrimination.

Discussion about Sallach's inquiry into the alleged type of force used, if any, to obtain entry. Sgt. Leaks states that there was no evidence of forced entry. Discussion about Babb-Fowler's inquiry into the report provided by the Fire Department. Discussion about Higgins' inquiry into the reasons why there was a check for FOID status. Cmdr. Wright and Sgt. Leaks both identify state police reporting requirements into FOID process.

Motion by Wiggins and second by Gordon to recommend the disposition of "not sustained" for both Accused Officers One and Two under Rules 6 and 74. **Motion adopted 8-0.** Biller submits written comments for public record concerning this DI.

6. Adjournment:

Upon motion and second, the meeting was adjourned at 8:48 p.m.