

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.