



**PUBLIC SAFETY COMMUNITY RELATIONS BOARD (PSCRB)
MEETING AGENDA
WEDNESDAY, FEBRUARY 14, 2018; 3:30 PM**

**BLOOMINGTON POLICE DEPARTMENT
OSBORN CONFERENCE ROOM
305 EAST STREET; 2ND FLOOR, BLOOMINGTON, IL 61701**

1. Roll Call
2. Public Comments
3. Consideration of approving the Meeting Minutes of January 10, 2018 and December 13, 2017. *(Recommend approving the Minutes as presented.)*
4. Consideration of affirming the nomination of the Board Chair and Vice Chair as selected during the January 10, 2018 Regular Meeting. *(Recommend affirming of Arthur Taylor as Board Chair and Jan Lancaster as Board Vice Chair of the Public Safety Community Relation Board (PSCRB)).*
5. Discussion and Action on the Amended Draft Board Rules. *(Recommend the Draft Board Rules be adopted and placed on a future City Council Meeting agenda to be ratified.)*
6. Presentation on laws related to a Peace Officer's power to arrest, and the use of force. *(Presentation by Attorney Bruce Zywiec)*
7. Discussion and Possible Action on selecting a location for the PSCRB Quarterly Meeting on Wednesday, March 21, 2018 at 6:00 PM.
8. Discussion to set Future Meeting Dates and Times
9. Adjourn (approx. 4:30 PM)

SUMMARY MINUTES OF THE
ORIENTATION MEETING
PUBLIC SAFETY COMMUNITY RELATIONS BOARD (PSCRB)
WEDNESDAY, JANUARY 10, 2018; 3:30 PM

The PSCRB convened in Regular Session in the Bloomington Center for the Performing Arts, Osborn Conference Room, 600 N. East Street, Bloomington, 61701, at 3:30 p.m., Wednesday, January 10, 2018.

The Meeting was called to order by City Clerk Cherry Lawson, and called the roll of the members who answered present William Bennett, Robert Bosquez, Surena Fish, Janet Lancaster, Sally Rudolph, Arthur Taylor, and Jeffery Woodard.

Staff Present: Cherry Lawson, City Clerk, Brendan Heffner, Police Chief, Clay Neibergall, Assistant Police Chief, and Gabe Neibergall and Greg Moredock, Counsel from Sorling Northrup, and Ashley Lara, Legislative Assistant.

Public Comments

There were no public comments offered.

Discussion on the need to select a Chair and Vice-Chair.

Board member Fish asked how the Board would move forward with the nomination of the Chair and Vice Chair.

Mr. Neibergall, the Draft Rules call for the February Meeting to be when you select the Chair and Vice-Chair, if you want to go with those Draft Rules. He is using the Draft Rules as a basis for his comments. However, if the Board desires to go into that direction, we could review the duties of those roles.

Board Member Fish stated, it would be in the Board's best interest to adhere to the rules.

Mr. Neibergall stated, other than February being the time when we elect those roles, is there any other discussion that needs to be had on that?

Board Member Taylor asked whether it was appropriate to have nominations for the board positions at this time.

Discussion continued regarding the nomination process of the Chair and Vice Chair of the board and the terms of each of the board members.

Board member Rudolph asked whether the members have to draw for the various terms. She asked for clarification on how the staggered terms were determined.

Mr. Neibergall stated, there's two things. There are term limits, but there are actually terms. He

did not know what those terms were for each member, except for on the City's website, where it appears that there's a term expiration next to each person's name. The letter that was sent to each member has the term of office provided.

Board members responded that they were not aware of the term limit appointment.

Mr. Neibergall referred the members to the City's website stating, it has each member's name and term expiration. Mr. Bennett's term expiration would be April of 2018. Mr. Bosquez, term expiration would be April 2020. Ms. Fish would be 2018. Mr. Taylor would be 2019. Ms. Lancaster...

Mr. Neibergall continued, April of 2019 would be the expiration of that term for Mr. Taylor. Ms. Lancaster, 2020. Mr. Woodard would be 2019. Ms. Rudolph would be 2020. This is just something I gleaned from the website. The letter that you have received your appointment in may have said something different. This could be an error.

Ms. Lawson stated, the listing that City Administration compiles and provides to the Mayor's Council at the time of the appointment. It says, "The details of the term. It is a three-year term. It is a term limit per City Code. It says, "The details of the term. It is a three-year term. It is a term limit per City Code. Three terms, I guess over nine years, seven members. Number of members. The Mayor appoints the seven," and was established by Ordinance 2017-57, Chapter 35, Article 6.

Mr. Neibergall stated, we might be limited by ordinance to not be able to go the full year and a half. So then we would have to revisit... In the February meeting, if we can't do that, based on the ordinance that was passed, if we just want to keep the current dates and just automatically reappoint up for three more years. There aren't actually, as far as I know, term limits on board members. There are term limits on the position of Chair and Vice-Chair. So, what I have in the Draft Rules, which is per City Code, is that -- this is in Section 3 of the Draft Rules -- "No Chair or Vice-Chair can serve more than two years in that role." So they serve... You're elected in February to be Chair. You serve one year. You can be re-elected once, but you can't be re-elected Chair again after that.

Board member Taylor asked for clarification, the offices of the board will both be nominated and selected at the next meeting.

Mr. Neibergall stated, it's up to the Board on how you wish to proceed. The Board could nominate today if you wanted to and then elect next time.

Mr. Moredock stated, it is based on how this Board wants to proceed. If you wanted to discuss who would like to be Chair now, you can, and Vice-Chair, so there is an understanding. Or you can do it all at the next meeting.

Board member Taylor, stated he would like to see the nominations move forward for the Chair and Vice Chair. Board members Bennett and Woodard agreed.

Board Member Taylor stated, if the Board delay until February, you push back another month for us to take any action or have any responsibility to the public for any public commentary. So, I just propose that we nominate at least now.

Ms. Lawson opened the floor to receive nominations for the Board Chair.

Board member Lancaster nominated Mr. Taylor for Board Chair.

Board Member Rudolph second the motion.

Board Member Taylor nominated Mr. Woodard for Board Chair. Board Member Bennett nominated Mr. Taylor for Board Chair.

Mr. Neibergall stated, the only issue would be that the Draft Rules say that the person would be selected in February, at the February meeting. The Board could just have a nomination now and if anybody else wanted to put their name in, by then they could. Or you could just do it now and change the rules to January.

Ms. Lawson stated, we have a nomination on the floor for Mr. Taylor being nominated as the Board Chair. Okay. I have that as part of the record. I'm opening up the floor again for nominations for the Vice-Chair.

Mr. Neibergall stated, we would need to amend the Draft Board Rules. Mr. Moredock agreed that the Draft Board Rules would need to be amended.

Mr. Neibergall stated, the Board will need to complete the nominations for the Vice-Chair right now. And then we will have the actual roll call votes on Chair and Vice-Chair. Then we will change the rules after to reflect what we've done, because the rules aren't in force.

Ms. Lawson called for nominations for Vice-Chair.

Board Member Taylor nominated Ms. Lancaster.

Board Member Bennett second the nomination for Ms. Ms. Lancaster to be Vice Chair.

Ms. Lawson called the roll for a vote on the nomination of Mr. Taylor as Board Chair.

Ayes: Bennett, Bosquez, Fish, Lancaster, Rudolph, Woodard

Nays: None

Abstain: Taylor

Motion carried.

Ms. Lawson called the roll for a vote on the nomination of Ms. Lancaster as Vice Chair.

Ayes: Bennett, Bosquez, Fish, Rudolph, Woodard, Taylor

Nays: None

Abstain: Lancaster

Motion carried.

Discussion on the Draft Board Rules

Board Member Fish, in Conference Composition, there is a thing that, "A majority of the city members of the PSCRB shall constitute a quorum." Okay. So, let's say today we had two people that were late. Let's say they didn't come.

Mr. Neibergall Correct.

Board Member Fish, is it a majority of those seven, of those five people? Or a majority of this has to be the seven?

Mr. Neibergall stated, a majority of the seven, which is four people. So you need four people to do any business for the board. The quorum rules are also important for the public. At the top of Page 2, before the elections just then, and we were looking at Subsection C. He asked whether any board members had any concerns. The Board concurred.

Mr. Neibergall, Section 3, which other than changing "first meeting in January," he asked whether there were any questions of the Board.

Board Member Fish asked whether the meeting location is being changed to the City Hall Council Chambers. Mr. Neibergall, referring to Section 4 A, the Board would need to determine the best location for its meetings.

Board Member Lancaster stated the Police Department had a scheduling conflict with the Osborn Room. However, going forward, it would be scheduled for the Osborn Room.

Board Member Rudolph suggested the meeting be held at 3:30 PM to accommodate Board Member Woodard schedule.

Mr. Neibergall asked the Board to confirm the location of the meetings so that the correct language can be added to the Rules, "the Bloomington Police Department or another location as designated by the Board?" Or do you just want to leave it as "Bloomington Police Department"?

Board Member Woodard suggested language be added to the Section C indicating, "Location as Announced." Mr. Neibergall confirmed the location of the suggested text, to after "Community."

Board Member Fish asked, in Section D, "Who is in charge of notices?" Mr. Neibergall stated, City personnel are going to be posting, doing all the posting in compliance with Open Meetings.

Mr. Neibergall stated, as board members, any public records compliance is also upon you when you send communications back and forth. The posting is all done by the City, but the responsibility for public records is everyone's. We know "Quorum," Section 5, is four people. He asked whether everyone understand the rules regarding communications outside of meetings.

Mr. Moredock provided an overview of the Open Meeting Law stating, you are allowed to talk with up to three other members. If you are communicating electronically, you and two other individuals can talk, and that is not a public meeting. You are not in violation of the Open Meetings Act. If; however, there are four of you together, then any time, notice has to be posted.

Mr. Moredock stated, anything that you receive or send regarding this commission is subject to FOIA and needs to be maintained. Additionally, if you send an email, you can't delete that email. If it is a text message, save the text message. Any originals, anything that you create, don't destroy without permission.

Mr. Neibergall, in Section 2 on Page 2, the second paragraph outlines the fact that you are responsible for preserving all public records. If you have any questions you can go to that City Code section that guides that.

Board Member Fish, in terms of public comment, it is set by the Council. So each member that comes forward, of the public, has three minutes to make comment. Mr. Neibergall referred the Board to Chapter 2, Section 85 of the Code, regarding the rules.

Mr. Moredock expressed the importance of the Board not allowing public comment to become a question and answer session. That Board Members could speak with someone after the meeting to address concerns.

Mr. Neibergall expressed the importance of the Board following the rules as written especially with the issue of confidentiality of the identities. It is paramount for this board in particular, because of that confidentiality, to not respond to those comments.

The Board expressed no concern with Section 6, Section 7, or Section 8.

Mr. Neibergall stated, once these are adopted the amendments by the Board, has to be approved by the City Council. Although the Board can make amendments, they will not become effective until the Council re-reviews and re-approves them. Chapter 2, this is the actual structure of the review process, starting with Section 1.

Ms. Lawson asked about the scheduling of the quarterly meetings of the Board. According to the calendar, the first quarterly meeting will be held in March.

Mr. Neibergall stated, one of the important things is these documents that the board is tasked with preparing. There is a brochure. There is a poster. There are a lot of different ways the Board will need to do to get the word out as to how this process works. He stated, at the first quarterly meeting, it would make sense to demonstrate the whole procedure to everyone and have all these documents in place to kind of showcase how you make a complaint. If roles are determined and

amendments made and sent to Council for approval; between that time and the next meeting, there can be drafts of a brochure, based off of these rules that you have adopted.

There was a consensus of the Board to begin to considering drafting of communication materials to present during its quarterly meeting to the public. The first quarterly meeting will be held on Wednesday, March 21, 2018 at 6:00 PM, with the location to be decided at a later date.

Mr. Neibergall, Section 8 of the Ordinance addresses Community Outreach which is what the quarterly meetings are based off. The Ordinance states, "The brochure, the poster, the complaint are all things you are going to work on." Subsection F, which is in Section 8 of the Ordinance, "The PSCRB may hold quarterly meetings with neighborhood groups, civic organizations, and/or community leaders to build community relationships and discuss community concerns related to the public safety and police procedures." The point of the quarterly meetings is to get all stakeholders in the community involved. Everyone understands that this is an avenue, that grievances can be aired both at the quarterly meetings and at each regular meeting with individual complaints.

Board Member Woodard asked, will the Board have communication materials by the quarterly meeting? Are we saying that at the quarterly meetings we will by that time have a poster or brochures and any other communicative information available at that meeting? Mr. Neibergall affirmed.

There was a consensus to have the regular Board Meeting on Wednesday, February 14, 2018 at 3:30 PM in the Osborn Room of the Bloomington Police Department.

Mr. Neibergall, Section 1, Page 4 of 5, discusses where requests needs to be file in writing within a 30 day window.

Board Member Bennett asked, as far as the "made in writing," is there a particular form that will be provided to the Board or the public in order to provide comments in writing.

Mr. Neibergall stated, at present, there is not a particular form that has been created. The Board could devise one if the board wants to have a particular form that should be used, that is available at all these avenues. It is available on the City's website. That is up to the Board. However, he believes it is important to be in writing, so that we have confirmation that it happened and that a certain person submitted it, and it has all that necessary information, and contact information. An oral complaint or an oral request, if we are dealing with time limits and things, it would be a problem.

Mr. Neibergall continued, in Ordinance, Section 8, Sub B, used the word, "complaint," in the Ordinance, we are talking about the request that is being made of the board. It says, "PSCRB shall develop and distribute complaint forms in languages and formats accessible to civilians, and educate the community on the complaint process and the importance of reporting complaints, and complaints may be filed in the three avenues."

That applies to both the complaint that you actually have there, which is the Police Department's Internal Complaint Procedure that has to precede our action as a board, and also, this request

after the... If they are not satisfied, they make a request. It would make sense to have a form that everyone can hand out.

Board Member Taylor stated, we have to have a form in the event there is a request for a form to file a complaint.

Board Member Bennett stated, having a prescribed form to complete a complaint may complicate the process a little bit more, rather than just being able to send an email, or a letter.

Mr. Neibergall, if you leave it as "in writing," both of those would work. If you leave it as it is written, you could have a complaint form that people use. If it is unavailable, and then you also could just have somebody mail a letter. That way it all works per these rules, but it also is more convenient for people who have the form. To develop a form wouldn't hurt, but also I see that point as well, that you don't want to exclude people because they didn't have access.

Board Member Rudolph, the public may not wish to file a formal written complaint. There have been similar occurrences on the Human Relations Board. What if the Chief receives a complaint, he reviews it and believes that everything is fine. It would be proper to have a reporting mechanism in place to inform the Board of a complaint that has been filed with the Bloomington Police.

Police Chief Heffner stated, last year there was a big contention to that issue. It was that we don't get enough complaints. When he began employment with the City the department received upwardly 40 complaints. That reduced to somewhere in the 30s, and continued to drop. It is my contention that when we are working and communicating with people, when people come in and they can talk to a Command Officer, sometimes it is just a matter of people need to talk and figure it out. There are time when a Shift Supervisor can handle a complaint. At present, the department has received 16 complaints. When a complaint is filed, they work to respond within 30 days of the filed complaint.

Mr. Neibergall, asked whether first Section of Section 1, top page 4 of 5 has addressed all concerns. The Board wanted clarification on where a complaint can be filed. He also addressed conflict of interest concerns with the board as well as filing a complaint anonymously.

The Board discussed having the City Clerk Office accept the complaints then forward them to the Board as the process needed to be formalized.

Mr. Neibergall stated, he would like to have the Board review the edits as he would like to present them to the Council of its approval. Referring to the type of meeting, Mr. Neibergall recommended changing it from "special and outreach meetings" to "any meeting." That the PSCRB as a Board as a Body has affirm that a staff member will be the one to collect complaints at any meeting.

Mr. Neibergall reviewed Section B, Sub B, Review Materials; Sub C, Review Process; and Section 2, Page 5.

Board Member Rudolph asked, at the point where the Board receives complaints that would be

the point where the confidentiality really starts. This is not a topic for discussion with our neighbors or others members of the Board.

Mr. Neibergall stated, Sub 2, there on Page 4 of 5, says that "no ex parte communications with any third party." Ideally, you don't discuss any case under active review, even with another board member before the next meeting as a whole. The Board would definitely not discuss it with another person who is not on the board before the group discusses anything.

Mr. Neibergall asked whether there were any recommendations on Section 2.

Board Member Rudolph ask about emailed complaints, and how best to handle those when/if received by the Board. Mr. Neibergall stated, the best course of action would be not to open it, because we are not in the... This board is not designed to take testimonies essentially. This board is only supposed to have the information that the Chief and his designee had at the time they decided to complain. Because if our goal is to make sure that the proper procedures were followed at that stage, having additional new information later on would actually corrupt the process of whether or not the Chief's review is correct.

Mr. Neibergall, in the event it did happen and you did open it, because you couldn't screen it, or because your email always shows you in a preview, or whatever it is, I would think just forwarding it to the City's liaison, who then would determine if it needed to be forwarded to the group, so that everyone had the same information. I think that the issue is going to be the perceived problem with the scope of the board's review, when you are getting new information beyond what the Chief had. Also, the Board would not have the other side of the information. If you get the complainant's version of additional information, you may not get the Chief's version of additional information to respond, because we can't compel the officer to come in and say, "This was and wasn't true." That is actually in the Ordinance and in the collective bargaining agreement that was considered.

Police Chief Heffner stated, just like City Council members sometimes, there's things that they aren't clear on. During a City Council meeting, we cannot provide them with all of the information that they want. Members of the Board are welcome to come and speak with me when you are seeking clarification on a sensitive issue.

Mr. Neibergall stated, that is actually in the Ordinance too, Section 6, that allows the Board as a whole to meet with the Chief in a confidential setting. Or like he said, in twos, pairs of two or less. Section 6 of the Ordinance.

He reviewed the amendments as follows: Page 1 of 5, there were no changes. Page 2 of 5, Section 3, we changed "February" to "January," and the Board just voted on the Chair and Vice-Chair. Section 4, we changed "4:00 p.m." to "3:30 p.m." Cross out the "City Hall Council Chambers" and we are going to put in after "Bloomington Police Department, or another location as designated by the board." Sub C, it says at the very end after "community, at a location to be determined." No changes on Page 3, one change on Page 4 at the top, "or the PSCRB itself at any meeting." "At any meeting"? No changes on Page 5.

Board Member Woodard motion to adopt the Rules of the Board, Board Member Lancaster seconded the motion.

Ms. Lawson called the roll on the motion presented.

Ayes: Board Members Bennett, Bosquez, Fish, Lancaster, Rudolph, Taylor, and Woodard

Nays: None

Motion carried.

Discussion to set Future Meeting Dates and Times

The board set the next meeting for February 14, 2018 at 3:30 pm in the Bloomington Police Department, Osborn Conference Room, 2nd Floor.

Adjourn

Ms. Lawson asked for a motion to adjourn the meeting.

Board member Lancaster motion to adjourn the meeting, Board member Taylor seconded the motion.

Motion carried: Viva Voce.

Respectfully submitted:

Cherry L. Lawson, City Clerk

SUMMARY MINUTES OF THE
ORIENTATION MEETING
PUBLIC SAFETY COMMUNITY RELATIONS BOARD (PSCRB)
WEDNESDAY, DECEMBER 13, 2017; 4:00-5:30 PM

The PSCRB convened in Regular Session in the Bloomington Police Department – Osborn Room, 305 East Street, 2nd Floor, Bloomington, 61701, at 3:30 p.m., Wednesday, December 13, 2017.

The Meeting was called to order by City Clerk Cherry Lawson, and called the roll of the members who answered present: William Bennett, Robert Bosquez, Surena Fish, Janet Lancaster, Sally Rudolph, Arthur Taylor, and Jeffery Woodard.

Staff Present: Cherry Lawson, City Clerk, Brendan Heffner, Police Chief, Steve Rasmussen, Interim City Manager, Ken Bays, Assistant Police Chief, Clay Wheeler, Assistant Police Chief, and Gabe Neibergall, Counsel from Sorling Northrup.

Loyalty Oath of Office

Ms. Lawson read the Oath of Office to each of the members who were present during the meeting.

Board Member Introductions

Each of the board members introduced themselves and provide a brief overview of their background, and their interest in the board.

Review of the Enacting Ordinance

Attorney Neibergall reviewed with the board the Enacting Ordinance 2017-57 that created the board and responded to questions the board posed.

Discussion on the need to select a Chair and Vice-Chair at a future meeting

Brief discussion on the process and timing of nominating a chair and vice chair for the board. Mr. Neibergall stated the board could discuss and possibly move forward on nominations at the next meeting of the board.

Discussion on the Draft Board Rules

Mr. Neibergall provided an overview of the draft board rules and asked the board to review the rules in its entirety so that he could address any questions that the board may have related to the rules.

Discussion to set Future Meeting Dates and Times

The board set the next meeting for January 10, 2018 at 3:30 pm

Adjourn (approx. 5:30 PM)

Board member Lancaster motion to adjourn the meeting, and Board member Taylor seconded the motion. Meeting adjourned at 5:32 PM

Respectfully submitted:

Cherry L. Lawson, City Clerk