

**APPROVED MINUTES
POLICE CITIZEN REVIEW SUBCOMMITTEE**

**July 12, 2023
Meeting Held Remotely Via Zoom**

Members present: Reggie Parson, Chair; Anne Hardcastle, Vice Chair; Xavier Botana, Reverend Kenneth Lewis; Kaylin Kerina (joined at 6:17)

Members absent: Tim Smith; Jean-Raymond Desruisseaux (Gino)

Staff present: Associate Corporation Counsel Rachel Millette; Tracy Boyd

6:03 Call to order.

Motion was made by Xavier and seconded by Anne to adopt minutes of the June 14, 2023 meeting. Passage 4-0.

Discussion of new Civilian Police Review Board ordinance. Rachel began the discussion referencing the memo she included which highlighted the major changes warranted by Article Nine of the City Charter. Rachel explained that she went before the City Council on June 21 and received some preliminary guidance with respect to outstanding issues around the ordinance. The subcommittee elected to go through the memo and discuss each point.

- Term limits. Serving on the current board will count towards time served on the newly created board. The Charter requires a minimum of new members - 6 voting and 3 non-voting. New board members will first be considered from the original board then the remaining board openings will be filled through an application process. Initial terms will be determined by the City Council or Mayor. In the event that there is not a quorum, the Mayor would appoint a non-voting member to complete the quorum. The question arose about the purpose of the non-voting members of the board, Rachel can't speak to the intent of Charter Commission but offered that it would add more voices to the conversation. There was concern about the Mayor choosing who would fill the voting position as it could appear to be political. Another alternative the subcommittee suggested would be to have an arbitrary rotation system of non-voting members if there is not a quorum.
- Eligibility requirements. Rachel recounted that there was extensive discussion regarding city employees and school employees and the amount of time that such employees are restricted from serving on the new board. Discussion followed that the board needs to remain civilian-based to build community faith in the review system; and allowing school employees on the board might be perceived as political. The subcommittee feels like there should be a minimum of a one year gap after employment with the City, however they concurred that 10 years is too long. Rachel suggested that the subcommittee draft a statement to send to the City Council including the group's opinions and concerns to be

discussed in a public meeting, and/or the members can send letters in their own personal capacity. The board can formally discuss the draft in public session. The Charter does not make any changes to the eligibility criteria, the existing ordinance itself addresses eligibility. The Charter sets the minimum standards and the ordinance can add additional standards.

- Staffing. The Charter talks about 3 or 4 various positions, the current ordinance staffing is filled by the Corp. Counsel office; going forward the Justice, Diversity, Equity & Inclusion Director or the City Manager's designee would staff the new board and also serve in the new Community Liaison (CL) position. The other staffing position created by the Charter was a police liaison, which has already been in place informally, specifically Major Martin. The Police department would appoint the police liaison. The last position outlined in the Charter is a Technical Advisor, which already exists in the ordinance, though this subcommittee has not taken advantage of employing this position. The subcommittee members thought they were going to have a budget for hiring a minimum of a part-time position. There is concern around giving this to an employee within another position/department because of the requirements that person will need: community outreach skills, training in trauma-informed intakes, and community development. The subcommittee thought that an outside entity would be hired and dedicated to this position. The group does not feel that the JDEI Director has the capacity to take on this role. The technical advisor cannot have a professional relationship with the City. Xavier looked back and found that \$180,000 was earmarked for the new positions related to the new board. The group would like a clear job description of each role.
- Board's function and duties. The subcommittee raised questions about how the new concept of the Board receiving all civilian complaints will work in practice. The draft ordinance anticipates that civilians may report complaints either to the Community Liaison or to the police department directly, but that the police department will make the CL aware of all complaints filed. The subcommittee had concerns about what is considered a "complaint" and whether they would become aware of issues addressed informally by the police department that never rise to the level of internal affairs. The group would like everything (process and terminology) defined, for example "all complaints" informal or formal. Anne had a parity question about the process: the PPD has five days to notify the CL of a complaint, but there is no guidance that the CL needs to send the complaint to PD within five days. There is also concern about the language contained in Section 2-76 that the new board will review all final internal affairs investigations, not just those brought by civilians, this increases the scope of the committee. That language abuts employment law issues and internal and confidential matters which extend well beyond IA investigations, and in turn, well beyond the scope of the committee. Rachel believes that that is not the intent of the language and indicated that she would review the draft to ensure that any ambiguity was eliminated. The group also questioned the limited scope of review of IA investigations allowed under the draft ordinance, and asked that the ordinance be expanded to allow review of additional potential due process issues, such as accessibility. It was noted that the annual report will no longer be sent to the City Manager, it will be sent to the Mayor, City Council, and Chief of Police.

- Rev. Lewis informed the subcommittee that the online complaint reporting is unavailable on the City website.
- Appeal process of an advisory opinion. The Charter requires an appeal process. The majority opinion of the City Council wished for the City Council to hear the appeals directly, but some members of the subcommittee expressed a preference for review by the Health & Human Services & Public Safety Committee. The subcommittee raised concerns that City Council is not NACOLE trained, so their review may differ from the trained PCRS members. The subcommittee questioned the benefit to the public if they receive two separate advisory opinions that are contradictory.
- Reggie will work on preparing a letter to send to the City Council. Xavier suggested that a representative of the subcommittee offer testimony to the City Council when they take up the ordinance.

No public comment was offered.

August 9, 2023 Agenda: The Police Department has indicated that there is likely to be 1 Category 1 case ready for review at the next meeting. The subcommittee anticipates reviewing a draft of the letter to the City Council regarding the ordinance (if it is ready.) Reggie will reach out to subcommittee members to poll them for attendance for the August meeting to ensure that there will be a quorum.

No public comment was offered.

8:16 Motion was made by Reverend Lewis to adjourn, seconded by Anne. Passage 5-0.