**ORDINANCE and CHARTER CHANGE JOINT COMMITTEE**

**Monday, September 25, 2023**

**Bushor Conference Room and Remote via Zoom**

**DRAFT MINUTES**

**Members Present:** Councilor Traverse (Ordinance Committee Chair), Gene Bergman (Charter Change Committee Chair), Councilor Carpenter, Councilor Hightower, Councilor Doherty, Councilor Shannon

**Staff Present:** Kim Sturtevant (Assistant City Attorney), Josh Diamond (Outside Counsel)

**Others in Attendance:** Melo Grant (City Councilor), Shakuntala Rao (Police Commission), Mary Cox (Police Commission), Jake Schumann, FaRied Munarsyah, Laurie Spitzer

Meeting called to order at 7:13 PM.

## 1.0 Agenda

**Motion to adopt/amend agenda**

*Motion to Adopt the Draft Agenda.*
*Motion by Councilor Bergman, Seconded by Councilor Shannon*
*Final Resolution: Motion Passes*
*Yes: Unanimous*

## 2.0 Adopt the Draft Minutes from September 7

*Motion to Adopt Minutes as is.*
*Motion by Councilor Bergman, Seconded by Councilor Shannon*
*Final Resolution: Motion Passes*
*Yes: Unanimous*

## 3.0 Public Forum

Shakuntala Rao (Police Commission): At the August meeting of the Commission, we had four resolutions and two were tabled and two were passed. We are updating the Commission's policy on body worn camera review and we sent a letter that stated our position. The second recommendation was to have a separate body hear officer appeals on discipline. Currently, the Commission does not have the time to devote to properly hearing and considering these appeals. The Commission also recommends the creation of a budget for the Commission and the hiring of a monitor. We meet next on September 26.

Mary Cox (Police Commission): We are still waiting on labor relations decisions related to the appeal body issue. Also, a subcommittee of the Commission is working on an amended draft on recommendations, but the work is still in its infancy.

Melo Grant (City Councilor): Looking at the September 7 minutes, it is concerning that Chief Murad and the Mayor have walked back that they support the Commission having access to all

use-of-force incident records. I hope that the police union rethinks their position on this and does not stop the Commission from having access to all incident body worn camera footage.

Jake Schumann: I think it is important that the charter be changed on that issue since then the BPOA cannot negotiate on it.

Public comment closed at 7:30PM

**4.0 Councilor Discussion and Review of Vital Questions**

*Councilors submitted written opinions that are available on the CivicClerk agenda.*

Councilor Traverse said that it is great that the Commission is still working on their recommendations, but that it means we are losing time going toward Town Meeting Day. Councilors Bergman, Carpenter, and Hightower have all submitted pathways or recommendations, however.

Councilor Carpenter reiterated that she believes there should still only be one oversight body and that the powers stay with the Police Commission. The Commission could be expanded to nine members to lessen work load. The Commission also needs some kind of staff support and there should be a formal job description for the monitor position.

Councilor Hightower added that complaints about police conduct that are not use-of-force related or a crime should have follow up with the complainant so there is some closure for the complainant. Having this done through the Community Justice Center could be a helpful forum.

Councilor Carpenter posited that the Human Resource Committee could be a good forum for an appeal from an officer on a disciplinary matter. Currently, the charter still only gives authority to the Chief so something might have to change.

Shakuntala Rao (Police Commission) said that the Commission could send out letters or follow up with complainants as well.

Councilor Bergman believes the proposal from councilors Carpenter and Hightower involves a lot of policy and ordinance changes and should be a secondary concern for the Joint Committee. Charter changes have to be ready by December for the election in March and the Committee should focus on that. Councilor Bergman reiterated that he wants two separate oversight bodies.

FaRied Munarsyah: There is an appeal process for police officers for disciplinary matters, but there is no appeal process for complainants to the department. I think the City Council should have ultimate appeal authority for discipline similarly to the Fire Department.

Councilor Bergman said that the Council is inherently political and should not be the appeal body. He added that the current powers of the Commission should be codified instead of just being policy. There should be a charter change that gives the Commission the right to monitor and audit data, records, and footage.

Councilor Traverse brought up some legal questions regarding charter changes. There is general consensus that Police Commission powers and authority should be written into the charter rather than being delegated by Council resolution as it currently stands. There is consensus that the Commission should have authority to review incidents without any obstruction and that it should

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be in charter. He also thinks there should be clarity, in charter, on how the Commission can review directives and police policy.

Councilor Shannon brought up that the Council can pass ordinances rather than resolutions to codify the Commission's current role and questioned whether all the changes should be in charter. Councilor Shannon wants to limit the number of charter changes so that things are more flexible.

Councilor Doherty reiterated Councilor Traverses's request to counsel to put together language on a potential charter change or ordinance change. Councilor Doherty also asked that the Chief of Police and the BPOA should be involved in the discussions once the Committee has something in writing.

**5.0 Adjournment**

*Motion to adjourn.*
*Motion by Councilor Traverse, without objection.*
*Yes: Unanimous*

*The next Joint Committee meeting is scheduled for 10/3 at 7:00PM by Zoom.*

The meeting was adjourned at 9:23 PM.

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