



# Committee to Review Policing Policies 1/30/2020

## Committee to Review Policing Policies

### Minutes

#### Fletcher Free Library

Thursday, January 30, 2020

**Members present:** Chair and Police Commissioner Randall Harp, Vice Chair Skyler Nash (left 7 pm), Tom Neceskas, Melo Grant, Jim Dunn, Kevin Rodgers, Sgt. Richard Weinisch, Officer Vinny Ross, Deputy Chief Jon Murad (arrived 5:22 pm). City Councilor Joan Shannon (arrived 5:38 pm); Mayor's Chief of Staff Jordan Redell (arrived 6:05 pm); City Councilor Perri Freeman (arrived 6:45 pm).

**Absent:** Carter Neubiser, Chuck Brewer, Police Commissioner Jabulani Gamache

**Staff:** City Attorney Eileen Blackwood

**Others present:** none

Chair Randall Harp called the meeting to order at 5:19 pm.

### 1.01 Agenda

**Motion by Jim, second by Skyler to adopt the proposed agenda.**

**VOTING:** Unanimous

Chair Harp introduced Sgt. Richard Weinisch who is replacing Sgt. Jesse Namdar, who has moved out of town and left employment

### 2.01 Public Forum

No members of the public were present.

### 3.01 Approval of Minutes

**Motion to approve the minutes of 1/7/20 as presented by Skyler; second by Jim.**

**VOTING:** Unanimous



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### 4.01 Use of Force.

**Motion to postpone this item until later in the agenda, as DC Murad is not present by Rich; second by Jim.**

**VOTING: Unanimous.**

### 4.02 Role of the Police Commission.

Chair Hart summarized current role of the Commission in relation to officer discipline and previous discussions of this Committee on this topic, then opened the floor for discussion.

Jim: We have a unique and good system that works well much of the time. The department benefits from the input of citizens. In the recent cases, the Police Commission was involved and gave the best input they could. But then there was community outrage about the decisions, and it was then hard to go back to the Commission. Do we need to do more? Do we need to educate the public about what oversight there was? If we keep the system, how do we create independence and transparency?

Tom: In terms of creating a perception of transparency, the PC does not vote publicly on discipline, and making that public would go a long way to making their review more transparent. Chair Hart clarified that could happen; the voting process could be formalized.

Kevin: The evidence the Commission sees is through the lens of the chief. That's the fundamental problem. Did the Commission call witnesses or interview the complainants? Does the Commission have any ability to conduct their own investigation and consult experts? The city attorney is not there to represent the citizens who are alleging excessive force, but as counsel for the City, so the current system doesn't include any other point of view.

Randall: The Commission does not have the power to conduct an investigation as an independent body, although the Commission can ask the chief for information and to review materials. Members of the public can speak to members of the Commission. Some of the members of the Commission are attorneys, but the Commission has no staff. But what is the expertise the Commission brings, as they are not experts on policing or personnel law? The Commission brings the interest of the public into the proceeding.

Kevin asked about how the Commission handles general complaints from members of the community that the BPD is not meeting their needs. Randall explained that people have made those types of statements, and he encourages them to be more specific. Kevin: Let's be proactive in engaging with communities who may have concerns.



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Randall: So, one idea is more community fora where police can meet with and hear from community.

Melo asked if these specific complaints were logged, and Randall explained that it depends on the complaint, but if someone just generally complains to him about the BPD or policing, he does not log those and would not be comfortable doing so. However, complaints at the Commission meeting are part of the record, and Jon confirmed that even these general complaints are logged if they come in to the department.

Melo: I think things like that should be logged, as we need to track perception. Randall agrees that we need longitudinal data, but he does not agree that every complaint he hears should be in a log, as that would inhibit conversations.

Melo: How long after incidents does the Commission see video or learn about an incident?

Randall and Jim: The Commission saw information on the recent public events months before the public did.

Melo: Why was there no involvement of the City Council? Randall and Jim explained that information learned in executive session cannot be shared.

Kevin noted that current policies only allow the Commission to pass on to the Council information about finances and rules and regulations, not confidential discipline.

Joan: Information can be shared with the Council by the City Attorney. But the Council doesn't really have the ability to view video and oversee every case. But she agrees that there should be a policy that describes what the Council wants to be informed about. Then the Council can decide that.

Randall explained that when the Commissioners review a case, there may be disagreement about how bad something is, whether it warrants discipline, whether it violates policy, and not every Commissioner necessarily sees a video the same way. The Chief listens to all their input.

Jim: Whatever we end up with, it seems the Council wants some role.

Randall: So the question is whether there should be a better mechanism for reporting back to the Council. Right now the Commission reports once a year. It could be more often or in a different form. Right now, there is no general policy for releasing body camera footage, and it is at the discretion of the chief.



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Kevin: That's a flaw in our system. The Council could ask the Police Commission to give more frequent information on any case that might affect public trust or confidence in the Department.

Jim: The fundamental question is can the Commission manage the department and be oversight, both?

Kevin: Could the Public Safety Committee of the Council serve a role?

Melo: We need our own local version of a Know Your Rights camp.

Joan: We want oversight, but we also want professional decision-making. There are other laws to consider on personnel matters. But the City Council hates to learn about things in the media. Use of force is not something the department takes lightly.

Jon: We put out press releases when we have specific media asks. But capacity is a challenge.

Randall: What do we want the role of the Commission to be? This Committee can make recommendations, but I don't think the Commission should make final decisions about discipline, as the Commissioners are volunteers who do this 2 hours a month and have no expertise. They certainly can give points of view and transparency to the public and Council.

Tom asked the police officers on the Committee: What's your perspective on the disciplinary process?

Vinny and Rich: We're pretty happy with the way it's been happening. Every once in a while we have grievances, but there's process to ensure fairness and consistency.

Jordan: In the charter, the way police are accountable to the elected officials is different from other city departments, and it seems that the accountability to the mayor and city council should be the first level of accountability.

Jim: Perception is important. In a small city it doesn't make sense to create an entire new committee, but when things go bad, it's good to be able to point to a fair process. We could recommend more commission members or creating a subcommittee that serves as a Disciplinary Review Committee that does not hear the chief's version but is available to hear all sides if there is a dispute. Because of cost and size, there's no room for a separate board in this city, but we can do



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some things within our own system.

The discussion then shifted to the need for a different trigger for notification by the Commission to the Council of issues.

Skyler: Right now the Commission is seen as more connected to the Department than to the public. We need to do something to make it more accessible to the public.

Joan: Maybe there should be some reporting by the Commission back to the NPAs. This might bring the Commission more to the grassroots level.

Melo: I don't see the Commission being allowed to have more power in discipline.

Randall: We should recommend what we want to see—should it have more power? .

### **4.01 Use of Force**

Randall: Jon circulated some draft materials to us all. Some of the policies look very good, and it seems it would be relatively uncontroversial to recommend.

Jon discussed the draft policy he was working on and in particular the Camden, NJ policy that states force is only to be used as a last resort. Jon would agree that is true for deadly force but put forward the idea that in some instances, some limited force can be a de-escalation technique.

### **4.03 Bias Training**

Jon: Entire department just went through statewide training and is discussing lessons from the trip to the museum. We are update the Fair & Impartial Policing policy. We had a robust department-wide implicit bias training 2 years ago. We are participating in citywide training.

### **4.04 Body Camera Release Policies**

Jon: BPD was not able to find other communities with written policies about the release of body camera footage to the public—when, how etc. Seattle tried to pull all its footage online but redacting was a problem, and the volume was huge. BPD will continue working on this.



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Jim: What's the norm around review of body cameras?

Jon: The norm is for officers to review the footage before they write their reports.

### 4.05 Other Recommendations

Randall: I sent out my summary of the recommendations we have discussed. Please review. A report to the City Council is due Feb. 10. Randall intends to report only the recommendations the Committee has decided on.

The only consensus to date is that there is a need for increased transmission of information from the Police Commission to the Council.

Joan: What goes into the report has to have consensus—either we agree or if we don't agree, we do not say no, but will let it go or live with it.

Randall: He is planning to prepare the report and am going to try to craft something that as many of the council members can agree with as possible. He intends to draft report after meeting and before council meeting.

Kevin: I'd like to see a proactive, problem-solving community survey, and that motion I made was tabled. I don't want to lose it.

Randall: The motion was to do the survey to support the work of this committee, and that won't happen.

Joan: Why not set 2 meetings—next week and the week after. We can define what's going into report next week and then refine it to report to Council on the 18th.

### 4.06 Next Meeting

The Committee discussed possible dates and ended up setting the next meetings for 2/4 and 2/11 at 5:15 at the BPD Community Room, if possible. Can we get room with projector and screen to see all recommendations? We also need a phone set up.

Melo: Would like more information on bias training and will email questions to Jon.



## **Committee to Review Policing Policies 1/30/2020**

The agenda for the meeting will be to talk about Role of the Commission again, use of force, then the list of recommendations that Randall sent out.

### **5.01 Adjournment**

**Motion to adjourn by Joan, second by Jon.**

**VOTING: Unanimous**

The meeting was adjourned at 7:17 pm.