

## MEETING MINUTES

### CITIZENS' POLICE ADVISORY COMMITTEE

Wednesday, May 9, 2018

7:00 p.m.

Lorraine H. Morton Civic Center

2100 Ridge Ave, Room 2402

Members Present: Becky Biller; Harriet Sallach; Debbie Wiggins; Jim Gordon; Marie Babb-Fowler; Robert Egan

Members Absent: Jay Lytle; Aleksandr Granchalek; Tim Higgins

City Council Members Present: Ald. Fleming

Staff Present: Sgt. Dennis Leaks (EPD); Alexandra B. MacKey (Assistant City Attorney)

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#### 1. Quorum:

Meeting called to order at 7:13 p.m. Quorum declared with 6 members present.

Appoint Chair for meeting: Sallach moves for Bob Egan to be chair.

2. Approval of Meeting Minutes of April 11, 2018: Motion by Gordon, second by Biller.

**Motion to accept meeting minutes of April 11, 2018 and second, adopted 6-0.**

3. Public Comment: None.

4. Appoint Meeting Chair. **Motion Adopted 6-0.**

5. Old Business: Review of DI 18-04. DI 18-04 was held until tonight's meeting for report from school dean. Biller asked demographics of people involved. Sgt. Leaks advised that both student and Officer are black. Sallach advised that normally CPAC does not discuss race. Wiggins agreed. Biller stated that race is relevant to this discussion because of the language used. Wiggins and Sallach stated that the Dean's report clarified the situation. Sallach noted that the mother stated she was not aware of the social suspension. Sgt. Leaks stated he is unsure if the mother knew, but knows the students were notified previously. Egan inquired regarding social probation. Babb-Fowler clarified that the students cannot attend social functions while on social probation. Wiggins agreed. Sallach motion for unfounded. Wiggins second. **Motion passed 5-1. Biller voted for not sustained.**

6: New Business:

- (a) Review and discuss DI 18-01: Biller moved to convene into closed session 120/2(a), convene into executive session. 5 ILCS 120(2)(a) – closed meetings for appointment, employment, etc. of employees. Gordon second. **Motion approved 6-0**. CPAC went into executive session.

CPAC resumed open session. Biller stated that it was inappropriate of the nurse to take them to a non-private area to conduct interview. Biller commented about protocol of interviewing at hospital. Sgt. Leaks stated that generally you would be alone. Sgt. Leaks clarified that the room where they were taken, was assumed to be alone, but hospital staffed continued to walk through. Ald. Fleming inquired if there are any protocols for domestic violence. Sgt. Leaks stated that generally you find a private place, but there is no requirement. Ald. Fleming stated that the Complainant was not given Marsy's law initially. Sgt. Leaks stated Marsy's law is a form for domestic violence cases and must be given at some point during the investigation. Accused Officer had the form initially at the station, but then took it to the hospital. Biller clarified that this is given at any time during the investigation. Gordon inquired what HIPPA is. Wiggins clarified it is the health care privacy law. Biller inquired why the female officer Body Worn Camera was off? Sgt. Leaks clarified that when an evidence technician is collecting evidence, she does not turn it on. Ald. Fleming inquired if a rule violation occurred because of the ET not turning on BWC? Ald. Fleming then stated that she objects to the paragraph within the report regarding details that the boyfriend came back and was drinking, and this information is not relevant. Complaint is not about boyfriend and he was not there. Information is unnecessary. Babb-Fowler agreed. Sallach disagreed. Wiggins agreed that boyfriend does not have anything to do with it. Gordon clarified that the hospital staff made the complaint. Biller agreed that this is irrelevant to the complaint. Gordon stated that hospital staff asked them to move to a private room, the Accused Officer stated to hospital staff that they were wrapping up, and then a short time occurred between both times hospital staff asked. Everyone agreed that the time period was short. Biller advised that the Accused Officer was dismissive of hospital staff. Wiggins clarified that there was no specific rule violation. Gordon, Babb-Fowler, and Wiggins did not find officer as dismissive. Gordon stated that Accused Officer did not violate any rule, but he was direct. Wiggins agreed.

Ald. Fleming inquired if the Accused Officer gave Marsy's law? Sgt. Leaks stated that the Accused Officer went back and gave it to victim. Sallach stated that we do not need evidence of everything. Biller inquired what is the rule violation for not turning on body camera? Sallach moved for unfounded, Babb-Fowler second. **Motion Approved 5-1, 1 vote for not sustained**. Biller moved for violation of female officer for not turning on Body Worn Camera and for a violation of Rule 30. Babb-Fowler seconded. **Motion tied at 3-3**.

Sallach clarified that CPAC is reviewing the complaint issued. Sgt. Leaks clarified that Sallach is correct that we have adequately reviewed the complaint. Sgt. Leaks clarified that Body Worn Camera violations are handled internally.

(b) Review and discuss DI 18-03

Biller inquired about what the female caller stated for a description. Biller clarified that the report does not mention that the complainant was wearing a hat and the description called for a receding hairline. Gordon clarified the description of the suspect. Gordon then clarified that the individual's conduct was negative, even though the suspect did not do anything, you may have a problem. Sgt. Leaks clarified that it was difficult to search the individual because he was holding his hands. Biller stated that if a gun is drawn, you are not thinking rationally. Ald. Fleming does not want to blame the victim.

Biller clarified there is a legitimacy of the stop. Biller inquired regarding why the police waited or did not check? Sgt. Leaks clarified that the police had the victim and asked the victim to come to make an ID. As soon as victim said it was not the guy, the man was released. Biller inquired at what point after the victim said it was not him was he released? Sgt. Leaks stated it was not that long. Gordon clarified that the incident was less than 10 minutes long. Sgt. Leaks then passed around photos taken from the ET. Babb-Fowler stated that the police did not push him, he went to the ground on his own. Ald. Fleming made a suggestion regarding complaint on Page 2, "Note: there are inconsistencies." Ald. Fleming stated that this is irrelevant. Biller moved for unfounded for throwing to the ground, Egan seconded.

Ald. Fleming inquires if all allegations are grouped together. Sgt. Leaks responds that they all fall within Rule 44.

Rule 44: Debbie clarifies that Rule 44 is proper here and a finding of exonerated. Egan motions for exonerated, Gordon and Wiggins second. **Motion approved for exonerated 5-2.**

(c) Review and discuss DI 18-05

Babb-Fowler stated that Rule 40 should be listed after reading report because there was no sign for no parking, when Accused Officer wrote in his report, there is no parking, but that is not true. Biller seconded that. Sallach inquired if there was an issue of the time of night. Sgt. Leaks clarified that there is a sign, but the representation was misplaced. Sgt. Leaks clarified that the parking was proper.

Rule 40 – making a false report or statement. **Motion not approved 2-3, 1 vote for sustained.**

Sgt. Leaks clarifies on Page 3, Officer background is included here when relevant. Biller inquired how many times he has been disciplined. Sgt. Leaks did not answer.

Babb-Fowler asked for clarification of what a one-day suspension with options means. Sgt. Leaks clarified that you can come to work, but a day is removed from your "bank". Biller inquired what a shift level reprimand is. Sgt. Leaks stated that it is a reprimand.

Sallach moved for sustained, Wiggins seconded. **Motion approved 6-0.**

(d) Motion and second for Gordon to be chair next meeting.

7. Adjournment:

Upon motion and second, the meeting was adjourned at 8:57 p.m.