



## AGENDA ITEM NO. 8A

FOR COUNCIL: July 24, 2017

**SUBJECT:** Consideration of adopting an Ordinance approving the Public Safety and Community Relations Board.

**RECOMMENDATION/MOTION:** That the Ordinance Amending Chapter 25 of the City Code to Create a Public Safety and Community Relations Board be approved, and the Mayor and City Clerk be authorized to execute the necessary documents.

**STRATEGIC PLAN LINK:** Goal 4: Strong Neighborhoods.

**STRATEGIC PLAN SIGNIFICANCE:** Objective 4a. Residents feeling safe in their homes and neighborhoods; 4e. Strong partnership with residents and neighborhood associations.

**BACKGROUND:** On May 15, 2017, Mayor Renner brought forward the topic of Public Safety and Community Relations for general Council discussion. Since that time, the Council at other meetings has publically discussed potential language for a draft ordinance and City staff has been working on an updated proposal.

The ordinance being proposed for consideration establishes a Public Safety and Community Relations Board (“PSCR” or “Board”), consisting of 7 members for the purpose of: (1) serving as a citizen advisory committee to the Chief of Police and the City Manager, providing different perspectives on police policy and training that improves police-community interactions; (2) educating the community on the avenues available to citizens to make formal and informal complaints, to assist the community and the police in clarifying and improving procedures related to complaints, and to assure that access to these policies and procedures are open and transparent; (3) adding a resident perspective to the evaluation of civilian complaints, including the timely, fair, and objective review of complaints; (4) identifying perceived deficiencies in police-community interactions that can result in improved interactions and shared understanding; and (5) providing fair treatment to and protect the rights of civilians and police officers.

Revisions to the proposed ordinance clarifies its scope and also increases the Council’s involvement with the PSCR by requiring various actions of the PSCR be approved by the Council (e.g., bylaws, brochures, etc.) and that appointments to the PSCR be approved by a 2/3 vote of all aldermen currently serving.

Note that existing collective bargaining agreements that cover the Police Department employees and specifically limit re-investigations and prohibit the compulsion of police officer testimony in front of citizen review boards. Accordingly, the proposed Board is purely advisory to the Police Chief and is designed as a mechanism to achieve community input and guidance as opposed to

re-investigating complaints or issuing any discipline. As to the collective bargaining agreements, they specifically provide:

The City shall not reinvestigate any incident that was previously investigated by an appropriate authority unless there is reasonable belief [that] new information is available. An appropriate authority is defined as the Chief, Assistant Chief, Internal Affairs Officer or such other person expressly designated by the Chief of Police to conduct a specific investigation. See Section 5.4(a) of the Unit 21 CBA

Further, Section 5.8 of the Unit 21 CBA proclaims: “[t]he employer shall not compel a bargaining unit employee to speak or testify before, or to be questioned by, a citizen review board or similar entity relating to any matter or issue.” The Sergeant & Lieutenant CBA includes similar language at Sections 5.4(a) and 5.10, respectively.

There are of course various models of citizen engagement models that are utilized across the country. What is being proposed in Bloomington is purely advisory, and focuses on policies and procedures.

**COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED:** ACLU, Black Lives Matter, Not In Our Town, YWCA

**FINANCIAL IMPACT:** The financial impact of the creation of the PSCRB, including the specific resources needed, is not fully known at this time. Even without a large amount of complaints being filed, the Police Department and Legal Department will be involved in the training and staffing of the PSCRB.

**COMMUNITY DEVELOPMENT IMPACT:** N/A

**FUTURE OPERATIONAL COST ASSOCIATED WITH NEW FACILITY CONSTRUCTION:** N/A

Respectfully submitted for Council consideration.

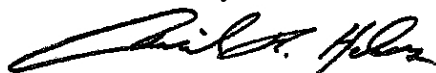
Prepared by: Jeffrey R. Jurgens, Corporation Counsel

Reviewed by: (finance fill in once reviewed – name, title)

Financial & budgetary review by: (finance fill in once reviewed – name, title)

Community Development review by: (CD fill in once reviewed – name, title)

Recommended by:



David A. Hales  
City Manager

**Attachments:**

- Ordinance Amending Chapter 35 Creating a Public Safety & Community Relations Board

**ORDINANCE NO. 2017 –**

**AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE TO CREATE A PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

**WHEREAS**, the City of Bloomington, Mclean County, Illinois (hereinafter referred to as “City”) is an Illinois home-rule municipality; and

**WHEREAS**, the City of Bloomington uses citizen boards and commissions as a tool to increase transparency and to encourage greater citizen participation; and

**WHEREAS**, the City Council desires to create a Public Safety & Community Relations Board (“PSCRB”) to: (1) serve as a citizen advisory committee to the Chief of Police and the City Manager, providing different perspectives on police policy and training that improves police-community interactions; (2) educate the community on the avenues available to citizens to make formal and informal complaints, to assist the community and the police in clarifying and improving procedures related to complaints, and to assure that access to these policies and procedures are open and transparent; (3) add a resident perspective to the evaluation of civilian complaints, including the timely, fair, and objective review of complaints; (4) identify perceived deficiencies in police-community interactions that can result in improved interactions and shared understanding; and (5) provide fair treatment to and protect the rights of civilians and police officers; and

**WHEREAS**, since the existing collective bargaining agreements in effect at the City limit re-investigations and prohibit the compulsion of police officer testimony in front of citizen review boards, the PSCRB will not be empowered to re-investigate complaints, but instead will ensure the proper complaint investigation process was followed and will advise the Police Chief and City Manager accordingly; and

**WHEREAS**, the PSCRB is purely advisory, focuses on recommending any necessary policy changes, and is designed to work closely with the Police Chief, as well as serve a citizen conduit for any citizen concerns involving the Police Department; and

**WHEREAS**, the City Council shall periodically review the establishment of the PSCRB to ensure it is effectively meeting its prescribed objectives.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Bloomington, McLean County, Illinois, as follows:

**SECTION 1.** The above recitals are incorporated herein by this reference as if specifically stated in full.

**SECTION 2.** A new Article IV shall be added to Chapter 35 of the City Code establishing a Public Safety & Community Relations Board as set forth in Exhibit A.

**SECTION 4.** Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

**SECTION 5.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

**SECTION 6.** The City Clerk is hereby authorized to publish this ordinance in pamphlet form as provided by law.

**SECTION 7.** This ordinance shall be effective immediately after the date of its publication as required by law.

**SECTION 8.** This ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this \_\_\_ day of \_\_\_\_\_, 2017.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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Tari Renner  
Mayor

ATTEST:

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Cherry Lawson  
City Clerk

## EXHIBIT A

### **CHAPTER 35, ARTICLE IV PUBLIC SAFETY & COMMUNITY RELATIONS BOARD**

#### Section 1: Establishment and purpose.

A Public Safety & Community Relations Board (hereinafter “PSCRB” or “Board”) is hereby established to:

- (a) Serve as a citizen advisory committee to the Chief of Police and the City Manager, providing different perspectives on police policy and training that improve police-community interactions;
- (b) Educate the community on the avenues available to civilians to make formal and informal complaints, to assist the community and the police in clarifying and improving procedures related to complaints, and to assure that access to these policies and procedures are open and transparent;
- (c) Add a resident perspective to the evaluation of civilian complaints, including the timely, fair and objective review of complaints;
- (d) Identify perceived deficiencies in police-community interactions that when addressed may result in improved interactions and shared understanding; and
- (e) Provide fair treatment to and protect the rights of civilians and police officers.

#### Section 2: Composition.

- (a) The PSCRB shall consist of seven (7) members appointed by the Mayor with the approval of the City Council by a 2/3 vote of all aldermen currently serving.
- (b) Members shall serve for a three-year term; however, at the inception of the Board, two (2) members shall be appointed for a one-year term, two (2) members for a two-year term, and three (3) members for a three-year term, so that terms are staggered.
- (c) The chair and a vice-chair of the Board shall be selected amongst the members of the PSCRB.
- (d) A majority of the sitting members of the PSCRB shall constitute a quorum.
- (e) Members shall serve until their successors are appointed and confirmed, unless removed from office.

#### Section 3: Qualifications for membership.

- (a) No city employee may be appointed to the Board, nor shall any member be a current employee of, contracted by or have any official affiliation, whether current or former, with a federal, state, or local law enforcement agency.
- (b) No person with a criminal felony conviction shall be eligible to serve on the PSCRB.
- (c) All members of the PSCRB shall possess a reputation for fairness, integrity, impartiality, and a sense of public service.
- (d) In making appointments, the Mayor shall endeavor to reflect community diversity, including different neighborhoods, income levels, ethnicity, age, gender, sexual orientation and ability status.

- (e) All members shall be required to maintain strict confidentiality of sensitive information and the failure to do so shall be cause for removal among any other applicable legal consequences.
- (f) Members shall recuse themselves from consideration of any complaint(s) where they have—or appear to have—a personal, professional, or financial conflict of interest. Failure to recuse when required shall be cause for removal.

#### Section 4: Training and orientation.

The City Legal Department and Police Department shall develop written standards for mandatory orientation and continuing education for all PSCRB members. Once developed, the written standards shall be presented and approved by the City Council.

#### Section 5: Rules and procedures.

The PSCRB, in consultation with the Legal Department and Police Department, shall develop rules, procedures, and/or bylaws for the transaction of PSCRB business. Said rules, procedures, and/or bylaws shall be reviewed and approved by the City Council.

#### Section 6: Review of police department findings by the PSCRB.

If a complainant is not satisfied with a determination of the Police Chief at the conclusion of an internal investigation, the complainant may make a request for review by the PSCRB within thirty (30) days from the date of receipt of the notice of the Police Department's findings. The PSCRB shall have access to any documents either provided voluntarily by the complainant or that are otherwise subject to release under the Freedom of Information Act for its review. The Police Chief is further authorized to discuss the case in a confidential setting with the PSCRB or its chair. Nothing herein shall entitle the PSCRB to compel any testimony or conduct a formal re-investigation. Rather, the PSCRB shall review the complaint and help ensure the Police Chief and/or Police Department followed proper protocols. The PSCRB may recommend certain policy changes based on the review to either the Police Chief or City Manager.

The PSCRB's review is limited to whether proper protocols were followed in the investigation, and the PSCRB may have limited information on specific cases and the PSCRB may only recommend policy changes to the Police Chief and City Manager. Accordingly, no action of the PSCRB shall constitute or be considered as evidence of either wrongdoing or vindication in any action, including in any other criminal or civil court proceeding, or in any arbitration proceeding. Nothing herein, however, shall constitute a bar to disciplinary action against a police officer, by the Police Chief, based on the police department's own investigation of an officer's conduct.

#### Section 7: Meetings.

- (a) The PSCRB shall be subject to the Illinois Open Meetings Act and shall set a regular meeting schedule. In addition to any other meetings that may be set by the PSCRB, it shall conduct quarterly meetings that provide the general public with an opportunity to

voice concerns and to provide recommendations for improving interactions between the Police Department and the community.

- (b) All PSCRB meetings shall be open to the public except when closed as provided in the Open Meetings Act and all other applicable federal, state and local laws.

#### Section 8: Community outreach.

- (a) The PSCRB shall work with the Police Department, Legal Department, and Human Relations Commission to build community outreach in order to anticipate and prevent problems, including analyzing data and making recommendations to the Police Department about issues requiring special attention.
- (b) The PSCRB shall develop a brochure explaining PSCRB procedures and the resources available to complainants. The brochures shall be approved by the City Council and then distributed to the public according to a plan developed by the PSCRB and approved by the City Manager. This information on the PSCRB and its procedures shall also be posted on the City's website and available through the Police Department, the Legal Department, and the Bloomington Public Library.
- (c) The PSCRB shall develop a poster highlighting the resources available to complainants to be displayed prominently within the Police Department. The poster shall be approved by the City Council and shall provide information on (1) the ability of civilians to make complaints, and (2) the ability of civilians to have the complaint process reviewed by the PSCRB.
- (d) The 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. Complaints may be filed either directly with the Police Department, the PSCRB, or the City's Legal Department.
- (e) All materials distributed to the public under subsections (c) and (d) of this section shall contain, in a prominent typeface, the following statement: "Harassment, retaliation, or retribution for filing a complaint or testifying on behalf of a complainant will not be tolerated. If you believe that you are the subject of harassment, retaliation, or retribution as a result of the complaint process, please contact the Public Safety & Community Relations Board, the Department of Professional Standards within the Police Department or the City's Legal Department for appropriate investigation and follow-up."
- (f) The PSCRB may hold quarterly meetings with neighborhood groups, civic organizations, and/or community leaders to build community relationships and discuss community concerns relating to public safety and police procedures.

#### Section 9: Staff Assistance.

The City Manager shall assign staff, including but not limited to personnel from the Legal Department and Police Department, to assist the PSCRB with its functions and to serve as a conduit to the City Manager.