

A Police Advisory Board meeting was held on the above date via Zoom conference call, with the following members in attendance: Salahudin Bin-Yusif, Debbie Harrington, Jelani Bryant, Jacqueline Burditt, John Carwell, Susan Mitchell, Wanda Dean, Felicita “Emy” Diaz, Justin Faulkner, J. Michael Harpe, Jason Hunt, Joyce Kidd, Rev. Dan Betters and Charles “Billy” Warrick. Middletown Police Capt. William Texter and FOP Lodge #20 representative Brian McKinery were also in attendance.

The meeting was called to order at 7:04 p.m. by acting moderator Bin-Yusif.

Bin-Yusif said the board’s main goals for the evening were to continue to edit and discuss some the mission statements and guidelines for the board to follow during its meetings, in addition to electing officers for the board.

Approval of Minutes: Joyce Kidd asked that an amendment be made to the November minutes regarding her questions at the close of the meeting. In addition to asking the Police Chief about the recent police hiring process, she also asked for a listing of all of the police officers and staff with their gender and race identified. Kidd said the Chief answered that he would try to provide this list at the December meeting. The Chief is absent at this Zoom meeting. Moved by Michael Harpe and seconded by Joyce Kidd to approve the minutes with the above addition; approved unanimously.

Question on Roberts Rules: Charles Warrick asked if the board would be following Roberts Rules. Acting Chair Bin-Yusif said a Parliamentarian would be elected later in the meeting and the board would be following those rules once this person is elected.

Old Business: Bylaws and Guiding Principles were run through again to be as follows: Mutual Respect, Integrity, Character, Accountability, Respect and Empathy (ICARE), with consideration of those with special needs in this work.

1. To create a Police Advisory Board (PAB), which will provide consultation, advice and recommendations to the Mayor and Council as required to ensure that policing contact is provided equitably to all communities and citizens while working with the Police Department to create and foster better relationships between the department and community they serve.
2. To function as a conduit for community participation designed to review and recommend policies, practices and programs to make law enforcement more responsive, effective and sensitive to the needs of the town it serves.
3. To encourage transparent communications, cooperation, and approachability between the Middletown Police Department and the residents it serves.
4. To educate and inform the community of the rights and responsibilities of the individual through various outreach initiatives.

BYLAWS:**Establishment**

1. Member Requirements
 - a. 15 voting members, 2 non-voting members (17 total members)
 - b. All members of the PAB will have to abide by the residency requirement of being a resident living within the incorporated limits of the Town of Middletown, except for the following: business owner seat; local religious/faith leader seat (must have a congregation in the town limits); and original 15 members.
 - c. Serving 2-year terms (8 member positions requiring the initial first term at the board's inception to be a 3-year term then revert to a 2-year term thereafter).
 - d. All members can be re-nominated for a second term but then must sit out one term before being re-nominated for a third term.
 - e. Appointment starting date is Oct. 19, 2020
 - f. Any voting member missing three consecutive meetings or no more than 4 in a 12-month cycle of appointment will be excused from the PAB unless approved by a simple majority of the PAB.

Board Make-up / Duties and Responsibilities

1. Voting cannot be conducted without a quorum (10 members) being present via in person or virtually
2. Any recommendations going to the Mayor and Council must carry a simple majority vote. Billy Warrick questioned this item, stating he believed any member of the board should be able to take recommendations to the Mayor and Council. However, Emy Diaz countered Warrick's question and said that the Board was put into place to come up with recommendations as a group, rather than bombard the Council with individual recommendations. The idea is to only give recommendations that have been vetted and agreed upon by the majority of the board, Diaz said. Warrick withdrew the question.
3. Review functions of the Middletown Police Department consistent with the intent and purpose for which the PAB was created.
4. The PAB may request access to review documents of individual citizen complaints against individual officers and be made aware of any officer involved in the use and complaint of excessive force. The board should also be made aware of any criminal activity charged against an MPD officer as well as any officer with a history of any of the above actions on his or her record. Only information that is legally able to be released nor violates the Officer's Bill of Rights as described in Title 11, Chapter 92.
 - Diaz asked if this information also includes "behavior that's unbecoming of an officer or only pertains to excessive force?"
 - Wanda Dean said the idea is to know about criminal behavior, not behavior that goes against police department policies.
 - Bin-Yusif agreed and said the idea is to know about activities that might cause an immediate harm to the community.
 - Warrick asked to strike number 4 entirely, because he feels it violates the Police Officer's Bill of Rights. Bin-Yusif said he would like to get through the entire list of by-laws and come back to number 4 and continue the discussion.

- When discussion was re-opened, Warrick made a motion to strike #3 and #4 from the bylaws. He said the board cannot ask for documents against police during a criminal investigation of an officer because it just isn't done. "Just like if something happens on the operating table by a doctor, he is covered by HIPAA, an officer is covered by the Policeman's Bill of Rights," Warrick said. There was no second for this motion, but discussion continued on the merits of keeping the item in the bylaws.
- Debbie Harrington said both #3 and #4 need some rewording to make clear the intent of the items. She said when members of the NAACP met with the Mayor to discuss the creation of this board, they had lengthy discussions about how documents or information about these events could be released without compromising officers' privacy or violating the law.
- Officer Brian McKinery and Capt. Texter both said they were not aware that there would be any time that this information would be released to anyone.
- Jelani Bryant and Michael Harpe both said they were under the understanding that information would be given to the PAB, with police names redacted, so the PAB would have information necessary to give advice to the Mayor and Council on how to handle the incident/s and make changes so that this type of behavior doesn't happen again.
- "If we don't have the information we need, how are we judging our effectiveness of what we are doing as a board, if we are not able to seek documentation to prove that there's systemic problems?" Bryant said.
- The board then delved into what exactly they are trying to find out in the documentation. Dean said it's all about making sure there are no officers that the citizens are out here "making complaint after complaint, after complaint, that they've violated their rights in some way, that they're abusive to them in some way, unprofessional in some way."
- Bryant suggested assigning a number to each officer so when the same number keeps popping up on citizen complaint reports, the trend could be easily tracked.
- Harpe agreed, saying "We don't want to just be some panacea of a board, we want to do our jobs to hold people accountable."
- Harrington said putting a number on an officer is akin to putting their names out there. "You would still know who it is ... somebody would know who it is," she said.
- Justin Faulkner asked Capt. Texter if he could tell them if any of the things the board is asking for regarding citizen complaints could be given to them.
- Texter said he would look into what could be done, but he agreed with Harrington that giving numbers to police officers in our department would be like putting their names out there. He said perhaps a report of each complaint and how it was handled could be put together leaving out the names of the complainant and the officer. He said we need to protect the rights of the person who complained as well.
- Harrington suggested tabling #4 until it can be discussed and reviewed with the town solicitor.
- Dean asked Texter for copies of officers' job descriptions so the board is aware of the duties they are responsible for. Texter said he would look into getting copies of those. Dean also asked Texter if he could make a monthly police report during the PAB meeting for those who are unable to make the Mayor and Council meetings.

- Faulkner asked that the Police Report be added to the monthly PAB agenda. He also asked if the town solicitor could be present at the January meeting to aid the board in moving forward with #3 and #4.
- Dean moved to table approval of the bylaws until January. It was seconded by Warrick, motion carried unanimously.
- It was moved by Justin Faulkner and seconded by Warrick to have the town solicitor attend the next meeting to aid in the discussion of #3 and #4; motion carried 13-1. (Dean said she believes using the town solicitor who works on behalf of the Mayor and Council would be a conflict of interest to work with the PAB as well).
- 5. Make recommendations to improve relations between police and the community.
- 6. Review Police Academy, and in-service training as required to make recommendations as necessary.
- 7. Attend a mini Citizens Police Academy demonstration that will be presented to the PAB once annually.
- 8. Recommend strategies for crime prevention and participation based on community requests.
- 9. Recommend programs to educate the community on MPD practices and policies that are legally able to be released.
- 10. Meeting time – Third Monday of each month -- 7 p.m. to 8:30 p.m. (total time=90 mins.)
 - a. Main Meeting Agenda – 70 mins.
 - b. Public Comments – 20 mins.
 - i. 2 minutes per person to speak
 - c. On months that the meeting falls on a holiday, the meeting will be held the fourth Monday. (There will be no consequences for missing a rescheduled meeting)

PAB Executive Board Positions

1. Chairperson – Spokesperson
2. Vice-Chair
3. Parliamentarian

Filing Vacancies

1. Up to 8 seats will be appointed by the NAACP MOT Branch – Criminal Justice Reform Committee (Appointments will be made within 2 weeks of notice of vacancy)
2. Up to 7 seats will be appointed by the Mayor and Council. (Appointments will be made within 2 weeks of notice of vacancy).
3. All appointments will be ratified by vote of the Mayor and Council at the next Mayor and Council meeting.

Meeting Structure

1. Call to order / Roll call
2. Approval of Minutes
3. Correspondence
4. Chairperson's Report
5. Committee Reports
6. Old Business

7. New Business
8. Announcements
9. Public Comments
10. Meeting Adjournment

NEW BUSINESS:

PAB LEADERSHIP NOMINATION AND VOTES

- It was moved by Justin Faulkner to nominate Bin-Yusif as Chairman of the PAB, seconded by Jacqueline Burditt. Motion carried unanimously.
- It was moved by Warrick to nominate Harrington as the Vice-Chair, seconded by Bryant. Motion carried unanimously.
- It was moved by Justin Faulkner to nominate Joyce Kidd as Parliamentarian, seconded by Burditt. Motion carried unanimously.

ANNOUNCEMENTS:

- Bin-Yusif: Over the next month, think about our SWOT analysis, our strengths, weaknesses and other traits this board has and how we are going to move forward using these traits in 2021.
- Also, come to the January meeting with ideas for community outreach.
- Harrington: Capt. Texter, when you make your police report next month, please plan to focus on the areas where the recent shootings happened so we can consider how the PAB can get involved and help the police department and community moving forward with anything.
- Harpe: Also asked Texter for a list of police officer and their demographics (race and gender). Texter said he wasn't sure if he could provide something like that because he didn't think he could ask officers how they identify. Other members said he should be able to ask HR for such a list. Town FOIA Coordinator Kristen Krenzer explained that this item has been asked for in the past through FOIA, but it's not a list kept by the Town's HR office. She said HR explained that the MPD application has check boxes to identify race and or gender, but there are many times when officers do not check the box and we cannot ask them to check those boxes. Either way, it falls into the area of FOIA and privacy upheld in personnel files.
- Bryant: Wants the board to really consider why we have spent so much time on #3 and #4 of the bylaws because they are very crucial to the "effectiveness of this board." "If we are not able to get data and statistical documentation analysis of what is going on in our town, the same issues that we saw that are the reason this board was put in place will continue to occur. And if we're not able to actually do anything about that. What is the effectiveness of this board and what is the reasoning for us meeting every single month?"

It was moved by Dean and seconded by Burditt to adjourn. The meeting was adjourned at 8:29 p.m.

The next meeting will be held on Monday, Jan. 25. (Holiday reschedule)

12-30-2020 kk