

HUMAN RELATIONS BOARD

WEDNESDAY, October 25, 2023

4:00 P.M.

Hybrid Meeting

Battle Creek City Hall

10 N. Division Street

"To increase constructive communication among all people regardless of actual or perceived race, ethnicity, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity, or socioeconomic status. To also increase constructive communication between residents, public officials, and community organizations, thereby promoting harmonious and productive relationships within the community, and equitable access to community resources for all."

A. INTRODUCTIONS

B. ROLL CALL

1. Welcome New Member

C. APPROVAL OF MINUTES

1. September 20, 2023

D. COMMUNICATIONS

E. COMMITTEE REPORTS

F. OLD BUSINESS

1. Community Oversight Board
2. Language Access

G. NEW BUSINESS

1. Time/Duration of Meeting for Human Relations Board
2. Charge of Human Relations Board

H. COMMUNITY POINTS OF INTEREST – OPEN DISCUSSION

I. PUBLIC COMMENTS

J. BOARD COMMENTS

K. NEXT MEETING – tbd

L. ADJOURNMENT

**Human Relations Board
Battle Creek City Hall
10 N. Division St.
Room 302A
&
Virtual-ZOOM
Wednesday September 20, 2023
4:00 P.M.**

Board Members Present: Kathy Szenda Wilson, Chuck Asher, Keona Ackley, Jeffrey Cotton (4:04pm), Joe Hooper, and Deana Spencer (4:08pm) - all attending in person. Donald Woodward (aka Pao Shan) remotely from the City of Kalamazoo. Derrick Freeman, Lyanne Wesley (4:02pm), Jennifer Metzger, Whitney Wardell (4:05pm) all attending remotely from the City of Battle Creek.

Staff: Deputy City Clerk, Alicia Greene; DEI Officer, Kimberly Holley; Police Chief Bagley; Community Development Specialist, Michelle Salazar; Rehabilitation Coordinator, Christopher Douglas

Guests: There were none.

Board Members Absent: Boonikka Herring

Ex-Officio: Rebecca Fleury, in person and Comm. Roger Ballard remotely

Call to Order: The meeting was called to order at 4:00pm.

Approval of Minutes: A motion was made by Chuck Asher, supported by Rebecca Fleury, to approve the Human Relations Board minutes of August 16, 2023. All yes, none opposed. Motion approved.

Communications: There were none.

Committee Reports: There were none.

Old Business: Community Review Oversight Board: Discussion will be postponed until a future meeting.

New Business: Rebecca Fleury provided an update on the status of the Community Review Oversight Board, noting a report will be made to the City Commission and would then be brought back to the HRB for input.

Kimberly Holley reviewed the current status of the Language access Plan, noting the DEI Office and Communications Department have partnered to conduct a Language Access Assessment.

Michelle Salazar provided insight on her personal experiences with translation services.

The Board discussed language access in the City.

Community Points of Interest: Deanna shared a community member's interaction with BCPD. Chief Bagley gave an update on the missing 11 year old boy.

Public Comments: Tristen Bredhoft thanked the City for prioritizing language access. Christopher Douglas noted Michelle Salazar has been invaluable for interpretation services in the Community Development Department.

Board Comments: Ms. Szenda Wilson requested and the Board agreed to move the next meeting to October 25, 2023 due to scheduling conflicts. Additionally Ms. Szenda Wilson would like to revisit extending the time allowed for the HRB meetings at a future meeting, asking the Board to consider a 3:30pm start time and HRB leadership.

Next meeting: The next meeting of the Human Relations Board October 25, 2023 @ 4:00 pm in Room 302A and available by Zoom.

Adjournment: Ms. Kathy Szenda Wilson adjourned the meeting at 5:06pm.

Recommendation to amend Chapter 286 of the Battle Creek Code of Ordinances as follows:

Establishment: There is hereby established in and for the City an advisory committee to be known as the Community Oversight Board

Purpose: The purpose of the Community Oversight Board (COB), is to provide input, in an advisory capacity, to the City Manager or their designee in reconsidering the Police Chief's findings following a Community Relations Complaint (CRC) investigation filed pursuant to the Battle Creek Police Department (BCPD) Policy. The COB may also request that the City Manager or designee inquire into any conduct of a Police Officer in the absence of a complaint. This process is not intended to take the place of any other remedy or action available to the complainant.

Functions: The COB will execute the following duties:

- Build more credibility, community trust, and confidence by participation in a process that will respond appropriately to allegations of misconduct by the BCPD personnel, as well as recognize/commend BCPD personnel for outstanding conduct/service
- Respond to City Manager or designee requests on the disposition of inquiries and complaints, as well as the complaint process
- Serve in an advisory role to the City Manager or designee regarding possible policy and procedures improvements regarding the complaint process or which are implicated in the complaint process
- Work with BCPD to improve communication and outreach with community members

The COB will have the authority to reconsider any CRC investigation finding in which the Police Chief has determined a finding of exoneration; unfounded; misconduct not based on complaint; or not sustained; and to recommend to the City Manager or designee that the Police Chief's finding be changed to sustained under Department policy. The COB will not have the authority to reconsider a determination when the Chief has sustained the complaint.

The COB's scope of authority when reconsidering a determination will be limited to the facts, circumstances, and evidence gleaned by the Office of Professional Standards (OPS) investigation or their designee known at the time the decision was made by the Police Chief.

The COB will not have the authority to issue subpoenas, conduct independent investigations, interview witnesses, or officers.

Membership: The COB will be comprised of 9 members, recommended by the Review Committee and with the consent and approval of the Battle Creek City Commission. Members shall include:

- Five residents of the City of Battle Creek
- Two residents of the City of Battle Creek, designated as Alternate Members
- City Human Resources (HR) Director
- City Diversity, Equity and Inclusion (DEI) Officer

Alternate Members act in the absence of a Member and have all rights, responsibilities and obligations as Members. City staff act as city liaisons and are non-voting members.

Terms: Initial appointments to the COB shall be staggered and provide for three members plus one alternate to be appointed to three-year terms, and two members plus one alternate to be appointed to two-year terms; terms assigned at random. The terms thereafter shall be for a period of three years. Members shall be limited to two consecutive terms of service. Former members are eligible to serve a third term after nonservice for a period of at least one year, not to exceed a total of nine years of service over a lifetime. The HR Director and DEI Officer terms shall be tied to their employment with the City in their respective roles.

Anyone appointed to fill a vacancy of an unexpired term must adhere to the aforementioned term limits, regardless of how much time is left on the unexpired term.

The Board will elect two officers - Chairperson and Vice Chairperson - through a nomination process. Officers serve a two-year term, and are eligible to serve up to two additional, two-year terms, not to exceed six years total over a lifetime. The HR Director and DEI Officer are not eligible to serve as an officer.

Meetings: The COB shall meet quarterly at a minimum, or once per month maximum, to be determined by the COB.

Reports: The COB shall submit an annual report consisting of: COB activities, the number and types of complaints reported and concluded throughout the complaint process, and an assessment of the effectiveness of the complaint process, to the City Manager and Battle Creek City Commission, and post it on the City's website.

The BCPD will share all BCPD investigations with the COB, even if they do not rise to the level of a review by the COB.

DEI Office Recommendations:

- Pending Commission approval of amendment to Ch. 286, the DEI Office will execute next steps toward instituting the COB, including:
 - Member Applicant Recruitment and Community Education about COB
 - Coordination of training* to be provided by third party consultant(s) and city staff
- COB to develop Bylaws for approval via resolution to the Commission
- COB to review “Reconsiderations Process and Other Roles and Duties of the Board” noted in working draft document and other templates to create final draft document of process and duties for approval by the Commission
- COB to nominate Board Officers. Per City Attorney, the officer election process is as follows:

A member nominates a person for a specific office (no second required.) One’s name is placed on the slate of candidates. The Clerk would then ask if there are any other nominations. If so, additional names are placed into the slate of nominees. Once no additional names are offered as a candidate, the nominations are closed. There is then a first round of voting to see whether one candidate received a majority of votes. If there are more than two nominees, and none receive a majority of votes, then the nominee with the least number of votes is eliminated and a second round of voting takes place. This is narrowed until one candidate receives the majority of votes. The same process is followed for Vice Chairperson and any additional office that may be desired. The Chairperson would run these nominations and elections.

In addition, the DEI Office will serve the COB in the following capacity:

- Staff Liaison
- Develop budget (if applicable) with COB
- Coordinate orientation and training of new members
- Technical assistance with compilation of annual report

***Training:**

Consultant

- Civilian oversight of law enforcement (history, principles, models and effective practices)
- Reporting practices
- Community outreach and engagement
- Local expectations and desired outcomes

BCPD Learning Sessions (conducted by Battle Creek Police Dept and city staff)

- Overview of policies and procedures
- Roles of department staff
- Day-to-day activities
- Presentation and Q&A with City Labor Attorney
- Collaborations with local organizations and consultants
- Patrol Officer ride along
- Other information deemed relevant by Police Chief

Other trainings, as recommended by consultant, Police Chief, and DEI Office. Consultant(s) will also provide a recommendation for the future training process for new, subsequent members to aid the City in developing an adequate and efficient onboarding process going forward.

**Community Oversight Board
Implementation Timeline - tentative**

November 7, 2023	Introduction of recommendation to amend Chapter 286 of the Battle Creek Code of Ordinances presented to Battle Creek City Commission
November 21, 2023	Resolution seeking approval to amend Chapter 286 of the Battle Creek Code of Ordinances presented to Battle Creek City Commission
January 8-26, 2024	Community Oversight Board open application and community education period
February???, 2024	Boards and Commissions Review Committee review and selection of applicants for recommendation to the City Commission
February 20, 2024	Resolution seeking approval to appoint Community Oversight Board members presented to Battle Creek City Commission
March 4-21, 2024*	Community Oversight Board – mandatory training
April 2024	First official Community Oversight Board meeting; meeting schedule to be determined by Board

* Specific dates TBD