

## HUMAN RELATIONS BOARD

WEDNESDAY, February 21, 2024

4:00 P.M. – 5:30 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. January 17, 2024

**D. COMMUNICATIONS**

1. DEI Officer Update on Community Oversight Board - included for your information

**E. COMMITTEE REPORTS**

**F. OLD BUSINESS**

**G. NEW BUSINESS**

1. Charge of Human Relations Board

**H. COMMUNITY POINTS OF INTEREST – OPEN DISCUSSION**

**I. PUBLIC COMMENTS**

**J. BOARD COMMENTS**

**K. NEXT MEETING – March 20, 2024**

**L. ADJOURNMENT**

**Human Relations Board  
Battle Creek City Hall  
10 N. Division St.  
Room 302A  
&  
Virtual-ZOOM  
Wednesday January 17, 2024  
4:00 P.M.**

**Board Members Present:** Charles Asher, Josita Todd, Donald Woodward (aka Pao Shan), Rebecca Fleury and Deana Spencer (4:16pm), - all attending in person attending in person. Keona Ackley, Joe Hooper, Jeffrey Cotton, Whitney Wardell (4:29pm) attending remotely from the City of Battle Creek.

**Staff:** DEI Officer, Kimberly Holley; Police Chief Bagley; Rebecca Forbes, Executive Assistant

**Guests:** There were none.

**Board Members Absent:** Kathy Szenda Wilson, Boonikka Herring, Lyanne Wesley, Jennifer Metzger, Derrick Freeman, Eva Masters, Roger Ballard

**Ex-Officio:** Rebecca Fleury, attending in person.

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

**Approval of Minutes:** A motion was made by Charles Asher, supported by Deana Spencer, to approve the Human Relations Board minutes of November 29, 2024. All yes, none opposed. Motion approved.

**Communications:** There were none.

**Committee Reports:** There were none.

**Old Business:** Community Oversight Board (COB) updates provided by Kimberly Holley. Ms. Holley provided an overview of the workshop with the City Commissioners in December 5, 2023. Ms. Holley is currently working on updates/revisions to the draft plan to be reviewed before returning to the Commission for consideration.

Ms. Holley noted the Language Access Task Group will be meeting on January 31, 2024 to discuss recommendations for language access in several areas of the city.

The Board reviewed and discussed the “Assessment of Economics in the City of Battle Creek”.

Rebecca Fleury provided additional details around ongoing community and economic development in the City.

**New Business:** Charge of the Human Relations Board-tabled to future date

2024 HRB Calendar-meeting dates updated-recommended change for June 2024.

A motion was made by Deana Spencer, supported by Charles Asher, to approve the date change for the June 2024 Human Relations Board meeting from June 19<sup>th</sup> to June 12<sup>th</sup> due to the Juneteenth Holiday. All yes, none opposed. Motion approved.

**Community Points of Interest:** Deana Spencer shared concern for violence in the North end of town. Whitney Wardell noted the County will be conducting their annual PIT (point in time) count assessing the number of unhoused individuals in the County. Anyone is interested in volunteering may contact Ms. Wardell.

Chief Bagley shared data around the 10 incidents with 12 homicide victims, occurring in the City of Battle Creek in 2023.

Mr. Cotton highlighted concerns with the youth in the Battle Creek community, noting two major factors being housing and employment, requesting a meeting with Chief Bagley.

**Public Comments:** There were none.

**Board Comments:** Ms. Spencer asked about the availability of funds for City sidewalk repair. Ms. Spencer shared a poor interaction with a 911 call she placed for service.

**Next meeting:** The next meeting of the Human Relations Board February 21, 2024 @ 4:00 pm in Room 302A and available by Zoom.

**Adjournment:** Ms. Keona Ackley adjourned the meeting at 5:08pm.

DRAFT



## MEMORANDUM

**DATE:** February 15, 2024

**TO:** Human Relations Board

**FROM:** Diversity, Equity and Inclusion Office

**RE:** Proposed Community Oversight Board

This communication serves as an update regarding the status of the proposed Community Oversight Board for the City of Battle Creek. A City Commission Workshop was held on December 5, 2023 to discuss the potential amendment of Chapter 286 of the Battle Creek Code of Ordinances to establish a Community Oversight Board. Based on feedback and recommendations from City Commissioners and community members in attendance, the following updates of note have been made to the draft description of the proposed Community Oversight Board:

- Increase number of members from 7 to 9 members
- Explicitly state that the Human Resources Director and Diversity, Equity and Inclusion (DEI) Officer are non-voting members serving in Ex-Officio capacity
- Explicitly state that Alternates must attend all Board meetings
- Membership may include up to one resident of any municipality outside the City of Battle Creek that has a current police services contract with the Battle Creek Police Dept. The term will end immediately if the services contract terminates, which may result in a Board vacancy to be filled.
- Membership preference will be given to community members representing marginalized communities, and a minimum of three community members actively serving marginalized communities in Battle Creek, and/or have expertise in the cultural nuances, language barriers, or disabilities of specific populations that may impact interactions with law enforcement will be selected to serve on the Board.
- Clarification on who is ineligible to serve on the Board

The updated draft is attached for your review, and also includes a revised timeline. In addition, the following community awareness activities and meetings have occurred or are planned:

- Mention of the proposed Community Oversight Board at the State of the Community event held February 2<sup>nd</sup> at the Kool Family Community Center
- Featured topic on City of Battle Creek's Podcast with Richard Piet, available to the public on February 20<sup>th</sup>; podcast guests were DEI Officer Kimberly Holley, and Battle Creek Police Chief Shannon Bagley.
- DEI Office meeting with Battle Creek Police Dept. union representatives – February 26<sup>th</sup>
- Potential community education event – TBD
- The DEI Office is working with the Communications Dept. to develop a community education/awareness plan and materials should the proposed amendment be approved by the City Commission.

**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 determination following a Community Relations Complaint (CRC) investigation filed pursuant to the Battle Creek Police Department (BCPD) Policy. The COB will outline reasoning for reconsideration based on an objective review of the facts and circumstances. 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. Furthermore, the COB will take a proactive approach in identifying potential problems, building partnerships with law enforcement, and creating bridges between law enforcement and community.

**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, with an emphasis on community education

The COB will have the authority to reconsider any CRC investigation determination 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 determination 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, and 2 Alternates, who reflect a range of the city's demographics in regard to racial and gender identities, ages, skills and lived experiences. Preference will be given to community members representing marginalized communities. Members are recommended by the Review Committee and placed with the consent and approval of the Battle Creek City Commission. Quorum is based on voting members. The Board composition shall include 7 Voting Members, 2 Alternates, and 2 Ex-Officio Members, as follows:

- Seven residents of the City of Battle Creek, designated as voting members. May be limited to six residents of the City of Battle Creek in the event a resident of another municipality that has a current services contract with the Battle Creek Police Dept. is approved to serve on the Board.
- Up to one resident of any municipality outside the City of Battle Creek that has a current police services contract with the Battle Creek Police Dept. The term will end immediately if the services contract terminates, which may result in a Board vacancy to be filled.
- Two residents of the City of Battle Creek, designated as Alternates
- City of Battle Creek Human Resources (HR) Director, designated as Ex-Officio Member, non-voting
- City of Battle Creek Diversity, Equity and Inclusion (DEI) Officer, designated as Ex-Officio Member, non-voting

Alternate Members act in the absence of a Member, have all rights, responsibilities and obligations as Members, and are expected to attend all Board meetings.

Minimally three community members actively serving marginalized communities in Battle Creek, and/or have expertise in the cultural nuances, language barriers, or disabilities of specific populations that may impact interactions with law enforcement will be selected to serve on the Board.

Current City of Battle Creek employees are ineligible to serve, with the exception of the DEI Officer and HR Director, both of whom serve in an ex officio capacity as non-voting members as part of their role with the City of Battle Creek.

Immediate relatives of City of Battle Creek employees are ineligible to serve on the Board. Immediate relatives are defined as siblings, children, spouses/partners, parents, or household members.

Active employees and immediate relatives of other area law enforcement agencies are ineligible to serve on the Board.

Former or retired law enforcement that worked and served within Calhoun County are ineligible to serve on the Board.

Former law enforcement of any jurisdiction outside of Calhoun County who have not served in the capacity of law enforcement for at least 5 years are eligible to serve.

**Terms:**

Initial appointments to the COB shall be staggered and provide for four members plus one alternate to be appointed to three-year terms, and three 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, to be determined by the COB.

**Reports:**

The COB will provide quarterly reports to the City Commission via the City Manager Performance Evaluation Committee.

Battle Creek Police Dept. (BCPD) will provide a comprehensive annual report to the COB that includes investigations not brought forward for COB Review, and commendations. This information will also be made available on the BCPD website.

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.

## **DEI Office Recommendations:**

- Pending City 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 consultant(s) and city staff
- COB to develop Bylaws for approval via resolution to the City Commission
- COB to review “Functions” noted in working draft document and other templates to create final document of process and duties for approval by the City 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
- Support in community outreach and education
- 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***

<b>December 5, 2023</b>	Workshop to provide updates on recommendation to amend Chapter 286 of the Battle Creek Code of Ordinances presented to Battle Creek City Commission
<b>March 19, 2024</b>	Introduction to resolution seeking approval to amend Chapter 286 of the Battle Creek Code of Ordinances presented to Battle Creek City Commission
<b>April 2, 2024</b>	Resolution seeking approval to amend Chapter 286 of the Battle Creek Code of Ordinances presented to Battle Creek City Commission
<b>April 2-30, 2024</b>	Community Oversight Board open application and community education period
<b>May 2024</b>	Boards and Commissions Review Committee review and selection of applicants for recommendation to the City Commission
<b>May 21, 2024</b>	Resolution seeking approval to appoint Community Oversight Board members presented to Battle Creek City Commission
<b>June 1-30, 2024*</b>	Community Oversight Board – mandatory training
<b>July 2024</b>	First official Community Oversight Board meeting; meeting schedule to be determined by Board

\* Specific dates TBD