



## **Special Meeting Minutes**

**June 29, 2017**

**The Human Relations Commission (HRC)** convened for a special meeting at 6:00 p.m. on the above date in the Board Room at the YWCA of Greensboro. **Chair Zac Engle** presided over the meeting.

**Commissioners Present:** Engle, Kennedy, Hawkins, Perry-Garnette, Burkart, Wils, Phillips, Sevier, Allen, Arbuckle, King

**Commissioners Absent:** Bhardwaj, Murphy, Wesley-Lamin, Issifou, Cobbler

**Human Relations Department Staff:** Love Crossling, Jodie Stanley, Allen Hunt

**Legal Department Staff:** Rosetta Davidson

**Council Liaison:** Marikay Abuzuaiter

**Visitors:** Susan Ladd, Catherine Sevier, Barbara Harris, Kiera Hereford

### **I. Call to Order**

Chair Engle called the meeting to order at 6:02 pm.

### **II. Moment of Silent Meditation**

Chair Engle called for a moment of silent meditation.

Chair Engle stated that although they didn't have quorum yet, the meeting would begin as the PCRB report had been sent in advance of the meeting and all present had time to prepare. He also noted that David Sevier was prepared to report on the findings of the Ad Hoc PCRB Assessment Committee.

### **AD Hoc PCRB Assessment Committee**

Commissioner Sevier recalled the lengthy, somewhat difficult meeting on May 15 where the HRC voted unanimously to assemble a committee to assess the functions of the PCRB. He shared his gratitude for the work of the Ad Hoc committee, stating that nearly 100 people in the City had been interviewed by the team.

Sevier stated that he had watched a segment on Senator John Lewis that morning, and quoted Lewis as saying, “When you see something that is not right, that is not just, you have a moral obligation to speak up.” He stated that many on the committee shared a similar sentiment, and that it was important to identify the issues and how to move forward. It was important to for the community to know how a complaint against the Police Department could be filed and processed.

Sevier deferred to the Ad Hoc PCRB Assessment Committee’s study, which offered a clear sense of direction that surprised the committee members. He stated that people in the community viewed the PCRB as skewed towards Police, whereas the Police Department viewed the PCRB was out to get them/against them. He stated the members of the PCRB were divided in their perceptions and how it should look, and they had a generally negative perception of their work. He also shared that complainants were also not satisfied with the complaint process. They felt that their complaint went into a black hole. After filing the complaint, months later, they would only receive a letter offering the results, but not providing closure or explanation. City Council was not happy with the process, City staff was not happy with the process. Overall, most expressed general dissatisfaction with the current structure.

Sevier continued by sharing information from the landmark study done by the Nat’l Association for Civilian Law Enforcement, which offered three civilian oversight models for cities:

1. Larger cities often adopted a legal model
2. Smaller cities, like Greensboro, sometimes adopted a review model, which was a process whereby cases were selected to ensure that they were appropriately adjudicated. Sevier covered data in the report, starting with the number of calls for service and complaints in 2015 (223,657 calls for service, 192 complaints) and 2016 (217,735 calls for service, 186 complaints). He then pointed out that only a very small percentage of those complaints made it to the PCRB, with 9 cases referred to the PCRB in 2015 and only 6 in 2016. He stated his opinion that perhaps they needed to look more deeply into the issues and trends, giving the example of Officer Cole and the case with Dejuan Yourse. In that situation, the PCRB was not made aware of important trends or issues with that particular officer. Sevier shared that it was important for a civilian body to have a full picture of what was happening in the Police Department.
3. Other cities adopted a third model that involved looking at data, trends, and looking over the shoulder of the Police Department. Sevier added that it was the desire of the committee to move to a model of auditing and advising in this capacity. He shared that there was a general shared sense of relief to this suggestion from members of GPD, City staff and leadership, members of the PCRB and community members.

Sevier shared his hope that he had accurately covered all of the information and had provided sound reasons for why the model should change. He added that one consideration was the availability of resources to see this change through. Through a conversation with Steven Friedland at Elon Law School, he learned that Friedland was willing to support this effort. Friedland was a founding faculty member at Elon and nationally renowned for his work and expertise in this field. Sevier was pleasantly surprised at the offer of assistance, as well as the assistance of Richard Stone, former superior court judge for the 17A Judicial District of the Fifth Division of Superior Court. Sevier continued by pointing out that it was important to gather a team that was diverse.

Sevier acknowledged his co-chair Commissioner Irving Allen and asked if Allen wanted to add anything. Allen stated that the chart within the report was particularly eye opening, and that to him, looking at a new model was potential for reviewing, transparently, what was possible moving forward under State restrictions.

Commissioner Arbuckle asked about the 192/186 complaint calls. Was there a way to know what type of call they were? Sevier deferred to Allen Hunt, who responded that the Greensboro Police Department categorized the type of call that came through. Engle added that this did capture accurate information, and Love Crossling shared that the data was openly available on the professional standards website. Crossling promised to send the link to commissioners so that they could conveniently access the data, noting that it was important to know that there were different options for outcomes. She gave the example that if you chose to pursue mediation, you waived the right to file a complaint.

Commissioner Kennedy stated that she thought Arbuckle was asking if these complaints were being filtered up to the PCRB. Arbuckle stated that she wanted to know what types of complaints were being made. Kennedy agreed that that it would be important to assess the data and see what types of complaints were being filtered up to the PCRB.

Sevier pointed out that the PCRB was lacking was information specific to or indicating concern about particular officers, that apparently it was not within their current purview. Phillips noted that the PCRB had asked for types of complaints and outcomes, including the mediation cases. GPD had provided some data, but perhaps not enough to provide a clear picture. Hawkins asked if it was possible for the body to create a metric to quantify the data and provide it to the community. Engle stated that his understanding of the group's desire was to publish the data in an effort to provide more transparency. Sevier agreed, adding that types of training, trends, officers that came up time and again, it was important information that was not currently readily available.

Hawkins asked if there was, or would be, a designated person on the GPD side that would convey that information. Sevier pointed out that in his opinion, all were doing their job and providing information when asked. He found police and attorneys helpful. These same staff members did not feel it was within the purview of the PCRB to ask these questions.

Wils commented that he was struck by the quote at the top of the report, stating that the point of all of this work was to earn trust. When trust was earned and all were doing their jobs, everyone should feel safer. Wils asked if "ample authority" meant subpoena power. Sevier said no, it meant that information would be provided to the PCRB on a regular basis that was not currently being provided on a regular basis. Wils asked how they could enforce this, because if there wasn't subpoena power, what would make them turn the information over? Sevier stated that this would be a public body, reporting on a regular basis. If the information wasn't turned over, it would be perceived as a negative. Wils asked if this model was realistic and would be met with support from Council. Sevier stated that he had spoken with every council member except Jamal Fox, who had just resigned, and that they were supportive of this model. Wils asked about the police chief. Sevier stated that the Chief had not read the report but said that he believed in civilian oversight of the police department and was looking forward to reading the report.

Discussion was held around specific personnel questions. Sevier noted that at the moment, the PCRB was in a review capacity and there were limitations on a review board. Periodically, this group would sit down with GPD and the Legal Department to delve into and further educate the group on limitations and opportunities of this model. Engle pointed out that the Chief currently had a group assembled to address racial profiling, and that surely data was being provided to them. It would seem that data could also be provided to another group.

Commissioner Perry-Garnette asked if the complaint system was going to go away, or would complaints still be reviewed. Sevier said that complaints would not be reviewed according to the current process. Perry-Garnette shared her concern that this was an either/or and stated that should be a both/and situation. A community member should have recourse to file a complaint. The public should feel safe to actually make complaints. The fact that the number of people that could overcome the fear and the many barriers that were built into the process was a small number didn't mean that the process should go away. She stated that it wasn't necessarily right to get rid of the ability to file individual complaints.

Kennedy pointed out that because of the small number of complainants, it was an indication that the process wasn't working. Perry Garnette agreed with Kennedy, adding that the proposal was good, certainly better than what was currently in place. However, no matter what the process was, it would only be as authentic as people allowed it to be. The Chief recently decided that a nine page letter was a personnel matter and couldn't be released to the public. If so much of the information was protected by personnel policies and you couldn't drill down to that level, how would the body accurately assess negative trends and identify issues with particular individuals?

Sevier stated that the body would not only be focused on trends, but would also be committed to identifying harmful individuals. Perry-Garnette held that public trust was critical. At this time, the Mayor and Council supervised the City Manager, who supervised the Police Chief. All of the people making decisions had a very strong investment in the Police Chief. Perhaps the appointments could come from someone other than those at the top, those in power. Perhaps there could be an appointment committee made up of a police officer, a community member and a complainant. When the appointment power sat with the person who was so invested in the Police Chief, it was difficult to see how they would earn trust.

Kennedy pointed out that a level of trust could not exist unless there was an authentic auditing process. She offered the example of her own agency (Interactive Resource Center) being audited annually by the City. The accountability mechanism needed to be built by community members, not the power at the top.

Wils shared his concern that GPD saw the PCRB as 'out to get them.' If something was reported and GPD saw the PCRB as 'out to get them,' the GPD would automatically be opposed to any inquiry. It was important to earn the trust of GPD. Phillips agreed, adding that it was important for the community to know that high level, well respected community members were 'on the case.' Ideally, City council members would appoint people that would earn that trust.

Wils stressed that it was critical to earn buy in from Council, the police department and the community. Sevier quoted John Lewis again, "We must learn to live together or we will perish as fools." Hwakins suggested a roundtable discussion including members of GPD, community and

Council, with community members having the most vested interest in this body and its purpose. The discussion could be focused on what was best for both sides to meet the needs of the community, but to also support the officers that were dealing with what they saw on the front lines every day. It was important that it was not a body out to embarrass or 'get' somebody, but a body that was committed to creating a community shift in mindset by all parties. Arbuckle asked if he was suggesting that a roundtable discussion take place before any additional decisions were made. Hawkins stated that yes, it stood to reason that it was a good and necessary possible next step. He observed that at this time, people didn't want to talk to each other, they wanted to talk over or about each other. It was important to pool all good ideas from different sectors and combine them into one construct that worked from multiple sides.

Sevier thanked Commissioner Hawkins for his comments. He noted that the Chief had informed him of the many recent community conversations, similar to the model Hawkins suggested, that were not necessarily helpful. Sevier stated that it was important for a third party to gather the necessary players. He asked if Commissioner Allen had any additional comments. Allen stated that he had already expressed his concerns in their meeting the day before, pointing out that he was most concerned that the expectations of the complainants were very different than the reality of their experience. They were promised far more than what the body could deliver. Allen stated that part of the goal was to discuss what could realistically be offered and to assess the current process and follow up with action. He expressed agreement with the appointing committee. This review provided the context for a potentially deeper conversation, which he didn't want lost in the process. Looking at trends was important, but he agreed with Perry-Garnette's former comments that throwing out the individual complaint process was not the answer. His hope was to continue working through this, to address the issues while also realistically acknowledging the limitations of the State's laws.

Dr. Crossling asked for clarification: were they recommending one body functioning in two capacities, or two bodies functioning in separate capacities? Was one body reviewing individual complaints and another assessing data and producing reporting/trends?

Engle pointed out that the Complaint Review Committee was still in effect. Crossling agreed, pointing out that they didn't need to answer her question that night. She added that the other thing that would need to be addressed was the current body's ability to review complaints going forward. There were two complaints that had come to light in the past month and it was important for all to decide how to address the complainants.

Arbuckle asked if PCRB was on hiatus. Crossling stated in the seventh motion at the last meeting, the group agreed that the PCRB would continue hearing complaints, but that the complainant would be fully informed and offered the option to wait until the assessment process was over or to have their complaint heard while the assessment process was taking place. Crossling stated that both of the recent complainants had opted to wait to have their complaints heard. To add perspective, Sevier clarified that so far, four cases had been referred to the PCRB so far this year.

Perry-Garnette asked in what situation complainants cases would be closed out by professional standards and not passed along to the PCRB. Crossling cited the current process, where cases were reviewed by Professional Standards and then, if they qualified, would be passed along to Human Relation staff for follow up. She stated the only time staff would not follow through was when a

community member didn't follow through (she offered the example of someone not showing up for an initial interview). She added that there might be other cases that didn't fall into a certain category from Professional Standards. Perry-Garnette asked about those situations. Crossling stated that she wasn't fully aware of Professional Standards' categories or criteria, but shared that she was aware of a document that outlined the required actions by Professional Standards. Engle asked if Professional Standards' criteria could be provided to them.

Perry-Garnette explained that the reason she was asking was because she had been told by an unnamed individual that they kept complaining, had been to Professional Standards, and they were told by staff that it would not be sent to the PCRB. Crossling responded that if they came to Human Relations staff, staff would not be able to open a case unless the case had first been heard by Professional Standards. Sevier noted that this type of concern was the very reason they wanted to see the model change.

Vice Chair King commended the members of the assessment committee, stating that they had done an awesome job and she applauded that they were considering making changes. She hoped that their work was not done in vain and that the City attorney would not come back and say the change wasn't possible. She also stated that this was probably her last meeting. She would not be returning to the HRC in the hopes to move on to the next step in her life and grow her own organization. She encouraged all present to continue pushing and find a way to make it happen, because it needed to happen.

Sevier responded by sharing that in his professional career he had working around the world and addressing Congress, he was committed to seeing this process through. Perry-Garnette asked again if there were two different bodies or not, and if complaints were to move forward, there had been consideration about the additional suggestions made about how to improve the complaint process. They still did not have clarity on the complainant's ability to speak to the PCRB, or share their testimony or bring witnesses. Could complainants show up in the future? No one seemed to know, procedurally, if people could show up to speak or stand in front of the PCRB and given oral information. Perry-Garnette stated that it was still very unclear whether witness statements could be accepted. She received conflicting statements from Allen Hunt saying witnesses could be brought forward, and Tamara Figeroa was told that witness statements were inadmissible. Were any of those issues going to be addressed in the interim? Would people be put on hold indefinitely?

Crossling stated that it was staff's desire to give authority where authority was requested and to lend as much support as possible to the Ad Hoc PCRB Assessment Committee in their quest to review the information they felt most important. Staff could now follow up on the requests and questions posed in the conversation and the report. Phillips suggested that perhaps the body could review a case which could then be reviewed by the City Manager, which is where it would end up anyway. As far as the body, legislative changes may need to happen first. If Council decided they wanted the body to review this type of information, they would need to make that request and perhaps it could be considered during the next legislative session.

Sevier pointed out that in the few cases that the PCRB heard, most of the time their decision was to support Professional Standards' findings. In the few cases where they didn't agree, everything happened behind closed doors. The PCRB couldn't even come out with a public statement about the case. Sevier opted to move towards a broad approach that would allow them to look at trends across

the entire police department, and then move things forward. Phillips noted a concern with the mediation process, where only 28 cases were reviewed in mediation. He suggested that part of the issue with the mediation process was that people had to waive the right to file a complaint if they went through mediation. Perry-Garnette expressed support of improving and expanding the mediation process, stating that short of egregious behavior on the part of an officer, you had a better shot of changing hearts and minds when you had someone come face to face with another person and explain why the behavior didn't work for them. The way it was described to her, the only issue was that the process did not have legs, or enforcement. If someone did not like it, they could complain but she noted that the process also required the officer to agree to the mediation. Perry-Garnette stated that she thought change could happen through the mediation process, but that it was perhaps a very intimidating and biased process. Sevier pointed out that that is why the mediation process was placed under this body, and not with the Police Department.

Crossling asked again for clarity, and for the sake of the complainants that were waiting: the PCRB now had two new potential complainants and had the capacity to review the complaint. Staff did not want to speak out of turn and needed to know how to respond to the complainants. Engle suggested that the process move forward for these two complainants, and if a consensus could not be reached, or the situation merited it, Council would review the case. Crossling and Phillips agreed that the City Manager would be the next in the chain of command. They could not speak for Council and guarantee the complainant that this step would take place when the City Manager wasn't aware of or agreed to the agreement. Crossling noted that staff did not have the ability to commit to that change in process but could make the inquiry.

As a PCRB member, Phillips suggested that they could fully inform the complainant, openly share that this was the current process until Council changed it, and let the complainant make the decision.

Hawkins asked for more discussion on the topic. Allen brought up the procedural concerns expressed by Crossling and Perry-Garnette. Allen offered a friendly amendment, stating that the procedural processes currently in place be fully shared with the complainant in an effort to realistically set their expectations. Engle asked if he was referring to the witness testimony, and Allen agreed. Phillips agreed, noting that in Winston, they allowed a period of closed session and witness testimony. That wasn't part of Greensboro's current process. Allen specified that it was important to address the questions that arose, not necessarily change the process.

Crossling clarified that the motion on the table PCRB planned to move forward with their current process, pending clarification about procedural issues raised in the previous PCRB meetings. Sevier pointed out that it was important to say to including clarifications under review, not pending.

Crossling stated that whether or not witness accounts were admissible in person or in closed session, or whether there was an opportunity to present orally in person, it was important to notify the customer about their options. Hawkins asked for the sake of clarity, whether this would be two bodies or one. All agreed that it was a separate discussion, that the motion at hand was only discussing the current functions of the body in light of the waiting complainants.

**The PCRB would move forward with their current complaint review process, to include clarification about procedural issues raised in the previous PCRB meetings.**

Moved by: Commissioner Phillips  
Seconded by: Commissioner Burkart  
The motion passed unanimously.

Sevier moved that they accept the report as a change to the process, to include the changes to allow for the body to review individual cases when they were brought before them. Phillips added that it might be important to wait for clarity on the language and scope from the City Attorney. General discussion was held around the need for City Council to determine what they wanted, based on the recommendations. Engle offered a friendly amendment: that they support the findings laid out in the report, with the understanding that they would still review cases, and intentionally engage with City Council to fully discuss the changes needed.

Arbuckle asked where reviewing individual cases would be mentioned in the report. She felt that for clarification, the language needed to be written in to the report. Sevier offered that he would be happy to write that in as a specific point. Phillips added that it was important to clarify monitoring versus reviewing.

Arbuckle asked Sevier to add verbiage to the recommendations page so that they could review/approve it. Sevier agreed and pointed out that where it said monitoring complaints, they would add reviewing complaints. Arbuckle asked if reviewing still meant that the PCRB would function the same way. Sevier offered to add the verbiage to the report, stressing his concern that they stick to the current process for the time being because there were so many concerns.

Kennedy pointed out that that the conversation was a hard one to follow; there was much discussion around the PCRB and what should be. She asked why they were not recommending structural changes to the PCRB instead of suggesting something completely brand new. Kennedy expressed concern that this would become confusing, especially to community members who were not fully informed about each step of this process.

Engle responded that there was mistrust in the PCRB, that it was necessary for the sake of public trust to move away from what was currently in existence and create something completely new. Kennedy shared that it would be difficult for community members to keep up with all of the information and follow what was really happening, and that the community perception should be considered. Arbuckle clarified that they were proposing a closing down of the PCRB, and that this new body step into that space. Kennedy noted that there needed to be a clear line of distinction and some closure, and clarity. Arbuckle pointed out that complaints were on deck and needed to be addressed, so the current process was needed at least in the short term.

Burkart stated that there was dissatisfaction in the fact that Council currently appointed the members, and asked if there was a way for Council to simply make recommendations about who should be on the PCRB. Engle responded that there was an existing process to the way boards and commissions were structured. Crossling pointed out that while PCRB had board in the title, it was still a subcommittee of the HRC. She explained that while Council could make recommendations, they could not appoint members of the PCRB because of the fact that it was a subcommittee. It was the chair's responsibility to appoint.



Sevier expressed that the desire to was to raise the visibility and authority of this body. Crossling clarified that the new structure would then no longer be a subcommittee, but a stand alone board. All expressed agreement that this was the intent. Crossling pointed out that their next meeting was scheduled in two weeks. In case anyone had concerns about the wording or questions about the process, the commission could wait for two weeks to gather information and vote at that meeting.

Sevier agreed to add wording about reviewing individual complaints brought before the advisory board following the review process. Arbuckle agreed that this wording was satisfactory.

Kennedy noted wording in the report, asking if appointment by the mayor was the way to go. Burkart added that she, too, wanted clarity on that point. Engle suggested that they could amend that to say “ a board serving directly under City Council” and determine the appointment process later.

**Support the findings of the Ad Hoc PCRБ Assessment Committee report, to include the following amendments:  
the body would continue to review cases under the current process,  
the Committee would engage with City Council to seek their support,  
and appointments would not be made solely by the Mayor, and the appointment process would be determined at a later date.**

Moved by: Commissioner Sevier  
Seconded by: Commissioner Phillips  
The motion passed unanimously.

Sevier pointed out that this process included many hours of work on the part of many on the committee. They were struck halfway through the review that the current process was so flawed and wasn't bringing justice to any of the complaints, that a more broad review and investigative process was needed. He acknowledged his concern that there were many complaints that were probably not being heard. Engle thanked Sevier for his exemplary work.

Engle asked if anyone had any additional comments. No one responded. Engle called for a motion to adjourn the meeting.

## **IX. Adjournment**

**Motion to adjourn.**  
Moved by: Commissioner Phillips  
Seconded by: Commissioner Hawkins  
The motion passed unanimously.

Meeting adjourned at 7:37 pm.

Minutes Approved by:

Signed: \_\_\_\_\_

**Chairperson**

**Greensboro Human Relations Commission**

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**Date**