



Carbondale Human Relations Commission

Minutes – March 2, 2015
Carbondale Civic Center ~ 5:00 p.m.

Commissioners Present: Lauren Bonner, Joseph Brown, Jerrold Hennrich, Eric McMillan, Faith Miller, Joshua Phillips, Kareem Shariati, Dora Weaver

Commissioners Excused: Peg Falcone

Commissioners Absent:

Study Circle Staff Present: Sarah Heyer

Guests Present: Scout Brobst, Alexandra Desrosiers, Frederique Desrosiers, Cathy Field, Atley Green, Pepper Holder, Sarah Hollinsworth, Rev. Sonja Ingebritsen, Orlan Mays, Margaret Nesbitt, Erik Novak, Patricia Preston, Elius Reed, Carlton Smith

Staff Present: City Attorney Mike Kimmel, Deborah McCoy

CALL TO ORDER

The meeting was called to order at 5:07 p.m. by the Chair, Commissioner Hennrich. Carbondale Community High School students, Frederique Desrosiers, Alexandra Desrosiers, Scout Brobst, and Atley Green, were asked to introduce themselves.

MINUTES

Motion was made by Commissioner McMillan and seconded by Commissioner Bonner to approve the minutes of the February 2, 2015 meeting. Motion carried.

ANNOUNCEMENTS

March 3, 2015 Panel Discussion: Beyond Ferguson, John A. Logan College, 11:00 a.m.

March 5, 2015 Racial Justice Coalition Meeting, Church of the Good Shepherd, 7:45 p.m.

March 7, 2015 PBS documentary, *American Denial*, will be shown at the Carbondale Public Library, 1:30 p.m., followed by a discussion.

March 9, 2015 Workshop – Educational Opportunities for African American Children, SIUC Student Center Auditorium, 10:00 a.m. – 4:00 p.m. (Commissioner Brown is a panelist)

ISSUES

City Attorney Mike Kimmel – Open Meetings Act

Mr. Kimmel spoke about the Open Meetings Act. He indicated that it is a violation of the Open Meetings Act when four (4) or more members are communicating outside of a scheduled meeting, as that constitutes a majority and establishes a quorum. According to the Open Meetings Act, no business should be discussed regarding City policy, or anything under the purview of the Human Relations Commission, unless it is done in an open meeting. This includes electronic communication such as e-mail. Mr. Kimmel commented that e-mails can be sent to Ms. McCoy and she can forward those to Commissioners. A response from a Commissioner should be sent directly to Ms. McCoy, and she can then forward a response to Commissioners. Text messages received during the Human Relations Commission meeting can be requested through the Freedom of Information Act (FOIA). Violations of the Open Meetings Act are subject to the following sanctions: 1) the ultimate action taken can be voided or 2) the States Attorney can charge a misdemeanor, a state criminal charge. Meetings are open and business can be discussed, and items requiring a vote must be listed on the agenda. Meetings are to be held at a convenient location and published with at least 48-hours' notice.

Mr. Reed asked whether a citizen could record and/or take notes of meetings. Mr. Kimmel stated that as long as there is not an objection by the individual, he/she can be recorded. There is a statutory right to record public meetings except for religious or personal reasons. If a citizen asserts their concern, then he/she cannot be recorded or videotaped.

Chair Hennrich asked about committee/subcommittee meetings. Mr. Kimmel indicated that committees/subcommittees are subject to the Open Meetings Act as well. Individuals can meet, however, no business regarding the City or Human Relations Commission should be discussed. There is a way for an absent member to vote that is outlined in the Open Meetings Act. Mr. Kimmel stated that if a committee/subcommittee is established, that committee/subcommittee has a quorum as well, which would require compliance with the Open Meetings Act. Mr. Kimmel encouraged Commissioners to call him with questions at 549-5302 or 457-3215.

Superintendent Mike Shimshak – Carbondale District No. 95

Mr. Shimshak was not present.

Public Education/HRC Website

Commissioner Weaver commented that information to be added to the web page should be sent to her or Commissioner Falcone, and they will forward to the City's Network Specialist.

Commissioner Shariati commented that he spoke with Commissioner Falcone regarding the brochure she was instrumental in developing. She is willing to edit and update the brochure. Motion was made by Commissioner McMillan and seconded by Commissioner Brown to authorize Commissioner Falcone to edit and update the brochure. Motion carried.

Commissioner Weaver announced that a group photo will be taken at the April 6, 2015 meeting.

Public Forums/Events – Community Policing

Commissioner Miller reported that the group met February 3, 2015, and one other time following that date. Those who have been present for the meetings include Commissioner Miller (HRC), Ms. Field (Racial Justice Coalition), Dr. M. Stalls (NAACP), and Nick Smaligo (volunteer). A tentative agenda for the forum has been developed which includes: introduction with the purpose and welcome, panel discussion with five minute presentations by panel members, citizen comments, discussion groups for about 45 minutes, and wrap up. The date being considered is March 17, 2015, 6:00 or 7:00 p.m. at the Eurma Hayes Center or Civic Center. The date was selected as it is prior to local elections and close to the candidate forum sponsored by the League of Women Voters. Concern was raised about the date of the event being two weeks out without any publicity, and it was suggested that the date be moved back to allow for sufficient notice. The Committee is in the process of confirming panel members and a facilitator, and is working on ways to solicit citizen input. This particular forum will not include the attendance of police officers in their official capacity. Commissioner McMillan stated that there should be an official conveying of the information gathered from the forum to the City Council. It was suggested that the Committee submit a summary to the HRC following the forum from which the HRC would prepare a report for the Mayor and City Council. Ms. McCoy will send Commissioners a packet of information on the forum once a date has been identified.

HRC Annual Retreat

Commissioner Hennrich commented that the Retreat held last year was very productive. Commissioner McMillan coordinated the Retreat, and will do so again this year. Suggestions and recommendations for the Retreat will be presented at the April meeting by Commissioner McMillan.

Subpoena Power

Commissioners received information on municipalities with subpoena power prior to the meeting. Commissioner McMillan reminded the body that the communities presented for review are much larger than Carbondale, and have staffs charged with conducting initial investigations. Their police reports appear to be handled internally or by another group/board. Chairman Hennrich commented that there has to be a better way to work with police in the matter of community policing, where there is more transparency for the adjudication process. Police use their internal rules and regulations to prevent or get in the way of accountability. Commissioner McMillan stated that he considers there to be two issues, one of which is policing that is separate from subpoena power.

Commissioner Shariati indicated that subpoena power should be a topic to be included on the community policing forum agenda. Chairman Hennrich reminded Commissioners that the HRC is an advisory body to the City Council. When the HRC receives only complaint numbers, the only thing the HRC can advise on is the numbers, rather than patterns or issues. Rev. Ingebritsen commented that the subpoena is a tool, but the overarching issue is citizen oversight of the police.

Commissioner McMillan commented that other communities deal with housing, employment, financing, discrimination, and disability. He noted that subpoena power should not be limited to the City and its employees, as the HRC is here to protect the rights of all citizens – those who live in Carbondale and all of those who come into this community for work, worship, commerce and so forth. Commissioner Miller stated that it cannot be just about the police.

Commissioner Shariati commented that this is the first true dialogue of operations the Commission has had about the subpoena issue, and he was pleased with the open dialogue and consideration.

Mr. Holder stated that he has been passionate about subpoena power since HRC's inception. The ACLU Cincinnati Collaborative Agreement is one of the better models, as well as what is currently taking place in Baltimore, Maryland. The HRC will need an attorney who is well versed in community matters. Rev. Ingebriksen mentioned Richmond, California and its efforts to address some of the same kinds of issues.

Commissioner Shariati commented on his concerns regarding the way HRC is structured, conducts business, and meets. He indicated that having a better definition of who the HRC is and how it functions, will be helpful in establishing structure and parameters. Commissioners decided to include this topic as part of the Retreat agenda with Commissioner McMillan presenting suggestions on how it should be presented, such as tools needed to efficiently and effectively operate the HRC. Commissioner Shariati indicated that he would put his thoughts together following the dialogue of this meeting. Commissioner Weaver suggested that other terms be explored for the replacing the word subpoena as it is considered negative by some. Commissioners agreed that the suggestion presented by Commissioner Weaver will be included as part of the discussion for the Retreat, along with the issue of transparency suggested by Commissioner McMillan.

PUBLIC COMMENTS

Rev. Ingebriksen spoke on the consistency of a lack of response from the City to direct requests from the Racial Justice Coalition. Regarding the town hall meeting that was requested by citizens, all of the stakeholders had input except the citizens. Sufficient notice was not received. Citizens were, however, allowed to speak at the town hall meeting. The consistency of not responding is not only disrespectful, but also shows disregard. Ms. Hollinsworth stated that she attended the meeting, but it did not seem like a town hall meeting. She expected a different room set-up. From a communications standpoint, it did not seem to be conducive to conversation. Rev. Ingebriksen commented that she appreciated citizens being able to speak, however she does not have confidence that the citizens were heard. What was heard was that "we know better than you do". She expects that the Council will vote in favor of Brightfields. She commented that there are a lot of things at stake, and she hopes that those things do not get lost regardless of what happens with Brightfields.

Mr. Smith spoke about the reasons HRC was established, with the one of the main reasons being because of an incident with the police. He commented on the importance of the HRC being able to investigate incidents. Mr. Smith indicated that the HRC was watered down to an advisory group without the authority to charge or sanction. He reminded the HRC that it is charged with and given the power to investigate which cannot be done without subpoena power. The HRC must have the authority to request that an individual address the body in order to get to the bottom of an issue. Since the inception of the HRC, the body is still trying to get investigative power. Mr. Smith stated that any attempt to alter the investigative power is inappropriate, and there should not be a change in using the word subpoena.

Mr. Smith commented that he, and others, came to the meeting because Mr. Shimshak was listed on the agenda, and there are some very critical issues that are taking place surrounding schools and police. He spoke about District 95's restorative justice program that has been discontinued, and indicated that the HRC could have looked into the program to get to the bottom of some of the issues surrounding it. Mr. Smith commented that he was hearing that groups and people come to HRC to get an endorsement, because for some reason, citizens think HRC endorsement means something. Mr. Smith called attention to some of the issues with the program including accreditation and unqualified staff. He spoke about the program with the police in the schools and

asked the HRC to take a critical look at what is actually taking place. He referenced the article featured in the Southern Illinoisan with Officer Mathis and Ms. Toliver, and commented that the students were probably instructed by the teacher to sit and listen. Mr. Smith suggested that the program be pulled until there is community involvement and support. Commissioner Weaver expressed concern about the books that are selected to be read.

Ms. Preston indicated that she agreed with Mr. Smith's comments. She attended District 95's Board meeting last Thursday, and concerns were raised about the program with the police in the school. The response was that the program was working and it was going to be continued. She indicated that she does not have a problem with the police in a general way, as they are there to serve and protect. Ms. Preston commented that she wanted to know who is going to be conducting training for the teachers and the police who are participating in the program. She commented on her concerns regarding officers' experience and credibility in working with young children that are different ages, from different cultures, races, etc. Ms. Preston indicated that it is important to know the purpose of the program, its goals, expected results, and what is being used to measure program outcomes. She indicated that it appears that school safety was mentioned only after concerns were raised about the program, and she sees those as two totally different issues. She felt the two-page article carried by the Southern Illinoisan was orchestrated. Ms. Preston asked whether the HRC is a body where a citizen can come forward and bring a complaint, and if so, what is it the HRC can or will do.

Chairman Hennrich commented that the HRC has limited power and is an advisory to the City Council. The best the HRC can do is hear concerns, summarize them, and make a recommendation to the City Council.

Mrs. Nesbitt commented that things seem to be just another gathering with no action. She spoke about how brutal people were treated by the City Council and the other representatives. She asked whether the HRC could make a statement to the City Council about the disrespect and the very bad treatment of citizens who are taxpayers. She spoke about the set-up of the room and how the parties involved were seated and treated special, without those same conveniences being afforded citizens. Mr. Holder asked whether a list of concerns brought before the HRC were recorded and forwarded to the City Council. Chairman Hennrich commented that not all concerns are kept or forwarded.

Mr. Mays indicated that after being in Carbondale for 10 years, he is now reaching out for partnership. He commented that it appears that so many groups are discussing the same issues, especially about discrimination and policing. He suggests that groups come together to discover what is being worked with, and be educated on policies and laws, and what those policies and laws allow. Mr. Mays asked the HRC to support the "Know Your Rights" program. Commissioners were in agreement that it was a good program, and one that the HRC should support, and should discuss further at the April meeting.

Mr. Reed presented an update on the Vaugherese case from an article presented in the Southern Illinoisan newspaper. Commissioner Miller reported that Jackson County States Attorney Mike Carr has recused himself from the Vaugherese criminal investigation.

Commissioner Brown referenced comments made by Mrs. Nesbitt and Rev. Ingebritsen regarding disrespect, and the manner in which the *Southern Illinoisan* newspaper referred to Dr. Ella Lacey as "and other community activists" in the article on police officers and children in the schools. These are examples of how people are reduced to clichés and stereotypes. Community activist is a loaded term that says to some, "they are just out there to be emotional with their own private agendas". People are able to say anything they wish to define an individual of serious consideration. In our community, the only thing an individual has is his/her authority of experiences and when that is taken – there is nothing. If someone does not take a person at his/her word, then he/she is being told that they do not exist. When quality of life issues in this town are being discussed – from

arguments over contaminating earth to contaminating school districts – and the word of individuals are not taken seriously, then there's nothing left to do but escalate into violence. The request should be taken up subsequently, starting at the top, to ask people for behavior that is not only fair, but also just. There must be cultural competency training for university and city leaders. Commissioner Brown suggested that perhaps such discussion - cultural competency in an interracial, multicultural, inclusive community - could be had at the next HRC meeting, and it should be part of the debate for Mayor and Council candidates. He commented that people are using crisis, budget, overworked, temporary, or whatever, as excuses not to pay attention to basic human rights, reasons that allow them to be excused.

Commissioner McMillan called attention to the Bylaws, and commented that HRC needs to follow up on how city officials and representatives relate to citizens. He indicated that follow-up should not only include the issues presented at the meeting, but also responses to emails and other correspondence. The HRC needs to present these concerns to the City Council.

PROCESS ASSESSMENTS

Neighborhood Action Group

The Group met February 4, 2015, and will meet on March 4, 2015. The meeting consisted of discussion regarding the Open Meetings Act and review of the Neighborhood Alliance Meeting. The Arbor District is working on an ordinance to address noise. MAPP Your Neighborhood is working on incorporating the hospital and the surrounding area. The group is putting together a website. The Illinois Department of Transportation (IDOT) is discussing changing some roads and two meetings have been held for public input. IDOT has scheduled an April meeting where some of the discussion will include the location of potential roads and those locations will make a difference.

Racial Justice Coalition

Ms. Field reported representatives attended the Koppers and District 95 School Board meetings, and is working with HRC on the upcoming forum. The next Coalition meeting will be held Thursday, March 5, 2015. The Coalition is on Facebook.

Law Enforcement Report

Chairman Hennrich indicated that he spoke with Interim Chief Grubbs regarding a report that was leaked to the press. It was an internal memorandum regarding the reduction in traffic citations. Chairman Hennrich will get a copy of the report.

Items for City Council

Commissioner Bonner suggested that concerns be organized and summarized and presented at City Council meeting. Commissioner Weaver suggested putting together a list of citizen concerns that can be reviewed by HRC to decide what to send to City Council. Commissioner Miller indicated that she favors the bulleted concept because points could be listed, e.g. Brightfields, school board, police programs in the school, lack of accountability. Chairman Hennrich suggested a unilateral action statement. Commissioner Bonner suggested that the statement referenced by Commissioner McMillan from the Bylaws be included as an introduction.

ADJOURNMENT

Next meeting – April 6, 2015. Motion was made by Commissioner McMillan and seconded by Commissioner Bonner to adjourn. There being no further business, the meeting was adjourned at 8:10 p.m.

Recorded by Deborah McCoy _____