



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

COMMUNITY RELATIONS

JUNE 24, 2019 4:48 P.M.

Committee Members Present: Regina Williams-Preston, Gavin Ferlic, John Voorde, Jo M. Broden, Eli Cantu (citizen member) (late)

Committee Members Absent: *None*

Other Council Present: Jake Teshka, Karen White, Dr. Oliver Davis, Sharon L. McBride, Tim Scott

Other Council Absent: *None*

Others Present: Graham Sparks, Bob Palmer, Ryan Wrobleski, Morgan Gonsoski, David Moses, Shanita Hunt

Presenters: Regina Williams-Preston, Susan Sharp

Agenda: *Bill No. 19-46- Restorative Justice Initiative Resolution*

Committee Chair Regina Williams-Preston called to order the Community Relations Committee meeting at 4:48 p.m. She introduced members of the Committee and proceeded with the agenda.

Bill No. 19-46- Restorative Justice Initiative Resolution

Councilmember Regina Williams-Preston, 838 North Elmer Street, stated, Tonight we are bringing back the resolution to support restorative justice in our community. We have Susan Sharp here, if you don't mind coming to the podium. She is our local and international expert on restorative justice. She has been working in this community for many years with many different organizations, working on and using practices with regard to restorative justice. So, two (2) weeks ago we brought you a draft of a resolution and there was a presentation about this need in our community and what restorative justice is. At that time, this resolution included information about a proposal for a pilot program to start right away. It also encouraged the City and other partners to develop a more robust and comprehensive type of program with some suggestions on what that might look like. At that time, we decided that we needed more thinking around the piece of the pilot project and connecting with people. We wanted to separate that from the actual resolution itself. So, what we have tonight is a revised version, really within the last day or so, distributed to Council (which is available in the City Clerk's Office). When I sent out this email, you know, it's an interesting time. It just so happens that this resolution is coming at the same time that things are happening in our community that calls us to say, we must do something. Right? Given the last nine (9) days or so, I know everyone has been busy and it's been hard to communicate since we met the first (1st) time about what changed, how people felt about it, so on and so forth.

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She continued, So, in my email I had expressed that I had talked with community members and thought about pushing this out to give Council more of a chance to understand what is going on. There was a very clear call from the people we have been working with, many of whom are named in this resolution, that we need it now. This is especially in light of what is going on in our community. Restorative justice is an invention that, had we had maybe five (5) years ago, we may not be where we are right now in terms of, for example, last night's meeting. But, we are where we are. So, what we need to do today is talk about where we want to go. Susan is here to answer any specific questions you might have. I'm not sure how many Council Members have had a chance to go over this revised resolution we have in front of us, but I think it's important we begin this conversation and think very well, deeply, and seriously about what our response is going to be, as elected officials, to respond to the need in our community around issues of violence and race.

She went on, So, I'm going to do a quick overview of the new resolution and some of the things we put in and then we'll ask Council for questions. So, looking at the document in front of you. What we did was we took a lesson from what we did around the Climate Change Resolution. Last time, what you saw was a draft and there are many Whereas clauses. The reason for that is, much like the Climate Change Resolution, was to give a lot of background on what restorative justice is, what is already happening in our community, and, you know, just filling in the blanks. One (1) of the first (1st) really important pieces, and it came up last night at the meeting, Chief Ruszkowski has been talking about the need to connect with the community. He says Police do outreach all the time, but what we need is in-reach. I like that language when we brought it a couple years ago. This is what this is about. It's about, as it says here, community being more concretely involved in helping to prevent violence. We can't rely on the Police to solve all of our problems. By the time we call the Police, trauma has already occurred. This is about being proactive and this was something with the theme of reducing violence by building peace. It talks more about the reasons, what restorative justice is, what it can do, and what the intentions are.

She continued, And then, it talks about using this approach and how it would lead to safer schools and safer neighborhoods as well as helping people feel less of a need for retaliatory violence. That is a lot of what we are seeing in our community, shooting after shooting. GVI has been working with us and with Susan, she does a lot of training with them, and they incorporate some of this type of work in victim services and things like that. It helps people come together in a process that can hold that grief and anguish, and help people heal. So, without going through every Whereas clause, I want to go to the second (2nd) page. That is where we start talking about how restorative justice is gaining national and international support and is growing in South Bend. We've been doing a lot of work, individually, organizations, schools, City government, everybody is working on this and everybody believes in this. Just back in October 2018, I don't know if all of us were there, but Family's First (1st) held a Town Hall type forum and wanted to discuss their agenda. One (1) of the things they talked about was restorative justice. Each of the folks there, the candidates and elected officials, actually signed a pledge to support restorative justice. I think that was an important step in our community, just getting started to say, yes.

She went on, The fourth (4th) bullet down lists some of the organizations we've been working with over the years that have contributed to this conversation on how this may work and what we need to do. They include, as you listed there, Mamas Against Violence, Goodwill, Oaklawn, Hear Our Tears, St. Paul, Bethel Church, Fremont Youth Foundation, La Casa de Amistad, the list goes on.



These are all organizations that have been working separately, either using those practices or getting training for their staff, but certainly participating in conversations about how to move restorative justice forward in South Bend. Most specifically, on April 5th, 2017, the South Bend Common Council Community Relations Committee held a meeting that focused on reducing violence by building peace. Each of these local organizations came before us and talked separately about what they were doing to build peace in this community. Separately, each and every one (1) of them talk about restorative justice or some sort of circle process they were using. Out of that came this impetus to say, “We need to bring people together.” It’s hard when you are a separate, small, non-profit organization that is poorly funded, if at all, to really make the impact that you can make. So, the concept was bringing people together to start a conversation about what this would look like to expand throughout South Bend, doing it in a coordinated way.

She continued, One (1) thing we didn’t put on this bullet point was that last summer, many people in these organizations met every Friday for eight (8) Fridays in a row, participated in circles, talked with a focus on racial injustice, and tried to figure out why it was important and how to move this forward in South Bend. Again, I don’t know how many people had a chance to go through this thoroughly, but further in this is talks about what restorative justice is and asks for the commitment on page four (4). That is to develop a coordinated hub. That means just bringing all those partners together including Beacon, South Bend Community School Corporation, and all these people who are already doing it. It is listed in section two (2): organizations in education, neighborhoods, law enforcement, and social service organizations. That would be something we are supporting and endorsing. Let’s come together. Let the City be a leader in convening these organizations to get a better understanding of how we can work together to roll out a comprehensive program. So, again, it just talks about what restorative justice is. It documents the organizations that have been doing this for years and it encourages the City to convene and develop a program that actually begins to do what it needs to do. One (1) thing Susan has talked about, and it’s listed in here as well, that the way this happens most of the time in cities is you have one (1) small non-profit trying to get it done. It is poorly funded, and it struggles. It does good work, but it is not systemic. This, what we are proposing, is to make a commitment to making this systemic. We have the opportunity to lead on this in the whole country and become what might be called a restorative city in the way we approach this in a comprehensive manner, getting buy-in and investment from these major partners.

Committeemember Eli Cantu arrived at the meeting at 5:00 p.m.

Susan Sharp, 1504 East Colfax Avenue, stated, Thank you to all the Council Members. I won’t repeat what I said to you all two (2) weeks ago. I’ll just say I was there yesterday at the Town Hall and as painful as that was, it also was a terrific demonstration of how important it is that our responses to justice extend beyond the law and the policy. People need to feel justice has been served and there are other layers beyond whether or not there was a technical violation of a law or a policy. In our culture, we have relied on that legal framework and we’ve lost confidence in our ability to look after the rest of those layers of justice. What restorative justice offers is a set of practices, philosophies and values that help us regain capacity to do that with each other. So, I know many have been hearing from constituents expressing support. Many will be here tonight, but I’m happy to answer questions now.

Committee Chair Williams-Preston opened the floor to questions from Committee and Council Members.

Councilmember Dr. Oliver Davis interjected, Yes, I have a question and a comment because I will have to leave in a few minutes. As a licensed clinical social worker, and this is more of a statement than a question from me, I'm very cautious about yesterday's event and you utilizing that as the reason why we have to do this. Because of the fact that, if we had a circle yesterday, the circle would not have solved yesterday's situation. Yesterday's situation, from a therapeutic standpoint was that we rushed and had a meeting when people were in pain. We should have called a day for prayer. There is not a city across this country that had a mass shooting on the same day and then had a meeting for everybody to be quiet at that same day. Orlando, Dallas or any city that had a mass shooting, none of their leadership had a meeting that day and asked people to come together and had a minister telling us to talk out of love. We could have had a circle that day and that would not have worked. Secondly, I would hope we do not continue using tonight's discussion, and yesterday's situation that we all sat through, as the rationale for this. That is a concern. The second (2nd) thing, section one (1), it talks about funding through partnerships and agreements involving the City of South Bend and other institutions. We cannot pass this kind of resolution unless we have a financial plan. We will not require anyone else to deal with this. You all had a financial plan. This is budget season. Just because you deleted it out of here, it still says that we have to have a financial plan in this kind of a situation. We have an appropriation bill that would have to deal with this. The University of Notre Dame has a budget, the City of South Bend has a budget, and everybody is working from that standpoint. For us to come in and say if we vote this down, we are against restorative justice activities is not good. The last piece I will share before I leave is that our City leadership, in talking with Ms. Brooks and other groups of people around here, my understanding with this, and even reports from the Police Chief himself, with all due respect to our Police Chief, they have not had the kind of dialogue and the Committee here has not had that kind of dialogue. For the Council to receive this a couple of days ago, and then have a vote for all of those kinds of concerns on restorative justice, that is not practicing restorative justice. I'm highly concerned about that being brought to this table at this time. I rest my time.

Committee Chair Williams-Preston stated, I'm going to respond. I will continue to talk about the events that happened last night and why it is important that we move forward with some restorative justice.

Councilmember Dr. Davis interrupted, The circle wouldn't have done it.

Committee Chair Williams-Preston continued, Let me finish because I'm talking. Saying that we need to move forward doesn't mean we pass this tonight.

Councilmember Dr. Davis interjected, Fine.

Committee Chair Williams-Preston went on, But what it does mean is we have to acknowledge that our community is hurting. For those of us, including yourself, who see this every single day, talking about what happened last night as you heard me say earlier, if we had a plan like this five (5) years ago, last night could have been something different.

Councilmember Dr. Davis interrupted, No, it would not have been.

Committee Chair Williams-Preston continued, Well, you can say no, but ok. You're entitled to your opinion. That is why we need restorative justice.

Councilmember Dr. Davis interjected, Thank you. That's not why we need restorative justice.

Committee Chair Williams-Preston went on, My point is we need to have some response. We need to be proactive. This has been a conversation for years and it is time to take action. What I know, and the reason I considered not bringing it tonight, so I'm not interested in people being hostile about the fact that it's here. The reason it's here is because the community said, no, we want to present. Now, what we do tonight, might be something like I suggest saying, "You know what? Let's have another Community Relations Committee meeting and talk about this. Bring the community and Council together." Maybe people can make it and be there and begin to better understand what this is. But to have a hostile reaction to just simply talking about this shows how much work we need to do as a community. We need to come together and begin to be responsive. This wouldn't be in front of us if the people who have been doing this work were not pushing this.

Councilmember Dr. Davis interjected, With all due respect, it was a hostile reaction because there is a disingenuous part of what you have done by bringing this to the Council and sharing it. You've talked more to the community members than you've talked to the Council. You've talked more to other people, reading all these emails, you have done that. That is disingenuous to even put us in a position to either vote or not vote, prior to coming today. And then having all of our emails and going on in emails and basically almost violating Open Door Law today and dealing with those kinds of situations, that was not good. So, therefore, if that is hostile, and it's not, but if you want everybody to sing Kumbaya at a meeting, then that is not the kind of way we have these kinds of issues either. There is an appropriate way to deal with that. Many of us have shared that, my colleagues have shared that with you, and you've ignored that. So, when you have ignored some of the conversations, and they can speak for themselves, but they have talked to you. So, therefore, this is ridiculous for you to come and bring that without having talked to us prior to us having those kinds of situations. And then you call it hostile? I think that is misappropriate. So, you can say that from that standpoint.

Committee Chair Williams-Preston stated, I can hear that.

Committeemember Eli Cantu stated, If I may, as far as restorative justice goes, I'm not sure if everybody is educated on or knows what restorative justice is. The reason I personally support restorative justice is because I have seen it work in the schools. It was introduced in the schools when I was working at Jackson. We had a meeting and, I'll tell you what, these meetings are very personal. They aren't superficial. They go deep, and I supported it even before this weekend because I believe as parents, we are trying to start restorative justice groups throughout the community. The reason I support it is if we already have this format in the schools that the students and teachers are going through, we could push that over to the parents to have the same format on restorative justice. I think the consistency across the board is the reason I support it. The town hall was two (2) different issues. There was a Police shooting and then a community versus the community type of shooting. So, there were two (2) different things and there were two (2) different measures to solve them. So, as far as restorative justice goes, this isn't catering to the Police as much as it is the community. I think that is an overdue issue that even before this weekend we should have done. And I agree, if we did something like this in our neighborhoods, like in our association meetings, that is what I'm excited for. I think we would have more consistency across the board.



Councilmember Dr. Davis interjected, We are not arguing over the issue of restorative justice and whether it is good or not. We are dealing with the fact that there was a funding issue in there and it still says there is a funding issue in there at this time. There are other entities of this process and how it is implemented within the City, and that has not necessarily been discussed at this time. To argue whether or not restorative justice is an excellent thing, as a school social worker, that is not even an argument I'm willing to have, ok? Restorative justice is good, we acknowledge that, period. The way this thing has been handled is not the best way and even the meetings we have talked about and that is my concern.

Committee Chair Williams-Preston stated, You know what Oliver? I want to say one (1) other thing.

Councilmember Karen White stated, Councilmember Williams-Preston, I'm going to let you continue but I want to let you know.

Committee Chair Williams-Preston interrupted, As the Chair of this, I just want to say one (1) thing.

Councilmember White interjected, I just wanted to let you know that I'm going to have to leave because I have to make a presentation. That is the reason why I am leaving. I know you are the Chairperson.

Councilmember White left the meeting at 5:11 p.m.

Committee Chair Williams-Preston replied, Ok, great. Yeah. I want to apologize. I do feel very defensive and I think tensions are running high. I knew coming into this tonight and I feel vulnerable.

Councilmember Dr. Davis left the meeting at 5:11 p.m.

Committee Chair Williams-Preston continued, I listened to the community. Like I said, I'm taking responsibility and I knew I hadn't done the due diligence of connecting with you guys. I knew I hadn't done everything I could have. Everybody was busy. Yes, I sent emails. Yes, I sent text messages. No, I didn't hear from everybody but that's ok because this has been a rough nine (9) days. So, I knew I was feeling defensive but because the community said no, let's talk about it and bring it forth, that is why we are talking about it tonight. So, there is no question that this isn't ready, but I think it's important that we have the conversation.

Councilmember Tim Scott stated, I would just like to encourage us to stick to the format of our Committee meetings. This is questions only time. Please recognize the person with the floor and go from there. I do have questions. Have you sat down with this version and discussed it with your Committee?

Committee Chair Williams-Preston replied, I haven't.

Councilmember Scott followed up, That's fine. Have you had conversations with Chief Ruszkowski about this resolution?

Committee Chair Williams-Preston replied, We had some conversation last night but not a thorough discussion of this resolution, no.

Councilmember Scott then asked, Have you spoken with Ken Cotter?

Committee Chair Williams-Preston replied, No.

Councilmember Scott asked, Have you talked with Christina Brooks on this resolution?

Committee Chair Williams-Preston replied, No, but let me just explain.

Councilmember Scott continued, No, hold on, I still have questions. I still have the floor, right?

Committee Chair Williams-Preston replied, I suppose so, yes.

Councilmember Scott stated, I'm for restorative justice. I think this is the foundation of doing good things in our community. The issue I have is tensions are high, and I appreciate your apology, but it is making it higher at this point. This, to me, needs a lot of work. There are some formatting issues with this. I don't know if this went through the Clerk or Bob Palmer but there are a lot of formatting questions to it. Ultimately, my name is signed to this, ok? I want to make sure we are doing this right. If it is not ready now, I don't want to rush this. I don't want to rush it in the light of what all has happened in the last nine (9) days. You've put citizens and this Council in a position that we have to go to the public and say, yes, we are going to accept this verbatim. I believe there are other Council Members here that have a lot of questions about this and would like to see this vetted fully, have input which none of us have really had a chance to give input, and I think do it the right way. I would ask you and the sponsors to think about continuing this. I think you could get some meaningful feedback on this. You know this from two (2) weeks ago but I have a lot of questions on the funding end of this. Where do you want to go with this as far as a resolution just regarding restorative justice? I'm all for it but I don't think this is really the time, with everything going on. I agree, we have to move forward. I was there last night, and I said the end results are what is key. I don't want to rush something I have a lot of issues with. Right now, I would probably vote no, and I don't want to do that. I don't want to be forced into something that could be a little more thoughtful.

Committeemember Gavin Ferlic made a motion to accept the *Substitute* version of *Bill No. 19-46*. Committeemember John Voorde seconded this motion which carried by a voice vote of five (5) ayes.

Committeemember Ferlic stated, I would just say, as a comment, I appreciate Councilmember Williams-Preston reaching out to me. I can't speak for anyone else, but I appreciated her bringing this to us in the last Committee meeting. It was at least something for some feedback. What I'm hearing is that there is a certain willingness from the lead sponsor to work through this and make sure the Administration and Council is involved. There is no need to vote on this tonight and I think the lead sponsor is comfortable with that. If more conversations need to take place and more outreach, I think she is more than willing to do that. That is what I'm hearing.

Committee Chair Williams-Preston stated, I appreciate you being able to articulate that for me because that is what I was trying to say in the first (1st) place. I have had short conversations with



almost everyone here and I think we concluded that we needed more conversations. I'm sorry if I wasn't clear about that in the first (1st) place.

Committeemember Voorde stated, That was going to be my question if you were willing to give more background information to raise the comfort level. I believe this is a good thing. I don't want to sound upset that I wasn't this or wasn't that or anything. I don't think you intended any of that. As a matter of fact, I appreciate all the leadership and work and the work you've done on this, but I would fall down on the side of the fact that I'm glad you're willing to talk about this more. While I like it, appreciate and believe in the importance of it, it would be better to contrast this. I'm not pointing fingers and saying anyone is at fault, but if you contrast this with what Councilmember Broden did with Climate Change, when she brought that up at first (1st) and began to mention it in the hallway, I thought, and I'm sorry, but I thought, "Oh brother, here we go. We are going to save the world." It was one (1) of those kinds of things. But as I attended all the meetings she had, I began to think we ought to be doing this and I became as strong a supporter as anyone, I think. I would probably see myself doing the same thing with this if I had that same sort of lead up into it. So, I'm glad you're open to it.

Committee Chair Williams-Preston stated, Right, and as I said in my presentation, I think given that model, I propose we have a Community Relations Committee meeting in the evening where community members can also participate. That is what I found were some of the barriers with the people doing this work. One (1) of the things that came up was the people that ended up helping write this and put the words down were the people that had time during their day to meet and do things like that, but the hardcore folks who have actually been doing the work, they aren't afforded that luxury. That is one (1) question I got when I talked to some Council Members. They asked who wrote it. What it was is essentially a service. People who have the privilege to take time during the day to articulate the vision of the people doing the hard work, unpaid. To me, I also want to take the time here to publicly thank those people who have been working on this to try and bring something, on paper, to this body, so we can open up a community conversation. That is really what this is about. As I said, I thought we could continue it to do more work and whatever behind the scenes, but the community people said, "No, let's bring it out and talk about it in the public and move on from there." Let's get it on the table, and that is what the community called for. That is why we are talking about this tonight.

Councilmember Sharon L. McBride stated, I appreciate restorative justice, for one (1), much like my colleagues have shared here tonight. If there is a biggest proponent, it would probably be myself being a Director of a Correctional Facility. So, when we talk about restorative justice, I work with that every day. I've shared some of my questions with you and I just think that if we, and that's why I'm glad we're going to, but, slow down to have a conversation with the community members and the Council. We can make sure we are walking through and having a plan that is tangible and know the direction we are going. Since there were a lot of questions, we didn't have a lot of time for dialogue and it is premature to have it come without having the input to have the meat and context of it that it should. There were questions I had to why we are the hub? What does that mean if we are working with Ms. Sharp? Notre Dame works with the Prosecutor's Office, Probation and Corrections. So, my questions were why, and then if we have, if you're talking about other events that happen, when we also, as Council, have to legally be involved, and being sued in the future or any other time, is that the most feasible for it to be with us being a hub? There were questions I had that I think we can work through as a working group to get a document that we can

all have and work together on and spread it out with the community. So, my thoughts were that we need to slow down, get together and have that dialogue to have a great document.

Committee Chair Williams-Preston, And to be clear, I have no doubt that everybody on this Council, and the Committee Members, have a deep commitment to healing this community and taking on the responsibility of starting something to address the systemic hurt and harm. So, that is just clear and on the record. Again, I came in tonight with the expectation that we need more conversation and we want to do something more robust.

Councilmember Jake Teshka stated, I have a comment as a co-sponsor of this resolution. I don't want to belabor the point, but I think there is a consensus that this resolution, in its current form, is not ready. That being said, and as a sponsor, I would favor one (1) of two (2) actions. That would be either tabling this in its entirety, or, I would be willing to, if we have any break between now and the evening meeting, to sit down with this. If this Council, and if you believe it is important for us to affirm, or reaffirm, our commitment to restorative justice as a practice, while taking out some of the specificity in this in terms of timelines and what we are saying should happen, if we want to just generally say that we believe restorative justice is a pathway for peace in our community, I would certainly be willing to do that work with you.

Committeemember Voorde stated, I want to make sure I understand. You are open to a continuance, but, what I would favor is going ahead with the presentation tonight for educational purposes. I would say not just to scratch it from the agenda but have a presentation knowing it is going to be continued for further discussion in whatever form that takes later, under your guidance.

Committee Chair Williams-Preston stated, It would have to get out of Committee for that to show up and I don't know how that would work. We had a presentation two (2) weeks ago and, we could do that, but I think it needs more discussion. As I proposed in the beginning, I would like to schedule a Community Relations Committee meeting when we can all get into this.

Councilmember Scott stated, I agree. I don't want any missed or wrong expectations for anyone that would come tonight or any confusion to what has happened here. I would rather have a clean and focused time on this.

Committee Chair Williams-Preston then opened the floor to members of the public wishing to speak in favor of or in opposition to this legislation.

Council President Tim Scott announced, A special prosecutor was requested by Ken Cotter in the case.

Linda Wolfson, 809 Park Avenue, stated, I thank you for the opportunity to come and support this resolution. I listened to what everyone said, and I found some of the previous Community Relation Committee meetings that were held in the evening to be some of the best mixture of people from education, housing and all the different issues. I look forward to having that opportunity. I think people will come if they feel they have something to say or they have an example. We had a meeting that was probably the best forum we have ever had. It moved more people because it was personal. That could happen in the meeting and it would be better understood. I think it is a good solution to allow that to happen.



Desmond Harries, 4018 Summer Street, stated, I've had the opportunity to be involved in restorative justice circles at the Mamas Against Violence conference last October and also in some of the planning at the Neighborhood Resource Center. I just want to offer my support for this resolution. I appreciate the conversation about the work that needs to go into it and I look forward to something being hammered out and something we can all support. As we've seen this week, restorative justice is more than needed in this community and there is no time to wait on this. We need to act now.

Ms. Sharp stated, Thank you all, very much. I appreciate the support in principle, the candor and the guidance.

Committeemember Ferlic made a motion to continue *Substitute Bill No. 19-46* indefinitely. Committeemember Voorde seconded this motion which carried by a voice vote of five (5) ayes.

With no further business, Committee Chair Williams-Preston adjourned the Community Relations Committee meeting at 5:30 p.m.

Respectfully Submitted,

Regina Williams-Preston, Committee Chair