



## **Tim Scott**

1<sup>ST</sup> District Council Member  
Common Council President

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Subject: Response to the South Bend Tribune's Editorial  
Date: Tuesday, October 22, 2019  
From: Tim Scott, Common Council President  
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### **FOR IMMEDIATE RELEASE**

## **Response to the South Bend Tribune's Editorial: Remember to Back 'Full Transparency' on South Bend Police Tapes**

“There is support for full transparency on the operations of city government. We were concerned with the decisions and the processes behind the firing of (communications director) Karen DePaepe and demotion of (former Police Chief Daryl) Boykins.”

“We haven't changed our view on the importance of the public's right to know. The council also shouldn't change its stance on full transparency.”

This is what I said and what the South Bend Common Council still believes; one Council member's remarks does not change our dedication to seeking the truth.

Seven years ago, this Common Council issued subpoenas regarding the firing of DePaepe and the demotion of Boykins. During the intervening time, Mayor Pete Buttigieg's legal team stalled and extended the case, only to drop out of the fight a year ago, while racking up 83% of the legal costs and financially settling with those who were involved in the case without the involvement of the South Bend Common Council. Now, a second group of Intervening South Bend police officers continue to stall and block the release of the tapes and continue to cloud over the transparency the citizens of South Bend desire from their police department and their city government.

In those seven years, this Common Council has considered many strategies and many options to find the most prudent path to the truth and what is on the recordings; this is what all parties do in a legal fight.

The latest journalist investigation by the media group, The Young Turks, has delved deeper with more information and insight than any journalist or media group has done in the past seven years. The Young Turks have brought to this Common Council information it has had no legal way to see before.

This Common Council requested an extension to understand the implications of The Young Turks information, thus a part of a strategy to see if that information results in achieving the goals stated by the Common Council seven years ago without the additional costs of possibly three more years of litigation and three more years of delay. Court trial for this case is not scheduled until summer 2020, at the earliest, and if the past is any indication, the case will spend two or more years in the appellate courts.

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The Tribune asks, "What has changed?" It should be obvious to anyone that the Young Turks has, for the first time revealed documents that could independently establish what is on the recordings without the need to actually listen to the recordings. This Common Council owes the City of South Bend and its residents the duty to investigate and to attempt to verify what The Young Turks has brought to light. It is our responsibility for this Common Council to consider all new information when formulating strategy. But one strategy does not mean we are giving up on the goal of seeking transparency in government; especially in relation to the South Bend Police department and the police recordings issue.

By state law, the South Bend Common Council is allowed to conduct non-public Executive Sessions with its attorney to discuss and develop strategies in its litigation matters. Under attorney-client privilege the meetings are confidential to all the members of the Council and their attorney. Up until this point, Common Council members have respected this confidentiality.

The remarks to the South Bend Tribune by Councilmember John Voorde pertain to one strategy discussed in the last Executive Session on September 26<sup>th</sup>, 2019, and those remarks are his alone. Councilman Voorde does not speak for the full South Bend Common Council. If and when there is a major change in strategy regarding the recordings, the Common Council will vote in a public meeting, as required by state law.

The business of the South Bend Tribune is to sell newspapers. Continued litigation over the recordings may assist the Tribune's business, but from my view, it is not necessarily in the best interests of the City of South Bend or its residents. What will they gain by an additional three years of litigation if the final result is nothing more than verification of the accuracy of the Young Turks' stories? The Tribune has always had the option to initiate its own litigation resulting from the City of South Bend administration officials' refusal to turn over the recordings in response to the Tribune's APRA requests. It has apparently chosen instead to ride the coattails of the South Bend Common Council's litigation, expressing its opinions with little or no knowledge of the many factors the Common Council must consider in deciding what is in the best interests of the City of South Bend and its residents.

This Common Council will move forward with the strategy around The Young Turks article and other strategies with two goals; complete transparency regarding the recordings and the people involved, and at the lowest expense to taxpayers to reveal to the truth.

Tim Scott

South Bend Common Council  
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