

**South Bend Common Council  
Rules Committee Meeting  
Monday, July 19, 2021  
6:00 pm**

**Meeting Purpose:**

The meeting purpose was to discuss the status of the Community Police Review Board, current issues/concerns and discuss action plans and to how this council will move forward.

Opening Statements by President White and Council members (Please refer to the meeting minutes)

**Council's Discussion Questions:**

1. What should the Council's course of action be moving forward?  
What information will you need in order to do so?
2. What could we had done differently?
3. What will it take to rebuild trust amongst community stakeholders and the community at large?
4. Where were the missteps in the process?

**Questions from the public and responses: :**

**Jorden Giger 424 S. Michigan South Bend, IN -**

How is the council confused, do not know on how to move forward? **Council's Response**

**The South Bend Tribune's revelations regarding the Director and the process through which he was hired raise questions in many people's minds, including Council members. The Council is composed of nine separate members, each with their own opinion of what needs to be done and each with constituents concerned about restoring trust in the process so the Review Board can operate as intended. All discussions between a majority of Council or Committee members must be conducted in a public meeting and any vote on what should be done must also take place in a public meeting. At the time the question was asked, Council members had not had a full opportunity to do proper follow-up**

**investigation and listen to their constituents on what, if anything, needs to be done. If the Council determines that amendments should be made to the ordinance, those amendments must be drafted, go through first readings, be assigned to a Committee, be scheduled for second reading, public hearing and third reading, followed by a vote. Council members must consider what is best for the entire City, not one or more particular groups.**

Why do the council want to hold up the appointment process, because you all have questions about how a person was hire? **Council's Response**

**There has been no decision to hold up the appointment process for Review Board members. That process is entirely within the Council's jurisdiction, not that of the City Clerk. For the reasons stated before, those decisions cannot be made without discussion at a public meeting.**

What are the missteps that the Council are naming? **Council's Response**

**Certain expectations were raised with respect the Council's right under the ordinance to consult with the Clerk's office on the appointment of the Director. Other expectations were raised with respect to the public's opportunity to question finalists in a public setting. There was obviously confusion about who was to complete background checks and what was to be included in background checks. There was an apparent breakdown in communications regarding interpretation and application of a new and very detailed ordinance.**

**Josh Morgan 701 w sample street-**

How would you deal with background checks in the private sector? **Clerk's Response**

Who is paying for the Community Police Review Board Attorney, and what type of cap does Mr. Reynolds? **Clerk Jones Response**

**C 36-4-10-5.5 Employment of attorneys or legal research assistants Sec. 5.5. (a) A clerk or clerk-treasurer may hire or contract with competent attorneys or legal research assistants on terms the clerk or clerk-treasurer considers appropriate. (b) Employment of an attorney under this section does not affect a city department of law established under IC 36-4-9-4. (c) Appropriations for the salaries of attorneys and legal research assistants employed under this section shall be approved in the annual budget and must be allocated to the clerk or clerk-treasurer for the payment of attorney's and legal research assistant's salaries. As added by P.L.69-1995, SEC.9. Amended by P.L.34-1999, SEC.2.**

Who is Mr. Reynolds Attorney affiliated with? **Clerk Jones Response**

**Mr. Reynolds has his own personal attorney which is not within the jurisdiction of the city clerk.**

When did Geary & Miranda rights apply to the Community Police Review Board? **Council's Response Council's Response**

***Garrity, in particular, and Miranda, in general, are United States Supreme Court decisions which apply to a police officer's constitutional rights focusing primarily on the Fifth Amendment right against self-incrimination. Section 2-12.2.10(c) of the ordinance protects these rights by stating: "Officers shall be required to cooperate with the Review Board and Review Office as an investigation is conducted, subject to their Federal and State constitutional rights."***

Hari- Ru 18065 Bulla RD

How committed is the Council to the current timeline for the Community Police Review Board, and if the timeline changes how will the public know? **Council's Response**

**The ordinance is in the process of being implemented. Any changes in the timeline will be decided and communicated to the public in a public meeting.**

Trina Robinson 914 Lincoln Way West-

Is this something that you would want your employer to do if you were hired, you provided the documentation that was required of you? Now since someone did not do their job, your required to come up with additional documentation for whatever reason? **Council's Response**

**The Council is committed to transparency in City government. To the extent that transparency did not exist in the process of appointing the Director, it must be remedied regardless of any fault or lack thereof.**

Kat Redding 418 Lamonte Terrace-

How could we trust that Mr. Reynolds would do his due diligence, if he violated the rights of a child? Who dropped the ball and where did they drop it at? **Council's Response/Clerk Response**

**Although Mr. Reynolds admits that he made a mistake regarding a social media post about a child, there is no allegation that any rights were violated.**

David Niezgodski 4942 SCENIC DR.

In the future will the board be able to express a vote of confidence or no confidence in the director, and if so, will it then be pushed to the council since the council is in charge of the board?

### **Council's Response**

**Section 2-12.2.7 of the ordinance states that the Director is subject to review and evaluation by the City Clerk or Clerk's designee in collaboration with the Review Board and the Common Council. The effect of a vote of no confidence in the Director by either the Review Board or the Common Council is determined by the Clerk, who, in turn, is answerable to the voters.**

Julian Dean 815 Leland Ave-

Will the Council be willing to revise the ordinance to state how the director will be hired, and what the applicant will need to provide in the future? **Council's response**

**This is an option that will be available to Council for discussion. A decision has not yet been made for reasons stated previously.**

### **Council's Action**

Please include the motion that was made and seconded by the Council.

### **Proposed Next Steps:**

1. Amendments to the 3rd Substitute Bill 12-20.
2. Review the NACOLE vetting questions for the Board selection as Councilwoman Lori Hamman shared. Develop the interview process.
3. Present action item to the full council at the July 26, 2021. (Motion made and passed at the July 19th meeting.)
4. We must build trust. We stated that we take responsibility for some of the missteps thus far. We must work together! Open and honest communication is a must.
5. What legal questions need to be addressed?
6. Must clarify roles and responsibilities and work within the specific areas as defined in the ordinance. Please note that Clerk Jones emailed a MOU to this effect. Council members were sent this email for feedback.
7. The Council will be scheduling meetings with Clerk Jones and Mr. Reynolds. The time/day and structure will be forthcoming.
8. Review the Board's Implementation Timeline to confirm we are on track.

Please note that this council has never stated that we do not support our ordinance. We are committed to moving forward. We are committed to its overall success.