

ACC Community Police Advisory Board Development Task Force

Wednesday, January 27, 2021 at 3:00 p.m. via WebEx

Task Force Members Present:

Mokah-Jasmine Johnson, Co-Chair
Shane Sims, Co-Chair
Stephanie Flores
Dr. Sarah Shannon
Phillip Smith

Task Force Members Absent:

T.K. Monford
Joan Prittie
Mykeisha Ross
Nikema Stovall

Visitor:

Liana Perez, NACOLE

Staff:

Blaine Williams, Manager's Office
Chief Cleveland Spruill, Police Department
Sherrie Hines, Attorney's Office
Austin Bryson, Attorney's Office
Sarah George, Manager's Office- Recorder

The meeting began at 3:05 p.m.

A. **Approval of the January 6, 2021 Minutes**

Phillip Smith made a motion to approve the January 6, 2021 minutes. Shane Sims seconded. The motion passed unanimously.

B. **Proposed Recommendations Based on Community Feedback**

The Task Force reviewed language recommended for consideration by NACOLE based on discussion at the last meeting. The language provided guidance on:

- Removal of a Board Member;
- Qualifications and Disqualifications for Board Membership.

Dr. Shannon recommended the Committee not use the phrase "moral turpitude" for removal of a board member, because it is too subjective. She also inquired about whether or not some of the language might be redundant, since the qualifications prohibits individuals with current charges from sitting on the board. Dr. Shannon suggested listing conviction of a crime being a cause for removal or listing which specific convictions would lead to disqualification. Stephanie Flores agreed with Dr. Shannon that "moral turpitude" is too subjective, and she also asked the Task Force if anyone had any specific charges or types of cases might be in conflict with someone's service on a board, as these would need to be mentioned to provide more specificity.

Mokah-Jasmine Johnson asked Liana Perez about her recommendations if the phrase "moral turpitude" was removed and whether more specific language should be added. Liana Perez advised that if the Task Force removes the phrase and leaves the word misdemeanor in the language, they should probably list more specifics. She also noted that, for this particular board, having language for removal of board members is going to be important based on the issues and the charge of the board. Perez explained that creating a list can be problematic, because there is always the possibility that something is left out, so the Task Force may want to remove the word "moral turpitude" and "misdemeanor" altogether and leave the phrase "substantial neglect of duty, gross misconduct in office, inability to discharge their powers and duties as a member of the board, absence from three consecutive regular meetings or five regular meetings in a calendar year except

on account of illness or when absent by permission". Perez also inquired if there was any existing language for removal of members of other boards and commissions.

Shane Sims inquired as to whether or not there was a specific definition of moral turpitude. Sherrie Hines explained there is not a good definition, and it is designed not to have a specific definition. One of the ways it gets defined is as an act of baseless vileness or depravity in the private and social duties which a man owes to his fellow man or society in general. She further explained that there is not a list of which crimes would be considered a crime of moral turpitude, and the courts have recognized that it is definitely more than just criminality, but it depends on the facts and the intent of the person committing the crime. Hines echoed Dr. Shannon's concerns and strongly suggested the Task Force not use the phrase "moral turpitude". She also noted that this language points to character; if a person is accused of a crime involving moral turpitude, they may not have the character to sit on a board. This is in contrast to the concern shared in discussion at the last meeting that someone who has pending charges in Athens-Clarke County may not be able to be objective because of the pending charges. Hines encouraged the Task Force to consider these two thoughts and how they may inform their decision on this language.

Mokah-Jasmine Johnson asked Sherrie Hines for her recommendation on how to modify the language to fit what the Task Force wanted to capture. Sherrie Hines advised, if the Task Force is still wanting to make it to where someone who has a pending charge is not able to stay on the board, the conviction language could be removed, as the moment someone has a pending charge they have to be removed. Then, the Task Force can avoid the moral turpitude question and continue with the remainder of the section. Mokah-Jasmine Johnson asked the Task Force how they felt about the recommendation. Stephanie Flores noted she does not believe people with misdemeanor charges should be excluded and suggested the Task Force just be more specific about the types of felonies that would disqualify a board member.

Mokah-Jasmine Johnson expressed concern that suggested language might cause someone with a pending charge to be automatically removed. Sherrie Hines noted her suggestion, with that included, was based on past discussion, but she was unclear whether or not the Task Force had reached consensus on that point. Hines suggested the Task Force may want to consider as an option whether charges from out-of-county would disqualify board members, and if pending charges within Athens-Clarke County, regardless of what they are, should disqualify them. Stephanie Flores expressed concern with having it, and she explained she was considering a scenario in which people may perhaps be targeted, because the bar is so low to be disqualified based on a pending charge; she noted, while she does not believe this particular Police Department would do that, she does think it is within a capacity that could happen. Flores suggested the Task Force find something more specific or concrete, or identify another screening method as a preliminary step to determine if the person can maintain objectivity before disqualifying the board member. Shane Sims explained he understands Stephanie Flores' concern, but he believes, for the individuals involved, the chance of them being in a situation where this can be used against them, though possible, is probably unlikely. He noted he also understands that objectivity and transparency need to be maintained on the board, and this would be a concern if someone has a pending charge. Sims agreed with Stephanie Flores, but he prefers to air on the side of caution on this point. He believes the Task Force needs to work to address any possible conflict that can be used to sabotage the board overall and avoid any conflicts of interest at all costs.

Sherrie Hines explained that excluding certain types of charges, like traffic or DUI charges, may provide more specificity to address some of Stephanie Flores' concerns. Chief Spruill noted he believes the entity that is going to be making the decision regarding whether a rule has been violated and rises to the level of needing to be dismissed from the board should be the board. He recommended the board, after asking the person with the pending charge to excuse themselves for

that portion of the meeting, could discuss the facts, and then determine whether it rises to the level of necessitating them being temporarily or permanently suspended from the board. Manager Blaine Williams advised that typically the Commission are the ones that appoint or remove board members; he noted the Task Force could give them some suggestions to address some of the concerns, but he is not sure the intent is to have the board remove members. Shane Sims advised that, given that the appointment and removal of board members rests within the authority of the Commission, it may be a moot point. Dr. Sarah Shannon inquired as to whether or not there was a standard set of criteria that the Commission might use to remove board members. Manager Williams advised that he is not aware of any.

Mokah-Jasmine Johnson asked Liana Perez her recommendation on how the language should be modified to denote that, based on the case or situation, the Commission may determine whether or not to remove a member. Sherrie Hines suggested that one way may be to say that if someone is charged with an offense, not traffic-related, that triggers a review by the Mayor and Commission to determine if someone should be removed. Liana Perez explained she could revise the language to reflect the conditions shared. She also noted that, from her experience with other boards, attendance tends to be the most common reason they request someone be removed from the board. Mokah-Jasmine Johnson agreed with Sherrie Hines suggestion to have the conditions listed trigger a review by the Mayor and Commission. Stephanie Flores requested language be added to ask that the person be provided an opportunity to attend and present their case. Flores also noted that she believes paying people for their work on the board would also help with attendance.

Mokah-Jasmine Johnson asked the Task Force how they felt about the recommended language for qualifications and disqualifications for board membership. Stephanie Flores asked if representation of "people being affected most by police violence" was being replaced with "communities experiencing the most frequent contact with the Department". Liana Perez explained she believes this was a catch-all for the language, since she was unsure if the Task Force had reached an agreement on the other language. Phillip Smith inquired as to whether the language Stephanie Flores mentioned was included somewhere else within the document, and he asked the Task Force if they would be open to using the language suggested, as long as the other language is represented somewhere within the document. Dr. Shannon noted that she prefers the language being suggested. Shane Sims agreed and noted he believes the language is more inclusive as suggested. Stephanie Flores explained that she is amenable to using "experiencing the most frequent contact with the Department" in this section as long as the other language about naming "people who experience police violence" is somewhere else.

Sarah George shared research on which boards, authorities, and commissions receive stipends. She noted that there are several boards, authorities, and commissions that may be eligible to receive stipends; however, the two that we are aware of that are active are the Board of Elections and Board of Assessors. The Board of Elections members are entitled to \$25/meeting, and they are eligible to receive \$15/hour on Election Day. Mokah-Jasmine Johnson inquired as to how often and long review boards tend to meet. Liana Perez advised other jurisdictions' boards usually only meeting monthly for about two hours at a time. Mokah-Jasmine Johnson suggested that the Task Force recommend the review board get paid a stipend and that they receive no less than what other boards are being paid.

Stephanie Flores agreed and noted that she is wary of using precedence for justice work that has not been done before based on other entities. She agrees with not providing less than other boards and authorities receive, but she would also suggest a billable rate of \$15- \$25/hr. for up to four or five hours a month for work that is done outside of the meeting. Sherrie Hines advised that she is not aware of any board that gets paid for work that is done outside of a meeting or event. Phillip Smith explained that he believes the further they get away from stipend, the more difficult it is for

them to pitch to their fellow community members to obtain their support. He explained the Board of Elections and Board of Assessors are pretty unique in the way that they get paid. Smith explained he is sensitive to the fact that this is new and novel, but he thinks recommending anything beyond a stipend will be a tough sell. Shane Sims noted he was concerned whether or not they would be able to bill hours.

Mokah-Jasmine Johnson made a motion to recommend that the review board get paid a stipend no less than that of other boards and language be added to allow billable hours to ensure that if they work outside of their regular meeting that they are being paid. Stephanie Flores seconded. The motion failed with Stephanie Flores and Mokah-Jasmine Johnson voting in favor and Dr. Sarah Shannon, Phillip Smith, and Shane Sims voting opposed.

C. Response from Athens Chamber of Commerce

Shane Sims summarized a meeting he and Mokah-Jasmine Johnson had with David Bradley, President of the Athens Area Chamber of Commerce. Mr. Bradley expressed some of the concerns of members of the business community. They explained to Mr. Bradley that the advisory board was not intended to be antagonistic or counter to any internal mechanism within the Police Department. He also explained that the advisory board will likely very often come to the same conclusion as internal investigators within the Police Department, and Mr. Bradley advised, based on the research he had done, he saw that to be true. Mr. Bradley did ask if there was any way that a liaison or representative of the groups that the Task Force did not recommend be included on the review board, due to conflict of interest, be present on the board as a non-voting member.

D. Discuss Adding Liaisons-Community Stakeholders (Non-Voting Members)

Mokah-Jasmine Johnson asked the Task Force for their thoughts on including non-voting liaisons for organizations that are important stakeholders and are interested in being a part of this work. Johnson noted that one benefit is that the liaison could help reduce miscommunication by working with the review board and communicating back to their respective groups about the work. Stephanie Flores noted that she was unsure why they needed to specify having a liaison from the Chamber of Commerce be involved, given that the meetings will all be open to the public. Phillip Smith noted he liked the idea of having liaisons in official or unofficial capacities, and he believes it would be helpful to have their input. Dr. Shannon noted that she understands that an important part of this work is to engage with the community, but she is curious how many constituencies within the community will want or need liaisons on this board. Liana Perez agreed with Dr. Shannon and Stephanie Flores. She further noted the meetings are open, and there is nothing within the structure that prohibits inviting representatives from organizations to make a presentation or an interactive exchange for topic-specific issues or concerns. Also, she explained liaison more often are used when subject-matter-expertise is needed.

E. Schedule/Agenda Changes

Phillip Smith made a motion to adjourn the meeting. Mokah-Jasmine Johnson seconded the motion. The motion passed unanimously. The meeting concluded at 4:23 p.m.

The recording of this meeting can be accessed on YouTube at the following link:

<https://youtu.be/mq3JKAeXZFc>

Due to a technical problem, the first five minutes of the meeting was not recorded.

