

Mayor's Equity Advisory Council
Meeting Minutes
Thursday, January 14, 2021 at 6:00 pm
Via Zoom

I. Roll Call

Members in Attendance: Steve Allard, Mayor Gayle Brill Mittler, Kevin Dougherty, Councilperson Elsie Foster, Nathalie Levine, Franklin Moreno, Carolyn Timmons, Jeff Vardaro (co-chair), and Norma Vargas (secretary).
Staff: Harry Glazer
Guests: Lucille Davy, Ed Schmierer - Highland Park Borough Attorneys
Members of the Public: Jessica Hunsdon

II. Approval of the minutes of the prior meeting

Co-Chair, Jeff Vardaro made a motion to approve the minutes of the prior meeting, held on December 7, 2020. The motion was seconded and approved unanimously.

III. Report of bylaws committee, including presentation of draft bylaws

A draft of the bylaws was previously emailed to members on January 13, 2021 for review. Bylaws committee members Kevin Dougherty and Franklin Moreno (Pastor Antoinette Gaboton-Moss was not in attendance) deferred to co-chair Jeff Vardaro who led the presentation of the draft bylaws.

- Suggestions for modifying the Bylaws were discussed such as clarifying the rotation of secretaries and updating the language from 'Chair' to "Co-Chairs" as we have two co-Chairs. In regards to Article III, Item 3/Terms of Membership and to Article IV, Item 2/Term, the following suggestions ensure consistency and clarity were made: Steve A., (September - September), Elsie F. (January - January) and Carolyn T. (September 2020 - September 2121 with any changes to be determined by 2022). Steve A. asked for the definition of voting members or process to be more detailed. Jeff V. will amend the bylaws to include a broader definition based on suggestions discussed.
- Harry suggested corrections to wording on page one (Article III: Membership 1. Appointment) - Change 'Board' to 'Council' and mentioned that Article II: Duties, Item 6 seems to indicate that a programming committee should be created as part of the subcommittees. It was acknowledged that this item would be part of the subcommittees and would be defined in bylaws and in further discussions.
- The above discussions were not particularly relevant to actually changing the overall structure or content of the bylaws. It was agreed that Jeff V. would amend the bylaws and further discuss with the bylaws committee and a second draft will be presented at the next meeting for approval.

IV. Consideration of bylaws for adoption

A unanimous motion was made to defer adoption of bylaws until the next meeting.

V. Report of communications committee (Jeff V.)

Jeff V. "worked on a map" of what he'd like the communications to look like. He is currently waiting for more information from the Borough office in terms of the legalities of what and how to share information on the work of MEAC with the public in order to have full transparency. Thus, we are not ready to have a full rollout of an independent MEAC website or to increase our internet presence at this time as we await guidance from the Borough. However, there is currently a link to the MEAC on the Borough's website (<https://www.hpboro.com/government/boards-commissions/mayor-s-equity-advisory-council>). Once the MEAC bylaws are modified and approved, and when MEAC establishes a regular meeting date, the information will be shared on the Borough's website.

VI. Discussion with Borough Attorney on access of the members to data and information from the Highland Park Police Department

Guests, Highland Park Borough Attorneys, Lucille Davy and Ed Schmierer responded to MEAC's inquiries regarding the scope of the power of what the council wishes to focus on in regards to the police department. They both elaborated on the memo from Lucille E. Davy (of Mason, Griffin & Pierson), dated January 12, 2021 and shared with MEAC members on January 13, 2021. Lucille D. has advised the HPPD regarding policies and working on making policing more transparent and implementing the guidelines of New Jersey Attorney General's Use of Force Policy. Presently there are two legislative bills awaiting NJ Legislature approval which will be helpful in what the MEAC aims to accomplish. Lucille D. and Ed S. responded to all the questions posed to them in regards to accessibility to records and legal guidelines for obtaining such information.

There was an extensive question and answer discussion pertaining the following:

- Accessibility to records of complaints against officers, Internal Affairs findings and any resulting disciplinary actions.
 - Generally personnel records are confidential and are protected by strict New Jersey State Laws. Only the Police Chief and Public Safety would have access to these. The MEAC would not be able to obtain confidential information even if the chief, Public Safety or Mayor wanted to share the information. The documents would need to be heavily redacted to remove any reference that would lead to identifying subjects in the report. The process of redaction might render the records useless to the MEAC as it would likely not contain enough information to make determinations. However, the practical process of complaints, Internal Affairs investigations and disciplinary actions and how any of these might be applied, could be discussed with the Police Chief. These are based on NJ State Attorney General Directives. The Police Chief is responsible for implementing these directives.
- Some questions were centered around whether the Rutgers University Center in Policing's upcoming Analysis of Highland Park Police Motor Vehicle Stops study (as announced in the December 15, 2020 Borough Council meeting), would lead to MEAC obtaining more detailed information.
 - Lucille D. mentioned that she was not completely familiar with this study or its parameters but it was determined that MEAC would not be able to obtain detailed confidential information directly but could discuss any inconsistencies or concerns in this report, with the Public Safety Committee. They'd decide if it would require further review and would move up to the next level. These reports could be a gateway to obtaining more information but still would not be able to obtain personnel data directly.
- MEAC would want accessibility to confidential records pertaining to tracking problematic officers.
 - At this time there is no legal way for MEAC to obtain such records, even if Public Safety, the Mayor or Borough Council granted permission, unless they are heavily redacted and this would render any report moot. However, MEAC could ask the Police Chief more pointed questions about internal processes rather than specific officers.
- The length of time it would take for MEAC to obtain information and precisely what would be allowed and whether the council would be able to obtain an Internal Affairs investigation packet if the confidential information were to be heavily redacted.
 - Information would need to be redacted by the police department and then reviewed by Borough Attorneys to make sure it is in compliance with state confidentiality laws. Ed S. mentioned that they'd inquire as to whether MEAC could get a sample of a redacted file for review to see if it were helpful to the council and its work and unsure if this was even feasible. There will be a follow up to this question.
- Internal Affairs procedures should be discussed with the Police Chief as well as whether disciplinary actions are effective.
 - The law relies on the Police Chief to initiate an Internal Affairs investigation and any subsequent discipline. Directives from the Attorney General are available to the public and applied by the HPPD. Lucille D. suggested MEAC follow up with the Attorney General's office for further advice and to know what his policies were for the state.

- Knowing whether and how complaints are investigated, what disciplinary procedures are in place and the process thereof, is vital to the work MEAC is tasked with.
- While there are towns establishing Civilian Complaint Review Boards they operate more on an advisory basis. CCRB can be costly to operate due to the costs of investigations and possible litigation resulting from any of these investigations. Further, members of a CCRB would need specialized training.
- MEAC's focus at this time should be on what it IS allowed to do versus what it is not allowed to do.

Links to the Attorney General's Internal Affairs Directives:

<https://www.nj.gov/oag/dcj/agguide/directives/IAPP-August-2020-Version.pdf>

Links to Highland Park Police Department:

Bias Free Policing Directive: <https://www.hpboro.com/home/showdocument?id=3155>

Early Warning System: <https://www.hpboro.com/home/showpublisheddocument?id=3391>

VII. Public Comment

Jessica Hunsdon was the only public member present and did not have any comments.

VIII. Consideration and formation of working groups to begin execution of items in bylaws:

Jeff V. expressed having different expectations of the meeting and the information MEAC was hoping to obtain in order to move forward with our work. MEAC Co-Chairs will assign members to do some independent research and work in subgroups based on their requests and skill set. They would then report their findings during the public meetings.

Subgroups originally suggested were:

- A. Study of CCRBs; B. HPPD internal complaint process; C. HPPD policy/procedure;
- D. public safety budget review

Based on the discussion during this part of the meeting, the description and responsibilities of these subgroups would likely change once Jeff V. discusses further with Pastor Antoinette Moss (who was not in attendance) and this information would be sent via email to the members. One of the main objectives of these subgroups is to ascertain that there is equity in how the policies are applied, transparency in the internal processes and whether there is appropriate and adequate resource (budge) allocation. MEAC members will contact Co-Chairs with top choices for subgroups they wish to join using a 1-5 ranking system as well as what skills would make them suited for their subgroups. Members discussed various ideas for subgroups and each would entail. In conclusion, Jeff V. will share the final subgroups and descriptions with Harry Glazer and the MEAC members once he finalized these ideas with Antoinette M.

IX. Discussion of next steps

The next MEAC should discuss/focus on the following:

- Review and approval of Bylaws
- Review of any information received from the Borough Attorneys
- Jeff V. will discuss all the above with Antoinette M. and set a meeting date.

X. Adjourn

Meeting was adjourned at 7:26pm