



AGENDA

City of Bloomington Board of Park Commissioners
Special Meeting: Tuesday, July 23, 2024 5:45pm – 6:30pm

City Hall Council Chambers
401 N. Morton St.

CALL TO ORDER - ROLL CALL

A. BUSINESS

A1. Review/Approval of City of Bloomington Farmers' Market suspension appeal

ADJOURNMENT

A-1 Agenda item

Admin. Approval: TS
Date: 7/17/24

TO: Board of Park Commissioners
FROM: Tim Street, Director
DATE: July 23, 2024
SUBJECT: Appeal of Suspension for Andre Deloney

Recommendation

Staff recommends upholding the suspension of Andre Deloney for reasons related to an incident that occurred at the Farmers' Market on Saturday, May 25, 2024.

Background

On May 25th, 2024 an incident occurred at the Farmers' Market in which Andre Deloney was observed getting in various lines behind women and rubbing against them. This came to our attention because a Bloomington Parks and Recreation staff member who attending the Farmers' Market that day with her husband was bumped into three times. Per her report, after she jumped and reacted the third time, Mr. Deloney left the line and the area. This staff member then found the on-site MSI security officer, who then set off to find Mr. Deloney. The MSI officer observed and reported that Mr. Deloney was continuing this behavior with another woman and provided a video and image with their report. When confronted by MSI and Clarence Boone, the Farmers' Market Coordinator, Mr. Deloney responded that he was seeking help for his issues. When he was notified that law enforcement was on the way he left the area. He was later arrested and charges are still pending.

Per Parks policy 11080, the Director is empowered to issue park suspensions for disruptive behavior (the relevant section if this policy is include below). Upon learning of this behavior, Mr. Deloney was issued a one-year suspension from the Farmers' Markets (both the Saturday and Tuesday markets), as these are locations where women in line would be vulnerable to this behavior. This suspension was issued in accordance with Mr. Deloney sent in the appeal letter included in the packet materials. It is worth noting that our Office Manager reported that it appeared that was spit or some other fluid enclosed in the envelope upon receipt.

The Board has the authority to uphold or alter this suspension as it sees fit.

RESPECTFULLY SUBMITTED,



Tim Street, Director

Excerpt from Parks Policy 11080:

Disruptive Behavior

The Bloomington Parks and Recreation Department expects its staff to exercise good judgement and use sensitivity when intervening with participants whose behavior is interfering with other patrons use or enjoyment of department facilities, programs, and services. In some cases, participants are simply unaware that their behavior is disruptive and a few words from a staff member are sufficient. Whenever these methods are ineffective, the following procedures may be followed in order to protect participants, department staff, and property.

1. The first contact with a participant should be a request to cease a specific behavior. If the participant does not cease the behavior, the staff member will repeat the request and give a verbal warning that if the behavior does not cease or is repeated, the participant will be evicted from the property for the remainder of the day. If the patron continues or resumes the disruptive behavior, the staff member will tell the participant to leave the property for the remainder of the day. Whenever possible, two staff members should be present when a participant is told to leave the property. Note: Structured programs and services, ie. Day camps have separate and distinct disruptive behavior policies.
2. If a child under the age of eighteen is causing a disturbance, the appropriate parent, guardian or caregiver shall be reminded of and/or given a copy of the Department's Parental Responsibility statement.
3. Under extreme circumstances, disruptive participants may be suspended from Bloomington Parks and Recreation Department property, programs, and or services according to the Sanctioning Guidelines set forth below. Repeated or particularly severe behavior problems that seem to warrant harsher penalties should be referred to the appropriate supervisory staff member. If the participant is a child, the parent will be informed of this action in writing and the parent will be required to contact the appropriate supervisory staff member before the child can be readmitted.
4. If a patron behaves in a violent or threatening manner, staff members may call the police immediately.

Sanctioning Guidelines

Major Violations

Assault, battery, intimidation, fighting, or other violence, theft, harassment, criminal damage to property, extreme disorderly conduct, and repetitive or consistent negative behaviors may be considered a major violation. In addition, other offenses that violate the basic safe and civil atmosphere expected at Parks facilities, programs or services may be considered to be major violations.

The following guidelines shall be used to determine sanctions for major violations:

Minor aged participants (17 yrs and under):	6 months to 1 year suspension
Adult aged participants (18 yrs and over):	6 months to 1 year

Minor Violations

Disruptive behavior, use of profane language, minor infractions of house rules, and other similar behaviors may be considered minor violations.

The following guidelines shall be used to determine sanctions for minor violations:

Minor aged participants (17 yrs & under): 0 days to 1 month suspension
Adult aged participants (18 yrs & over): 1 day to 3 months suspension

In determining the appropriate sanction for a major or minor violation, the department shall consider the age of the participant, the age(s) of the victim(s), the extent of damage to any property, and any other circumstances relating to the violation. If the department deems it appropriate, it may consider additional or alternative sanctions in special circumstances.

Conduct Response Policy

The following procedures shall be used in addressing violations of parks policies:

1. At the time that Bloomington Parks and Recreation Department staff becomes aware of the violation, staff shall address the violation with the offending participant.
2. Staff shall make an initial, on-site response to the participant, and shall complete incident reporters.
3. When appropriate, the department may augment the staff on-site response according to the Sanctioning Guidelines set out above. The participant shall be notified of department sanctions by telephone or in writing.
4. If the participant does not agree with the on-site response or any additional department response, the participant may submit a written appeal to the department Administrator within 14 days of the date of notification.
5. The Administrator shall submit the appeal to the Board of Parks Commissioners for review; however, the board may delegate the appeal to an advisory council if the board determines that the circumstances of the incident make the delegation appropriate.
6. Review of an appeal shall take place as an agenda item at a public meeting of the board or relevant advisory council. Upon review of an appeal, the board (or advisory council) shall take statements from the participant, Bloomington Park and Recreation Department staff, witnesses, and other interested persons. The board (or advisory council) may uphold, repeal, or modify the sanction imposed by the department. The board may, at its election, choose to review any matter heard on appeal by an advisory council.

Statement from Clarence Boone on May 25th Farmer's Market Incident involving Andre Deloney

- On May 25th, I was informed by Rebecca Swift that a man (later identified as Andre Deloney) had brushed up against her in a provocative manner three times while she was in line at the Market.
- Her husband, who was with her, witnessed this happen.
- Alarmed at this, she and her husband begin observing his behavior and at one point video recorded Andre assaulting other patrons.
- She brought this to my attention and I sought assistance from our Marshall Security contact, Nick who took down her statement and left to confront Andre
- Andre was brought to me and I asked him to explain his behavior
- He repeatedly stated that he was getting counseling from Centerstone for his "issues"
- I told him that we were contacting the BPD to address this further at which time he immediately left
- I spoke with a BPD officer/detective who also took Rebecca's statement. He had a copy of her description of the incident. He shared that they will seek to find him (based on description and the video footage). Afterwards, they will file charges and hopefully bar him from any Park & Rec property at the very least for the remainder of this season.
- It did appear that they (BPD) were familiar with Andre and his pattern of behavior
- A few days later, I was told that Andre had been apprehended and an arrest police blotter post was sent to me indicating that he was arrested for sexual battery
- I will reach out to the BPD if I see him at the Market again. I will request Sarah to do likewise.

Clarence Boone

Program/Facility Coordinator for
Farmers' Market & Community Gardens
Parks and Recreation Department
City of Bloomington, IN
clarence.boone@bloomington.in.gov
[812-349-3738](tel:812-349-3738)
bloomington.in.gov



INCIDENT REPORT

Date of Incident: 5-25-24 Time of Incident: 10:30 am pm

Date of Report: 5-25-24

Report completed by: Clarence Boone

Time of Report: 10:40 am pm

Type of Incident Injury/Accident Illness Behavioral Near Miss Security/BPD Other

If this is an employee accident, the COB Employee Accident Form should be completed and returned to Risk within 24 hours.

Witness statements should be attached separately. Complete detailed description of incident and follow-up actions taken on the back side.

Participant Involved

Name: Rebecca Swift DOB:
Address: 401 N. Morton
City, State, Zip: Bloomington, IN 47402
Phone:

Location of Incident

at Farmers' Market (near a vendors booth)

Activity

Sports Youth Public event
 Aquatics Social activities Rental
 Fitness Special events
 Other:

Staff personnel present?

YES NO

Name:
Job Title/classification:

Witnesses?

YES NO

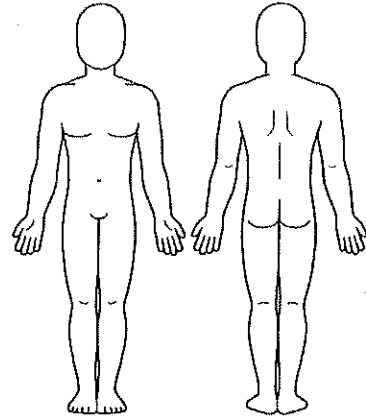
Name: Rebecca's Husband Name:
Address: Address:
Phone: Phone:

Resolution

Refused treatment Sought adv. care on own
 Emergency contact notified Unknown
 EMS response (indicate who called) Other:

Type of Injury

- DOES NOT APPLY Head injury
- Blister(s) Dental
- Burn Sprain/Strain
- Laceration Bruise
- Abrasion/Scrape Puncture
- Fracture Dislocation
- Sunburn Other (describe)



Location of injury or issue

Indicate on diagram and describe

Type of Illness

- DOES NOT APPLY Abdom. pain
- Headache Allergic reaction
- Nausea Hypothermia
- Heat Exhaustion Dizziness
- Fever Other:

Level of consciousness

- Conscious
- Semi-Conscious
- Unconscious
- Not Breathing/No Pulse

Description of Incident Describe the incident and provide details: times, locations, sequence of events, etc.

a man was standing behind in line and began to touch my back end and push his ~~own~~ body/genitals against me multiple times. When I jumped third time realizing it was not an accident, he got out of line and left the area. We then witnessed him continue to do this to 5 other women waiting in lines. That is when we found MSI/Market staff to address this situation and remove him from the market. - Rebecca Swift
Parks & Rec Staff

Actions taken What treatment was provided or what other steps were taken?

- Police were contacted. Reports given. Description and video of perpetrator provided

Report Routing

Report Filed by: Clarence Boone
Date: 5-25-24

Division Director: Bekky Higgins
Date: 5/28/24

Administrator: [Signature]
Date: 6/6/24

Follow-up needed? YES NO

Follow-Up Needed/Notes

they would like to begin the process of banning him from Parks facilities for 6 months.

Follow-up completed by: _____
Date: _____ Div. Dir: Initials: _____

Incident Report - Special Event



Jerrod McIntire
05/25/2024, 11:50 AM | America/Indiana/Indianapolis

#52



Incident Report

Please fill out **immediately** in the case of an incident and submit. This includes security and maintenance reports, and notes to property managers.

In the event of fire, flood, severe property damage or injury, contact 911 and your direct supervisor.

Event Name: **Farmers market**

Date and Time of Incident: **05/25/2024, 10:45 AM | America/Indiana/Indianapolis (-04:00)**

If you are on scene, indicate the location by clicking the button below.: **North Morton Street, 501, Bloomington, United States, 47404**



If not on scene, manually enter the location here.:

Type of Incident: **MSI Officer on-site**

Suspicious activity

Responding to client request

Trespassing

Breach of policy

Emergency responders on-site (Police / EMS / Fire)

Domestic disturbance

Unsafe conditions

Describe the incident in detail: **While I was working the farmers market, a female individual approached me and made me aware that a male individual (black male, black cap, black button up shirt/jacket, blue jeans, sky/light blue under shirt) had sexually assaulted her and she has witnessed him do it to multiple other females. As soon as this was brought to my attention I of course went looking for said male, once I located him I caught him in the act of sexually assaulting another female at the farmers market. I took a picture and video for evidence and instantly grabbed him and pulled him away from everyone. Clarence was also aware of the situation and came up to myself and the male suspect and questioned him about what he was doing. He openly admitted to sexually assaulting multiple women at the farmers market and that he is seeking help from center stone at this time. Once he figured out he was caught in the act and there were multiple witnesses, and that law enforcement was on their way, he instantly fled the scene heading towards the Monroe county jail and public defenders office.**

Were the police contacted?: **Yes**

Police Involvement

If applicable

If the police were contacted, create a followup report upon their arrival and detail their response below.

What actions did law enforcement take?: **Trespassing, and sexual assault charges will be placed once the suspect is located and in custody.**

Case number #B2427633, officer on site: Joe Crider badge number 1369 arrived on scene at approximately 10:50am

What was the result of the incident?: **I gave a statement of the incident to law enforcement, picture, and video evidence. A witness/victim gave a statement and Clarence as well. BPD is trying to locate the suspect to pursue criminal charges. This individual will be TRESPASSED from all parks and recs and all city events for approximately 180 days! Will do a follow up report once the suspect is located to attach his name.**

Supporting Materials

Images



Signature:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Ensure that you clearly convey the Event name and location that you are working.



Mailing Address
Administrative Offices
401 N. Morton St. Suite 250
PO Box 848
Bloomington, IN 47402
Phone: (812) 349-3700
Fax: (812) 349-3705
parks@bloomington.in.gov
bloomington.in.gov/parks

Allison-Jukebox
Community Center
351 South Washington Street
Bloomington, IN 47401
(812) 349-3731

Banneker Community Center
930 West 7th Street
Bloomington, IN 47402
(812) 349-3735

Cascades Golf Course
3550 North Kinser Pike
Bloomington, IN 47402
(812) 349-3764

Frank Southern Ice Arena
1965 South Henderson Street
Bloomington, IN 47401
(812) 349-3740

Switchyard Park
1601 S. Rogers Street
Bloomington, IN 47403
(812) 349-3961

Twin Lakes Recreation Center
1700 West Bloomfield Road
Bloomington, IN 47403
(812) 349-3720

Inclusive Recreation
(812) 349-3747

Maintenance, Landscaping
& Cemetery Operations
(812) 349-3498

Urban Forestry
(812) 349-3716

Date: June 5, 2024

Andre Deloney
319 E. 20th St.
Bloomington, IN 47408

Re: Notice of Suspension from City of Bloomington Farmers' Markets

Dear Mr. Deloney:

Pursuant to Bloomington Parks and Recreation Park Property Rules, individuals may be suspended from use of property owned, managed or operated by the Bloomington Parks and Recreation Department ("Parks") for certain actions. Parks Revised Administration Policies – 2050 states as follows:

II. Suspension

(A) In accordance with authority established in Ind. Code § 36-10-4 et cet., and Bloomington Municipal Code 2.20, a person may be suspended from use or entrance on property owned, managed, or operated by the City of Bloomington Parks and Recreation Department for reasons that include, but are not limited to:

1. Actions or behavior which violate the United States Code;
2. Actions or behavior which violate the Indiana Code;
3. Actions or behavior which violate the Indiana Administrative Code;
4. Actions or behavior which violate the City of Bloomington Municipal Code;
5. Actions or behavior which violate the Rules and Regulations adopted by the City of Bloomington Parks and Recreation Department or City of Bloomington Parks Board, unless the appropriate permit has been obtained;
6. Aggressive or violent actions or behavior;
7. Actions or behavior that unreasonably disrupts the activities of other users of the park or facility;
8. Actions or behavior that unreasonably interferes with other persons' ability to use the park or facility;
9. Actions or behavior which unreasonably causes or creates a risk of causing injury to persons within or on property owned, managed or operated by the City of Bloomington Parks and Recreation Department;
10. Actions or behavior which unreasonably causes or creates a risk of causing damage to property owned, managed or operated by

This letter provides notice to you that you have been suspended from attending the Bloomington Farmers' Markets, located on Saturdays at City Hall, 400 N Morton St., and on Tuesdays at Switchyard Park, 1601 S Rogers St. through June 5, 2025. This suspension is being issued as a result of multiple first-hand reports of your sexual battery against other customers while at the Bloomington Farmer's Market on May 25, 2024. This suspension is effective upon your receipt of this letter. Be aware that if you enter or attend a Farmers' Market during the term of the suspension you will be subject to arrest for criminal trespass in accordance with Ind. Code § 35-43-2-2.

You have the right to appeal the suspension. Any appeal must be submitted to City of Bloomington Parks Board, via the Parks and Recreation Department, within ten (10) days of the suspension being received. The appeal form is enclosed with this letter. Upon receipt of a written appeal, the Parks Board shall hear the appeal at its next regularly scheduled meeting, provided said appeal can be properly noticed in accordance with Indiana Open Door Law. You will be notified, in writing, of the date, time and location of the hearing by the Parks Board.

If you challenge your suspension you shall be entitled to present a defense to the Parks Board on your own behalf or through a representative. You will be entitled to a minimum of ten (10) minutes to present your case to the Parks Board. You will be entitled to present evidence, documents and witnesses supporting your position at the suspension hearing. Upon conclusion of the hearing, the Parks Board shall make written findings of fact either upholding or overturning the suspension. The findings of fact will be made available to you. During the pendency of any appeal, the suspension is in effect, and you are prohibited from entering upon or into any Parks owned, managed, or operated property.

Sincerely,

A handwritten signature in black ink that reads "Tim Street". The signature is written in a cursive style with a large, sweeping initial "T" and "S".

Tim Street
Director
City of Bloomington Parks and Recreation Department

Appeal of Suspension
to the City of Bloomington's Parks Board

Directions: Please complete this form in its entirety. You will need to use black or blue ink and print legibly. A copy of the Notice of Suspension you were issued MUST be attached to this form. Once you have completed this form you will need to submit it to an employee of the Parks Department. You will be informed of the date and time the Parks Board will hear your appeal via a written notice which will be delivered to the address you provide on this Appeal form.

Name: _____

Local Address: _____

Permanent Address: _____

Phone Number: _____

Date Notice of Suspension was Issued: _____

Reason for Appeal: _____

(If you require additional room to describe the reason for your appeal, please attach additional documents to this Appeal form).

For use by Parks Department:

Date Appeal Received: _____

Date Appeal Forwarded to Legal Department: _____

Date & Time of Parks Board Hearing on Appeal: _____

Date Notice of Parks Board Hearing Mailed: _____

Appeal of Suspension
to the City of Bloomington's Parks Board

Directions: Please complete this form in its entirety. You will need to use black or blue ink and print legibly. A copy of the Notice of Suspension you were issued MUST be attached to this form. Once you have completed this form you will need to submit it to an employee of the Parks Department. You will be informed of the date and time the Parks Board will hear your appeal via a written notice which will be delivered to the address you provide on this Appeal form.

Name: Andrea Delaney

Local Address: 3192 20th St Apt 1

Permanent Address: Same

Phone Number: 812 318 4598

Date Notice of Suspension was Issued: June 5, 2024

Reason for Appeal: I have not been found guilty of the preceding statement, so to proceed in this matter if not found guilty is not a legal process and could be viewed as slanderous at this time its called not the preponderance of the truth at this time so I appeal. AGAINST ALL LODS Andrea Delaney

(If you require additional room to describe the reason for your appeal, please attach additional documents to this Appeal form).

For use by Parks Department:
Date Appeal Received: <u>June 20, 2024</u>
Date Appeal Forwarded to Legal Department: <u>June 20, 2024</u>
Date & Time of Parks Board Hearing on Appeal: _____
Date Notice of Parks Board Hearing Mailed: _____