

# **Meeting Agenda and Notice Community Advisory on Public Safety Commission**

**Wednesday, August 28, 2024 at 4:30 pm – 6:00 pm**

**Allison Conference Room (#225), Showers Building, 401 N. Morton Street**

**The public may also access the meeting at the following link:**

**<https://bloomington.zoom.us/j/88064525074?pwd=xqME3WyZXzYbv9E42hJ21i7JjxcHV.1>**

- I. ROLL CALL & INTRODUCTIONS
- II. APPROVAL OF AGENDA AND APPROVAL OF MEMORANDA/MINUTES
  - A. Regular Session Minutes – May 22, 2024
  - B. Regular Session Minutes – July 24, 2022
- III. GUEST SPEAKER
  - A. Kathleen Sobiech from IU School of Public Health – Presenting findings from class project on CAPS’ APS Report
- IV. REPORTS (if any)
  - A. Co-Chairs
  - B. Individual Members
  - C. Committees
  - D. Staff
  - E. Public / Public Comment
- V. OTHER BUSINESS
  - A. Approval of 2024 CAPS Report to Council
  - B. Choose presenters for Council Meeting Report
- VI. NEW BUSINESS
  - A. ODL requirements and in-person attendance policy
  - B. Approve updated Community Safety Indicators as requested by Mayor Thomson
  - C. Election of new co-chair
- VII. TOPIC SUGGESTIONS FOR FUTURE AGENDAS
- VIII. ADJOURNMENT

### CAPS Commission Goals and Purpose:

Perform research and gather data on the perceptions and preferences about public safety from community members, with specific focus on perceptions and preference data gathered from minority community members, individuals who are disabled, and other often marginalized community members

Research evidence-based alternatives to traditional policing

Identify best practices in public safety globally and evaluate the efficacy of such practices for implementation in Bloomington.

Make recommendations to the Common Council, the Board of Public Safety, and/or the Mayor or the Mayor's designee on policies and programs that enhance public safety for all community members.

**MEMORANDUM**  
**Community Advisory on Public Safety (CAPS) Commission**  
**Wednesday, May 22, 2024 at 4:30 p.m. – Allison Conference Room (#225),**  
**401 N. Morton Street, Bloomington, Indiana**

The Regular Session meeting was called to order at 4:33 p.m.

**Commission members present in person:** Kamala Brown-Sparks, Todd Mullins (left at 6:02 p.m.), Nejla Routsong, Tyler Shaffer (left at 6:02 p.m.)

**Commission members present over Zoom:** Jason Michalek

**Commission members absent:** Jenna Buckner

**Public present:**

Guest speakers: Bryce Green and Dr. Jody Armour

Public commenters: Hemayatullah Shahrani

**City staff present:** Ash Kulak

**I. ROLL CALL & INTRODUCTIONS (4:33 p.m.)**

**II. ELECTION OF SECOND CO-CHAIR**

- Cm. Brown-Sparks moved and it was seconded to nominate Nejla Routsong as the second co-chair. Motion passed 5-0.

**III. APPROVAL OF AGENDA AND APPROVAL OF MEMORANDA/MINUTES (4:37 p.m.)**

- A. Possible Motion to Extend Meeting by 30 Minutes to 6:30 pm
  - Cm. Routsong moved and it was seconded to extend the meeting by thirty minutes to 6:30 p.m. Motion passed 5-0.
- B. Regular Session Minutes – April 24, 2024 and Special Session Minutes – May 1, 2024
  - Cm. Brown-Sparks moved and it was seconded to approve both sets of minutes. Motion passed 5-0.

**IV. GUEST SPEAKERS (4:40 p.m.)**

- Cm. Brown-Sparks moved and it was seconded to strike Kathleen Sobiech as a guest speaker from the agenda due to a scheduling conflict. Motion passed 5-0.

**V. REPORTS (4:41 p.m.)**

**A. Co-Chairs**

- Cm. Brown-Sparks reported on the DEI training she attended at the Indiana Recovery Alliance (IRA) and suggested CAPS go to one. Cm. Routsong suggested bringing individuals from the IRA to a CAPS meeting. Cm. Brown-Sparks agreed to contact the IRA to determine availability.
- Cm. Routsong reported attending the IRA's event on drug legalization vs decriminalization, and reported that she and Cm. Shaffer are working on

inviting a guest speaker and experts on the drug war DARE program to attend a future CAPS meeting.

B. Individual Members

- Cm. Shaffer reported on steps to work on the CAPS website and attempted outreach with New Leaf New Life, Community Kitchen, Courage to Change, and IRA about peer liaisons.

C. Committees

- Cm. Routsong reported for the Outreach Committee on the status of the requested meeting with the Mayor, council president, and members of the Law Enforcement Action Partnership (LEAP).

D. Staff

- By request of the CAPS co-chair, staff liaison Ash Kulak shared an update from council office regarding status of CAPS's budget requests.

E. Public / Public Comment – none

VI. *BRIEF RECESS* (5:00 p.m.)

VII. *NEW BUSINESS* (5:05 p.m.)

A. Guests to discuss militarized police response to peaceful protests

B. Cm. Routsong introduced guest speakers, Dr. Jody Armour & Bryce Greene (5:10 p.m.)

C. Cm. Routsong posed questions for the guest speakers

- a. For Dr. Armour: Can you tell us more about what civil disobedience is? Do you see the protests happening around the country as acts of civil disobedience?
  - i. The disobedience part of civil disobedience is, by definition, breaking the rules. University administrators often justify police intervention on the grounds that the students were not following the rules. If that is your position, there can be no civil disobedience without bringing in police.
  - ii. Civil disobedience occurs when the normal channels of democratic decision making are not working, resulting in gross injustices like Jim Crow segregation, laws that forbid interracial marriage, and any other unjust laws that were themselves products of the democratic process. Acts of civil disobedience are part of a dialogue in the democratic process itself, by bringing attention to an injustice that is not properly being addressed through the democratic channels. The hope is that by bringing attention to the matter, it will start to stir the conscience of the nation and people who aren't otherwise paying close attention to the injustices.
  - iii. We started with the Civil Rights Movement, then you saw the same thing with the Vietnam War and protests against South African apartheid. The universities were invested in South Africa promoting that system of apartheid through their investments. Civil disobedience, specifically setting up "shanty towns," was the mechanism to disrupt and draw attention to those kinds of injustices.

This is part of that long tradition and part of the democratic process to have these conversations through civil disobedience, but the conversation stops when you bring in riot police with tools of violence. They are there to shut down the conversation entirely and arrest people for breaking the rules, but violating the rules can sometimes be a way of encouraging dialogue in the democratic process itself and it has historically been an effective mechanism in the Civil Rights Movement, protests against the Vietnam War, and the South African Divestment Movement.

- b. For Bryce Greene: What is IU Divestment Coalition hoping to achieve, and do you believe it is an act of civil disobedience?
  - i. Yes, it is an act of civil disobedience, and the goal is to get IU to divest from companies, partnerships, and sponsorships with Israel. The secondary demand is to divest from the Crane naval base, and the final goal is the resignation of the IU president, vice provost, and provost for their role in making the university corporatized and the full militarized response to kids pitching tents in a park.
- c. For Bryce Greene: Why does Indiana University administration view the demonstration as such a threat that warrants a police response?
  - i. Many of the administrators are ignorant of what is going on in the world and on campus, with no clear firsthand understanding of what is happening on the ground. A lot of media coverage has falsely portrayed the demonstrations as violent, anti-Semitic, or in some way a threat to other students. This is so far removed from the reality of the encampment, but that (sheer ignorance and fear) was a contributing factor to the university's response.
  - ii. On a structural level, it is deeper than that. The University has close ties to the military industrial complex, to the decision-making class, and the Israel lobby in particular. The Israel lobby has amassed a significant amount of structural power within in the U.S. to affect the political system and social system. States have passed laws that make boycotting Israel illegal and some require loyalty oaths of state employees that they will never boycott Israel. So the University took the path of least resistance and overreacted against nonviolent demonstrators. For all the bad press they got, perhaps they made the calculation that press was not as bad as the negative reaction of the Israel lobby.
- d. For Bryce Greene: Do you think you were racially targeted for arrest and that your more severe punishments were politically motivated?
  - i. It is difficult for me to make the case that it was racially motivated when the political motivation was just so extreme. Police scanners were looking for a "black male, afro, with black shorts blue shirt who appears to be an instigator" – that was me. The circumstances of the arrest support the fact that they were targeting me because I was behind the line of protestors and a police officer singled me out, pointed at me, and said "don't run" – but I wasn't doing anything to

single me out compared to the other protestors. Of course, then I had a higher sanction issued by the University. I was given a 5 year ban from the IU Bloomington campus, whereas others arrested were only banned for one year.

- ii. All of this seems to support the fact that they were politically targeting me, specifically, in addition to politically targeting the demonstration as a whole. So I don't see any too much evidence for racial profiling. The fact is that structures of power can accommodate diversity a lot more than they could historically – I can have a President of the United States with a black face and a black name still contribute to the white supremacist empire. So for these reasons, I don't think that race was as big of a factor.
- e. For Dr. Armour: How does this involve your theory on mens rea?
  - i. What I was getting at there is in the legal process. The more we other-ize criminal defendants, the easier it is to condemn and punish them. The Model Penal Code points out that the “reasonable person” standard is a legal vehicle that jurors use to express sympathy or withhold sympathy from a defendant. And to the extent that you sympathize with an accused person, you forgive them, you exculpate them, and you are more lenient toward them. To the extent that you don't sympathize or empathize with them or have care and concern for them, you more readily blame them and ratchet up the amount of punishment you deliver to them.
  - ii. So you have to wonder about how much the people in decision-making power in this situation other-ized the protestors rather than seeing them as “one of us” in “our” community as “our” students. If one of your children was in the encampment, would you have unleashed that amount of violence on your own children? The university often operates as a “Trojan” family, calling itself a community or a family. You don't treat family members this way.
  - iii. So that's where all of that is coming into play talking about mens rea – to the extent that you sympathetically identify people, you are less likely to be draconian toward them or unleash violence on them.
- f. For Dr. Armour: When should civil disobedience warrant police action based on the level of disruption or harm it is causing society? Talk a bit more about this “ladder of harm” framework.
  - i. The foundational work for this framework was done by Christopher Edley, former Dean of the Berkley Law School. In 2011, police were brought into UC Davis for the Occupy movement, and they sprayed student protestors with mace and pepper spray. The Chancellor of the University asked former Dean Edley to prepare a report. So I base a lot of these remarks on that report.
  - ii. One of the things pointed out in the report is there is a kind of ladder of harm for civil disobedience. First, you ask how much disruption the protest is causing. There are four levels of disruption, and each level may warrant a different kind of reaction.

1. The lowest level of disruption is civil disobedience that breaks the rules but that is all it does. It is not otherwise disruptive. For instance, encampments that are orderly and peaceful but technically trespassing.
  2. The second level is inconvenient or significantly inconvenient but tolerable. For instance, the encampment is disruptive enough that it may require relocation of exams or classes or may require additional grounds keeping.
  3. The third level is disruptive of important business that some people may consider not tolerable. For instance, the protest is so loud that it interrupts studying and teaching in a significant way or blocks people from going to classes or graduation.
  4. The fourth level is disruption that causes an imminent threat to safety and especially to life. An example here would be the melee between protestors and counterprotestors at UCLA in which the counterprotestors were attacking. Or cases in which staff, students, and faculty are trapped in a building that is taken over.
- iii. The question then becomes when do you have an intervention – when is it disruptive enough to justify bringing in the police?
1. There may be disagreements about what the level of disruption is, especially if you cannot get an agreement about what the facts are on the ground or people have reason to characterize it as much worse than or not as bad as it really was.
  2. There may be disagreements about the appropriate reaction to the level, since some people believe that even a level 1 disruption (mere rule breaking) requires police action, that *any* violation requires bringing in police, whereas others believe a police response is not necessary until there is an imminent threat to safety and life.
- iv. The next question is once you have crossed the threshold and brought in police, consider how much force the police should use. There are three levels of force (from San Diego Police Dept use of force guidelines):
1. Passive resistance—in which actions do not prevent officers' attempt to control the subject including sitting, standing, being prone, no physical contact—shall not be subjected to use of controlled devices including tasers, batons, or chemical agents.
  2. Active resistance—evasive physical movements to defeat officers' attempt at control like bracing, tensing, linking arms, verbally signaling an intent to avoid being taken—should not be met with use of intermediate force (pepper spray, batons, etc.) when the active resistance is non-aggressive displays during peaceful protests.
  3. Active aggression—threats or overt acts of assault through physical means—justifies police use of a range of approved

force options so long as it is reasonable under the circumstances.

- g. For Bryce Greene: What level of disruption on the ladder of harm was IU Divestment Coalition's actions? Do you think this framework is useful?
  - i. I would categorize this as a 1, maybe a 2 given that we were taking space that may have been used by other events some time in the future. There may have been times where it had risen to 3 just because of the counter protestors who were actively violent and provocative for the purposes of getting a rise. But no, it's definitely not a violent protest in any way.
  - ii. I do think the framework is useful for giving administrators and decision-makers the tools to begin making assessments because there is a tendency to flatten the response and send the military for any level 1 rule-breaking just for the purpose of maintaining order. This is a good model for handling civil disobedience, but it's also a good model for handling police and use of force by law enforcement in general.
- h. For Dr. Armour: How do you think unarmed community responder teams might fit into this framework?
  - i. The unarmed community responder approach has been talked about extensively now, especially since the George Floyd protests. Marches erupted, and there was a lot of discussion about how valuable community responders could be.
  - ii. We have unarmed intervention models at Southern California USC, including a number of people with the police department who are unarmed. But this community model goes further and says they don't even need to be part of the police department. They can be part of the community and be unarmed interveners.
  - iii. There is empirical data that points to the efficacy of these alternative approaches. In Oregon, they took armed police officers out of traffic stops and found that the fatalities and crime did *not* go up.
  - iv. There are lots of places where we don't need violence workers, where the solutions to problems are primarily in a violent nature with tools of violence. If you send a violence worker into a situation, do not be surprised if violence is going to be the result of the interaction.
  - v. When it comes to mental health interventions in LA, we found that some recent studies show that one third of people police have killed have been civilians going through a mental health crisis. Now they're finding in a lot of places that having unarmed people come in and intervene, they've been able to avoid those fatal encounters.
- i. For Bryce Greene: Would a community responder team have been a better response?
  - i. This is a difficult question because it presumes there should have been a response. And when we discuss the threat level was at level 1, with no emergency whatsoever, so there was no reason for any response including a community response. But the counter protestors



were a persistent presence and could provoke violence, so there was as safety threat with them. So the presence of community resource officers simply being placed there on site could have been able to deescalate that situation. The fact that they wouldn't be violent or wouldn't be able to make any arrests would diffuse the fears that an armed police presence usually brings.

- j. For Bryce Greene: With regard to consent-based decision making, has the University administration attempted to include views of the IU community on decision making processes, either before or after the demonstration?
  - i. No attempted dialogue was made, and there was no consideration that the protestors were legitimate stakeholders. There was no such consideration before the encampment went up, as the administration made it clear that they were opposed to the protestors and the protestors' goals by changing the rules of the space hours before the students showed up and used this rule change to justify the use of force to arrest the protestors and expel the encampment.
  - ii. There was no inkling that University administrators would want to talk to us and there hasn't been any communication, official or otherwise, that they are interested in sitting down with us to talk about any of the issues we've raised. This is falling in line with the broader trend of the University administration being inaccessible, distant, and dismissive of the concerns of the staff, faculty, and student body.
- k. For Dr. Armour: When should negotiations or dialogue with communities engaging in actions of civil disobedience take place, before or after a police response?
  - i. It has to come before a police response if it is going to be useful and helpful. A lot of the times, the reason that the disruption had to happen in the first place is because the normal channels of decision-making are producing unjust results, and the voices represented in the encampment were not taken seriously or given due weight in deliberations carried on by the administration.
  - ii. So at that point, the administrators have a chance to figure out a way to take the concerns more seriously and restructure the decision-making process to hear the voices that have not traditionally been heard. There are a lot of structural changes the administrators can make, but sometimes they just make pacifying appeasement maneuvers like making a meaningless committee. If they can make real efforts to include those voices in the decision making process, a lot of the times that is what the students want.
  - iii. I'll analogize this to Black Lives Matter movement beginning in the 20-teens and then culminating in the protest against the murder of George Floyd. The methodology of Black Lives Matter was disruption first, shut it down. Then after it's been shut down, let's have some uncomfortable conversations and really tease out what it is that needs to be addressed moving forward.

- iv. When we are getting to these uncomfortable conversations, how do we address discomfort? One of the bad things that came out of the DEI (Diversity, Equity, and Inclusion) Movement was the need to prioritize “safe spaces” to justify not allowing certain views to be heard. We started talking a lot about safe spaces and keeping people from feeling too discomforted by certain kinds of speakers coming on campus, for instance, like the outwardly virulent racist Ben Shapiro who came to my own campus in 2018. A number of people would say “you can’t have him come on campus” and you can’t have certain things even said in the classroom because that makes people feel “unsafe.” The key was the word “unsafe” – because it makes us feel uncomfortable, it also makes us feel unsafe. Do not go down that road because it may seem like you’re going to keep Ben Shapiro or the KKK sympathizer out, but tomorrow they are going to turn that on you.
- v. Because now, that is what you see is happening. Now, a lot of administrators are turning the concept of safe spaces and this concept of “safety” on its head, saying that students feel unsafe from any criticism of Israeli policies, that any criticism of Israeli policy is seen as attacking Jewish people. But many of the people in the encampments are themselves Jewish, and a lot of Jewish students and Jewish people in general in America are critical of Zionism and colonial policies and apartheid policies in Israel. But there’s not an insignificant number of Jewish students and people who really identify with Israel and see any criticism of Israeli policy as an expression of antisemitism, conflating antisemitism with antizionism.
- vi. We have to make clear that distinction and get away from thinking that anybody on campus is entitled to not feel discomfort when they walk through campus. The campus is the place for uncomfortable conversation. That is what Black Lives Matter was preaching all along. We need to have uncomfortable conversations. There needs to be a pedagogy of discomfort that we recognize and endorse and vindicate on campuses, and we make our classrooms and our campuses not safe spaces but brave spaces for robust debates about controversial subjects.
- I. For Dr. Armour: What does it say in your view about the level of democracy and consent-based decision making at a university when it chooses to not only initially respond by force but *only* respond by force?
  - i. It is a complete breakdown of any kind of consent-based deliberative process.
  - ii. Again, civil disobedience is part of a deliberative process. It is part of a dialogue. It is part of the conversation, saying the normal democratic process is not producing a just result. So we need to introduce something into the conversation that is going to shake people up and have them pay attention to things that they haven’t been paying attention to previously.

- iii. And when you bring in violence workers with riot gear, there is no conversation anymore because they are shutting off the conversation. They are cutting off the conversation, so it is really anti-democratic and anti-deliberative and anti-consent based decision making to bring in the police at that point.

D. Commissioner Questions/Comments

- a. Cm. Michalek – I really like the idea of the pedagogy of discomfort and in many ways I strive for that in the classroom and particularly with the people that are most primed to be comfortable. I really like that idea because it is productive. Even if you are just frustrated, there is a reason you are frustrated and talking that out is what liberal education is for.
- b. Dr. Armour – One of the ironies is that not even 3, 4, or 5 years ago, people on the right side of the political spectrum were arguing for more free speech and criticizing “snowflakes” who couldn’t handle discomfort, and people on the left were talking about “safe spaces” and “word that wound” making them feel unsafe. And now, it’s flipped around where the far right are criticizing encampments and saying people feel uncomfortable as the reason to justify shutting them down. And a lot of the Israel counter-protestors are white supremacists. And now more people on the left are recognizing the vital importance of free speech and embracing the value of free speech!
- c. Cm. Routsong – That reminds me that people were saying they “feel” unsafe and that was the first thing CAPS had to figure out was how to measure safety. We decided we were not going to go around asking people how safe they feel but rather use an evidence-based approach to safety and use more objective standards of safety rather than simply taking polls on how safe people feel. My guess is that people with more socioeconomic privilege and general privilege in our society tend to have lower risk tolerances and lower tolerances for discomfort, which makes them feel unsafe more often or inaccurately when they are, in fact, physically safe.
- d. Dr. Armour – It is important to not confuse feeling unsafe with feeling discomfort, which is exactly what I’m getting at. There’s also the safety issue of whether the crime rate or homicide rate is going up or down in a community. We find in study after study that a lot of times when objectively the homicide rate is going down and the crime rate is going down, people still are saying that they feel unsafe. Their feelings are at odds with the crime statistics.
- e. Bryce Greene – We talk about this amongst organizers, about how people don’t really believe the impact is the most important thing over intent; because if they did believe that, then we would be apologizing to every pro-Israel person who genuinely but falsely believes that we are trying to attack or eradicate them. We have to bring some rationality into this about what actually makes people safe and what is actually dangerous, and what the response to that should be. I think this framework is a great step on the path toward getting that society-wide consciousness so we can make rational decisions about keeping each other safe.

- f. Cm. Brown-Sparks – This has helped a lot. I have had people say things that make me feel frustrated but it doesn't make me feel unsafe. It just makes me frustrated. And so other people need to know that you may be frustrated but that doesn't make you unsafe. It just makes you upset. That's not the same as somebody starving you to death, killing your family, and bombing your house. That's the main difference and we need to work on ending that. I appreciate the framework.
  - g. Cm. Routsong – I hope that the Commission will try to use such a framework going forward, and push for the City to use it as well.
- E. Public Comment
- a. Hemayatullah Shahrani – I think there is a double standard when people are talking about feelings. "I feel unsafe" is very different from being bombed. It seems dishonest when people prioritize how they feel. I have a question for the speakers. You both mentioned some inconsistencies or differences with the University's reaction and how different people perceive facts differently. And you kind of see what the real lens in which people in positions of power are seeing things because it seems like these procedures and protocols, made by these people, are made to protect their power and they're using it to silence people. Because what is more nonviolent than sitting in? And it seems like what they were doing by targeting leaders is to silence or make an example of the leaders and take away the leadership to scare others. And with the four levels of disruption – it's not just different people seeing it differently. What we are seeing is the same but people will actually categorize things differently depending on who it is and whether or not their interests are aligned with them. For example, at the protest at UCLA, the pro-Israeli groups were the ones causing the violence, but the police just let them do it. The police are supposed to be there to stop the violence. But then with nonviolent protestors who are predominantly pro-ceasefire, the police targeted them. That's why the police were brought in. The rules are being applied selectively and inconsistently by people in positions of power, for the interests of those in power, often to hide the fact that they are making a lot of money in these investments in the military industrial complex. When you start to see it from that lens, all of the pieces fall into place more neatly.
- F. Responses by Guests to Public Comment
- a. Bryce Greene – There is a structural reason for why they did it, they have interests they want to protect, but there is also an irrationality to it because the administration was ignorant and was fed misinformation. That has roots in the same structural factors. It's also separate pressure making people do the things that they do against the protestors.
  - b. Dr. Armour – Power matters. Sometimes rhetoric is made to align with power to justify what power wants to do anyway. But Bryce is pointing out a kind of ideological dimension to this. Some people are truly ignorant. They need to have their consciousness raised, and that's one of the things that happens when students have their encampments. The "true believers" in the status quo will not have their minds changed. For instance, the people who truly believed in Jim Crow segregation weren't moved by the Montgomery bus

boycott or crossing of the Pettis Bridge. But who you are trying to reach are those other people who aren't so entrenched, to get their attention and have them start to think about something they haven't thought about before, to cut through some of their complacency and sometimes that helps move the needle. We saw that with the protest against the murder of George Floyd. We saw some real changes in public opinion happen over time, and some of those changes stuck over time. We never reached a lot of the hard core people, but we reached a lot of other folks. And that's what you see happening at the universities. The universities are going to be persuaded by what the donors say, and they're going to make their policies march to the tune of the donors. But you also have other power factions at the university level, for instance, censure or no confidence votes that really undermines power in the institution. And the students have power. That's what we're seeing now and the administrators worry about the power students can flex and other faculty members. So there are all of those other power dynamics at play too.

- G. Cm. Routsong summarized the session, stating that members and guests processed the power dynamics seen in the IU community around political policing. Cm. Routsong thanked the guests help the CAPS Commission have this discussion and learn more about these topics.

#### VIII. OTHER BUSINESS

- None

#### IX. TOPIC SESSIONS FOR FUTURE AGENDAS

- None

#### X. ADJOURNMENT

- Cm. Brown-Sparks moved and it was seconded to adjourn the meeting at 6:35 p.m. Meeting adjourned.

Memorandum prepared by:  
Ash Kulak, Staff

**MEMORANDUM**  
**Community Advisory on Public Safety (CAPS) Commission**  
**Wednesday, July 24, 2024 at 4:30 p.m. – Allison Conference Room (#225),**  
**401 N. Morton Street, Bloomington, Indiana**

The Regular Session meeting was called to order at 4:31 p.m.

**Commission members present in person:** Jason Michálek, Todd Mullins, Nejla Routsong, Kamala Brown-Sparks, Tyler Shaffer

**Commission members absent:** Jenna Buckner

**City staff present:** Stephen Lucas, Colleen Williamson

**ROLL CALL**

**APPROVAL OF AGENDA**

- Cm. Routsong moved and it was seconded to reorder Item III (Guest Speakers) to after Item VII (Topic Suggestions). Motion passed 5-0.
- Cm. Routsong moved and it was seconded to strike Items VI (A) (i) through Item (A) (iii) from the agenda in the interest of time and due to the unavailability of the member of the public to speak on Item VI (A) (iii). Motion passed 5-0.

**REPORTS**

Co-chairs: none

Individuals: none

Committees:

- Outreach Committee
  - Cm. Routsong gave the report on the Outreach Committee.

Staff: No report.

Public: none

**OTHER BUSINESS**

- Cm. Routsong moved and it was seconded to dissolve the Special Committee on Violence Suppression of Protests. Cm. Routsong explained that its purpose has been served and was created with the intention of responding to April's Dunn Meadow protests and police response. Cm. Routsong also noted the Special Committee's accomplishments. Motion passed 5-0.
- Members of the Commission discussed the amended 2023-2025 CAPS Commission Budget Request. Acting staff liaison Stephen Lucas explained that he had already submitted their budget as written in 2024 to the Controller for 2025. Lucas

explained that the only impact is that they would have more money in the budget. Commission members agreed. Cm. Routsong moved and it was seconded to approve the amended budget request. Motion passed 5-0.

#### NEW BUSINESS

- Items VI (A) (i-iii) stricken by an earlier motion.
- In light of community complaints brought to the Commission, Cm. Routsong raised the suggestion of establishing a committee and a procedure for dealing with those concerns. Cm. Shaffer offered a concern that making a committee to respond to public safety incidents may be troublesome due questions of oversight and member capacity. Cm. Michálek suggests discussing the safety models currently employed by the community. Cm. Brown-Sparks expressed support for the pending committee as members of the public view CAPS as a last resort, and turning them away will leave them with nowhere else to go. Acting staff liaison Lucas mentioned the online Complaint for Bloomington Police Department form that community members with a complaint may fill out which leads to an insight process. Lucas clarified that this form does not need to supersede a new committee, but may be an additional resource to offer. Cm. Michálek mentions the need for a standard operating procedure. Cm. Brown-Sparks and Cm. Michálek mention interest in serving on such a committee. Cm. Brown-Sparks moves and Cm. Routsong seconds to create a then-unnamed committee for these purposes. Motion passes 5-0.
- Cm. Routsong suggests moving the planned August 7<sup>th</sup> presentation of the 2024 CAPS Report to the Common Council to a later date due to commissioner disagreement and lack of time to bring about a consensus. Cm. Routsong moved and it is seconded to move Item VI (B) Approval of 2024 CAPS Report to Council to a later date and to additionally discuss the Report in Outreach Committee. Motion passed 5-0.
- Cm. Routsong moves and it is seconded to moved Item VI (C) to choose presenters for the August 7<sup>th</sup> Council Meeting to the August CAPS meeting. Motion passed 5-0.

#### TOPIC SESSIONS FOR FUTURE AGENDAS

- Guest Speaker Erika Oliphant suggests a future topic of violence prevention work. Cm. Routsong confirms that Kathleen Sobiech from the Indiana University School of Public Health will be at the August meeting to present findings from a class project on CAPS' Alternative Public Safety Report.

#### GUEST SPEAKER

- Guest speakers Nick Voyles, Director of Indiana Recovery Alliance and Erika Oliphant, Monroe County Prosecutor, participated in a question and answer session on drug policy and harm reduction in the Bloomington area community. Cm. Shaffer asked Voyles and Oliphant a series of prepared questions pertaining to this topic. Voyles and Oliphant emphasized the difficulty in addressing addiction, discussing the differences of drug decriminalization versus drug legalization. Voyles and Oliphant shared the concern of decriminalization's impact on children and the inability to regulate and prosecute drug cartels. They additionally discussed their

personal and professional experiences in dealing with people struggling with addiction within current drug policies. Both guest speakers emphasized that these community issues do not occur in isolation, and local ability to effect change is limited by State and Federal law.

Cm. Routsong moved and it was seconded to adjourn the meeting at 6:33 pm. Meeting adjourned.

Memorandum prepared by:  
Colleen Williamson, Staff



# CAPS COMMISSION 2024 REPORT

## I. Summary

In the past year, CAPS Commission has striven to encourage the implementation of its prior recommendations, led important community conversations around policing and community safety, and expanded the network of local and national partners involved in CAPS' work.

This year, CAPS has successfully maintained a transparency and consent-based approach to decision-making established in previous years. Adhering to a non-hierarchical and transparent process for decision-making in 2023-2024 has allowed the Commission to make complex and timely decisions on matters of current interest for the community, while avoiding the major conflicts between members that challenged the healthy functioning of the Commission during CAPS' initial two years.

In the next year, the Commission hopes to build on the recent engagement with its work by Mayor Thomson to include greater collaboration with the other city boards/commissions, the Board of Public Safety, Bloomington Police Department and other important city stakeholders in community safety. The initial success of the Council-led facilitation of collaboration between CAPS and Mayor Thomson leads the Commission to request that the Council facilitate setting up channels of collaboration between it and these other city stakeholders in the coming year.

## II. Description of Work Performed

In 2023 after completing our APS Report, CAPS' attempted to reach out to the Mayor's Office and to partner with other city commissions/boards in areas of our work that overlap with theirs. These outreach efforts were largely unsuccessful due to resistance by Mayor Hamilton and members of his staff. In 2024, several Council Members have assisted CAPS in performing outreach in 2024 with Mayor Thomson, and so far, this outreach has been successful. CAPS Commission believes that this successful intervention is a good model for the Council to follow in improving communication between CAPS and other city departments, individuals and bodies.

In February, CAPS co-hosted two events over a weekend on the IU campus directing the community's attention on current scholarship and a documentary film studying the problems in policing in the US. Finally, CAPS has provided timely and valuable leadership to the community on several current issues pertaining to community safety, including protecting civil liberties with regard to political speech, lawful assembly and peaceful protest, protecting transgender rights in Indiana, and understanding the value and historical challenges of performing Black genealogical research.

### III. Timeline of 2023-2024 Work

<b>CAPS' Event or Initiative</b>	<b>Date</b>	<b>Summary</b>
Outreach with Mayor and relevant City Boards/Commissions	August - October 2023	Performed outreach efforts with Mayor's Office and 11 relevant city boards/commissions
<a href="#"><u>CAPS' Response to FINAL Recommendations for Alternatives to Police Response to 911 Calls for Service Report</u></a>	September 2023	Responded to a Report published by the Monroe County 911 Review Committee with several recommendations for the Mayor and Board of Public Safety
<a href="#"><u>FAQ on APS Report</u></a>	December 2023	FAQ created to assist outreach efforts with Mayor and City Boards/Commissions
<a href="#"><u>Resolution 23-01: Protection of LGBTQ Rights &amp; Freedom</u></a>	November 2023	Asked Mayor to declare City a Safe Haven for Transgender Youth
<a href="#"><u>Black Ancestry Day</u></a>	November 2023	Co-organized public event with MC History Center
<a href="#"><u>Reimagining Safety Film Showing</u></a>	February 2024	Co-organized public event with IU Cinema and several co-sponsors
<a href="#"><u>Reimagining Safety Panel</u></a>	February 2024	Co-organized public event with

<a href="#">Discussion</a>		IU School of Public Health and several co-sponsors
<a href="#">CAPS Letter in Support of a Ceasefire Resolution</a>	February-March 2024	Coordinated with several local peace and justice advocacy organizations in supporting a City resolution calling for a ceasefire and resumption of aid
<a href="#">Statement 24-01- On the IHRA's Working Definition of Antisemitism</a>	April 2024	Interviewed three local scholars of antisemitism on some popular definitions and controversies
<a href="#">Resolution 24-02 - Denouncing Violent Suppression of Pro-Palestinian Protests</a>	May 2024	Passed resolution denouncing Indiana University's use of militarized police and police violence on non-violent protestors in April 2024

## IV. Upcoming Goals

In its 2024-2025 year, CAPS hopes to continue its success in hosting community conversations around important safety-related issues and to deepen and expand the local network of community safety partners involved in its work, especially with the City's most safety-marginalized residents.

In addition, CAPS seeks to enhance three areas of its work which will benefit greatly from active assistance by the Council:

- 1) Gain access for two sitting CAPS members to join existing City public safety and crisis/emergency response teams coordinating city-wide public safety and emergency response programs and policies,
- 2) Improve outreach with other boards/commissions in areas that overlap with their work, and

3) Establish procedures for responding to community concerns regarding safety and policing.

## V. Other Recommendations

### A. Staff Support

While the CAPS Commission greatly appreciates the highly capable legally trained staff liaisons that have been provided by the Council, the Commission has identified a growing need for staff support in areas more closely related to its work. For this reason, CAPS requests that the Council consider hiring of future CAPS staff liaisons who are professionally trained and experienced in providing support to safety-marginalized people, especially to: people with disabilities, people experiencing mental illness, people who have been incarcerated, unhoused people and/or people who have experienced violence and trauma, such as:

- Social workers
- Drug treatment counselors
- Mental health and public health workers
- Post-incarceration support workers
- Homeless shelter or domestic violence shelter workers
- Community violence interrupters or conflict resolution workers

### B. Ordinance 20-20

#### 1. Structural alignment with CAPS' mission

According to Ordinance 20-20, the CAPS Commission should “make recommendations to the Common Council, the Board of Public Safety, and/or the Mayor or the Mayor's designee on policies and programs that enhance public safety for all community members.” While the Commission believes it has undertaken this ambitious charge with diligence over the last three years, our view is that non-Council city stakeholders have little incentive to share information or engage with the CAPS Commission's work, much less to implement its recommendations on enhancing public safety.

To resolve this ongoing contradiction between structural incentives of non-Council city stakeholders and expected advisory bodies of the CAPS Commission, the Commission recommends that the Council taking some actions to resolve these structural misalignments, such as the following:

- 1) revise Ordinance 20-20 to remove the expectation for CAPS to make recommendations to any offices, individuals or bodies outside of the Council, or
- 2) create structural incentives for those offices, individuals or bodies to share information with, positively engage with and/or follow recommendations from the CAPS Commission.

More importantly, CAPS requests that the Council create a standing committee to regularly meet with the CAPS Outreach Committee to assist it in its efforts to achieve its upcoming goals, share information with, positively engage and discuss its recommendations with all levels and offices of the city.

## 2. Mayoral appointments

It has come to the attention of CAPS Commission that Council is considering changing the appointing structure for the Commission to allow for 50% Mayoral appointees. CAPS does not support this change in its appointing structure. The founding purpose of the CAPS Commission is, as stated in Ordinance 20-20: "WHEREAS, the only existing citizen commission that works in the field of public safety is the Board of Public Safety, *with all five members appointed by the Mayor, as per Indiana state code.*"

In our view, adding Mayoral appointees to the Commission would likely compromise the Commission's ability to provide community oversight to the City's public safety programs and policies, while not providing any structural incentive to the Mayor's Office to increase their engagement with the Commission. Rather than changing the appointee process for the CAPS Commission, the Commission asks the Council to create a standing Council committee to assist CAPS in its outreach with important city stakeholders.

## C. Commission recruitment

CAPS Commission has been asked for suggestions on how the Council might reduce the consistently high number of vacancies on the Commission. The Commission recommends that the Council appreciate the unique and highly political nature of its charter as outlined in Ordinance 20-20 compared to other city commissions and boards, and to understand that it is normal that CAPS seats may not be equally sought after among city residents compared to other commissions and boards seats.

In our opinion, the Commission has functioned well regardless of the frequent number of vacancies. Rather than focusing on the number of vacancies, the Commission would prefer to focus on the functionality of the Commission in regards to fulfilling its purpose.

The Commission encourages the Council to continue its strict requirement that all CAPS members should have backgrounds and interest in advocating for the needs of marginalized people. The main suggestion to improve recruitment is for the Council to better support the Commission in getting its existing recommendations implemented by the City. We strongly feel that anyone considering joining the CAPS Commission may first want to see that past CAPS Commission efforts have made a positive impact in the lives of city residents and we recommend improving engagement with CAPS Commission by all levels of the city government as the main way to improve recruitment.

A secondary suggestion is for the Council to perform recruitment for CAPS outside of the City's usual board/commission public advertising to add recruitment efforts with local community safety-facing organizations that improve the safety of marginalized residents, such as: non-profit advocacy organizations focused on reducing incarceration, racial justice, eviction prevention, drug treatment, mental illness, violence interrupters, conflict resolution and food security. The Council might consider conducting recruitment efforts with organizations that have worked with CAPS Commission in the past, some of which are listed below for your convenience.

- Indiana Recovery Alliance
- Community Kitchen
- Middle Way House
- Eviction Prevention Project
- Care Not Cages
- Food Not Bombs

- Help Ourselves
- New Leaf New Life
- Exodus Refugee Support
- Community Justice and Mediation Center
- IU Palestine Solidarity Committee
- IU School of Public Health Office of Public Health Practice
- Bloomington Peace Action Coalition
- Citizens for a Just Peace in Palestine and Israel
- Monroe County Women's Commission
- Black Lives Matter Bloomington
- Jewish Voice for Peace - Indiana
- Bloomington Multifaith Alliance

REGULAR SESSSION												
	January	February	March	April	May	June	July	August	September	October	November	December
Routsong	in person	in person	in person	in person	in person	Canceled	in person					
Brown-Sparks	virtual	virtual	virtual	virtual	in person	Canceled	in person					
Michalek	in person	in person	in person	in person	virtual	Canceled	in person					
Shaffer	absent	absent	virtual	in person	in person	Canceled	in person					
Buckner	absent	in person	absent	in person	absent	Canceled	absent					
Mullins	in person	in person	in person	in person	in person	Canceled	in person					



OUTREACH COMMITTEE														
	17-Jan	31-Jan	19-Feb	21-Feb	March	April	May	June	July	August	September	October	November	December
Routsong	in person	attended	no memo	in person	in person	in person	canceled	no meeting?	no memo	in person				
Brown-Sparks	virtual	attended	no memo	virtual	absent	virtual	canceled		no memo	virtual				
Michalek	in person	attended	no memo	in person	virtual	in person	canceled		no memo	in person				
Shaffer			no memo		virtual	virtual	canceled		no memo	in person				
Buckner			no memo	in person	in person	in person	canceled		no memo	absent				

## 2 - Community Safety Indicators

### Key Recommendation #2

To ensure a consistent and strategic City-wide approach to addressing these public safety threats, we recommend that the Mayor's Office and Common Council work to **incorporate the Community Safety Indicators identified in this report into both departmental assessment metrics and reports delivered to the public and Common Council**. This will **create structural incentives** in all City departments to work toward more higher and **more equitable outcomes** in community safety and resilience, as well as improve **public transparency** and allow the City to **promote more evidence-based perceptions** about the threats to public safety, which can lead to **greater consensus among key stakeholders** about the best strategic response to these threats.

The Commission also recommends that the City of Bloomington regularly **utilize the expertise of local experts in community facilitation, organizational design and innovation** from the Community Justice and Mediation Center, Indiana University, Ivy Tech Community College and other community-based organizations to find ways to better **incorporate the perceptions, interests and goals of the most safety-marginalized community stakeholders directly into all existing City innovation, design and assessment processes**, especially in the departments of police, fire, emergency management, housing and neighborhood development, economic and sustainable development, parks and recreation, community and family resources, planning, and others directly related to maintaining community safety and resilience.

### Expected Costs: \$30,000-\$50,000

This cost is a rough calculation of 30-50% of the salary and benefits of a City staff member who is trained in data analysis **to meet with CAPS Commission members on a regular basis** to identify reliable sources of data for tracking these indicators, recommend methods of

incorporating them into important City departments, recommend strategies for measuring any existing indicators that are not currently tracked in a reliable way, **and make recommendations for further data points to assess community safety in Bloomington.**

## **Expected Benefits**

The expected benefits of tracking and incorporating important safety KPI's in a way that ensures a consistent approach to improving safety outcomes include **more equitable outcomes in public safety, more evidence-based perceptions** and **wider agreement among community members and key stakeholders** about public safety. For instance, a recent study on homelessness in California has disproven some of the negative stigmas and perceptions of unhoused people that also exist in Bloomington, around which cities or counties they were last housed and/or whether they are employed.<sup>1</sup>

### **A. Important Community Safety Indicators**

Many of these metrics may already be tracked by City, County or State governmental entities, local service providers, college and university public safety-related initiatives, like the Indiana University Crisis Technology Innovation Lab, or community advocacy organizations. We have noted the known sources of this information and **recommend that the DCSR should start tracking any indicators which are not yet reliably tracked.**

#### **Dept of Community Safety and Resilience KPI's**

- Ratio of all community members who feel their priorities are reflected and whose needs are served by DCSR according to surveys

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<sup>1</sup> Levin, Sam. 2023. "Who's unhoused in California? Largest study in decades upends myths." The Guardian, June 20, 2023.  
<https://www.theguardian.com/us-news/2023/jun/20/california-affordable-housing-crisis-homelessness-study-myths-older-black-residents>.

- Ratio of unhoused, mentally ill and drug using community members who feel their priorities are reflected and whose needs are served by DCSR according to surveys
- Number of partnership agreements made with local service providers
- Dollars distributed to local service providers
- Rates of crime, violent crimes, arrests, criminal prosecutions, incarceration
- Crime victim demographics, including age, race, disability status, income, employment status, drug use and housing status

### **Crisis Response KPI's**

- Ratio of traditional public safety responders dispatched vs community responders dispatched
- Ratio of arrests, incarcerated, probation, court cases resulting from community responses compared with traditional response programs
- Costs of operating DCSR compared with traditional spending approach
- Total overdose deaths (County Health Rankings)
- Number of conflicts successfully resolved using restorative justice
- Total heat, cold or flood-related deaths
- Violent crime, overdose deaths, homicides and suicides (County Health Rankings)

### **Housing KPI's**

- Total number of unhoused population
- Total number of vacant rental housing units for 6 consecutive months or longer (Housing and Neighborhood Development)
- Unhoused mortality rate <sup>2</sup>

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<sup>2</sup> Tracking of homeless mortality rates, demographics and cause of death is recommended by the National Healthcare for the Homeless Council in their Homeless Mortality Data Toolkit: <https://nhchc.org/wp-content/uploads/2020/12/Homeless-Mortality-Toolkit-FULL-FINAL.pdf>

- Housing insecurity rate (County Health Rankings)
- Unhoused population demographics, including age, race, disability status, employment status, the last County and State where they were housed

### **Community Resilience KPI's**

- Total participation in community resilience program
- Total number and ratio of unhoused, drug using and/or mentally ill community members in the resilience program
- Dollars spent using participatory budgeting
- Ratio of City budget spent using participatory budgeting
- Public transit use and/or walkability index improvement
- Number of green spaces improved or preserved
- Access to care (County Health Rankings)
- Access to healthy food (County Health Rankings)
- Access to exercise opportunities (County Health Rankings)
- Food insecurity (County Health Rankings)
- Housing insecurity (County Health Rankings)
- Child poverty (County Health Rankings)
- Income inequality (County Health Rankings)

Tracking of homeless mortality rates, demographics and cause of death is recommended by the National Healthcare for the Homeless Council in their Homeless Mortality Data Toolkit:

<<https://nhchc.org/wp-content/uploads/2020/12/Homeless-Mortality-Toolkit-FULL-FINAL.pdf>>