

Tim Hopmann

Tue, Jan 26, 8:44
PM (2 days ago)

to me, Marc, citycouncil, Cecil, Gregory, Cathy, Spencer

Mayor Kessler,
City Council members,
City Attorney Fishel,

Thank you for the responses you supplied to our concerns as noted during the City Council meeting this evening.

We were happy to hear that our concern regarding records retention is already handled through permanent retention of records that are then available to other departments or citizens through formal information requests. We understand the limitations you were dealing with regarding delays in misconduct interviews. It is our hope that opportunities will arise in the future to improve upon this situation. While we understand the challenges associated with deeper community representation in the collective bargaining process, there do appear to be possibilities worth exploring. Even basic improvements in handling of community comment periods would be helpful. We may be back with more on that issue at some future date.

We want to reiterate our appreciation for your attention to our concerns and for our police force. We support all appropriate action to continue providing for the support and safety of Bexley citizens and visitors. We are hopeful that this conversation will serve as an opening for us to work directly with you and the Bexley Police to achieve a shared vision of equitable support and safety for all.

Tim Hopmann for the group

On Jan 25, 2021, at 6:49 PM, Tim Hopmann <hopmannconsulting@gmail.com> wrote:

Hi Jen,

Thank you for reaching out. Please see text below for the items we want the new contract to address. As previously noted, these items are being raised by the team of Cathy Levine, Cecil Gouke, Greg Lestini, Spencer Cahoon, and myself.

The issues we are raising will require further study than what we have put into it thus far. We are not asking for immediate action on these items but are instead asking that the approval process be suspended (tabled) pending further study of these issues.

Tim

1. Improve the process for community representation in FOP contract negotiations.
 - Some other cities have adopted and researchers have proposed more robust approaches including allowing community representation or observation during negotiations.
 - The Bexley process has clear opportunity for improvement. Although the previous contract was apparently circulated for public comment, we, who have been in direct contact with the Mayor regarding the contract, were still not aware that such a formal comment period was underway. Further, to our knowledge, there was no extended period for public comment on the *new* contract prior to what is happening now, which is late in the game.
 - The process should at least include 1) circulating the proposed new contract for comment, not just the pre-existing contract, before it is forwarded to City Council for approval and 2) more visibility for announcement of public comment periods.
 - References:
 - Nix the Six/Negotiations without Community Representation: <https://nixthe6.org/no-more>
2. Modify contract provisions regarding investigation of officer misconduct to align with NAACP LDF recommendations.
 - The process as currently shown in the contract can cause significant delays and potential for reducing investigative efficacy. For example, delays may include time required for securing an FOP representative, giving all facts to the person being investigated beforehand, a requirement to provide all related public records beforehand, if investigation uncovers something new then it must stop and the process restarts, etc.
 - The NAACP LDF model language suggests that interviews should take place no later than 2 hours after the incident, which can be extended up to 4 hours for sufficiently complex issues at department discretion.
 - References:
 - NAACP Legal Defense and Education Fund, “Community Oversight of Police Union Contracts”, attached, see page 9.

<NAACPLDF_PoliceContractToolKit-9b.pdf>

- Nix the Six/Restricts-Delays Interrogations
 - <https://nixthe6.org/6-ways-police-union-contracts-block-accountability/>
 - “Police Union Contracts”, Stephen Rushin, Loyola University Chicago School of Law
 - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2833088
2. Modify contract provisions dealing with retention of disciplinary records.
- Longer retention periods enable the uncovering of repeated misconduct over extended periods of time or across multiple departments.
 - Ideally, control over retention periods and other matters regarding officer discipline would be retained by management and not be negotiable. Short of this, the contract should at least be modified to enhance the current “duration of records” schedule to
 - Require that discipline resulting in resignation shall be maintained forever, and
 - Suspensions or demotions regarding allegations of sexual misconduct, domestic violence, and excessive uses of force shall be maintained forever.
 - References:
 - NAACP Legal Defense and Education Fund, “Community Oversight of Police Union Contracts”, attached above, see page 10.
 - Washington, D.C. code regarding matters subject to collective bargaining
 - <https://code.dccouncil.us/dc/council/code/sections/1-617.08.html> (subsection (c)(1-2))
 - Nix the Six/Contracts Blocking
Accountability: <https://nixthe6.org/no-more>