
MINUTES

BOARD OF FIRE AND POLICE COMMISSIONERS

Tuesday, August 11, 2020

COMMISSIONERS:

Present: Jeff Nelson
Tilford Flowers

STAFF:

Present: Darren Gault, Police Chief
Jeff Snyder, Fire Chief
Alison Fleming, HR Manager
Margaret Kostopulos, City Legal Counsel
Summer O'Leary, Police Executive Coordinator

- 1. Meeting Called to Order**
Commissioner Nelson called the meeting to order at 4:43 p.m.
- 2. Roll Call of Members**
Roll call performed; Commissioners Nelson and Tilford were present.
- 3. Approval of Minutes**
Commissioner Flowers made a motion to approve the minutes of the July 14, 2020, regular meeting as drafted; Commissioner Nelson seconded; roll call vote performed, motion unanimously carried.
- 4. Fire: Resignation**
Firefighter/Paramedic Justin Epstein submitted his letter of resignation from the Fire Department. He served approximately 5 years with the City of Moline and has taken another position out of state. He leaves the department in good standing. Commissioner Flowers made a motion to accept the resignation of Justin Epstein effective August 4, 2020; Commissioner Nelson seconded; roll call vote performed, motion unanimously carried.
- 5. Fire: End of Probationary Period**
Chief Snyder advised the Board that Fire Lieutenant Robert Fielding completed his 6-month promotional probationary period on July 27, 2020; he has performed well in his role and without hesitation the regular, full-time appointment of Lt. Fielding is recommended. Chief Snyder informed the Board the promotional list is current and candidates remain. The Fire Department is currently carrying a vacancy and is in the process of establishing a hiring list. Commissioner Flowers made a motion to approve the regular, full-time appointment of Lt. Fielding; Commissioner Nelson seconded; roll call vote performed, motion unanimously carried.
- 6. Fire: Promotion Update**
Chief Snyder apologized to the Board for the oversight in presenting the promotion of Lt. Leone at the April 14, 2020 meeting. Due to unforeseen circumstances related to COVID19 and the Fire Marshall stepping down and returning to the bargaining unit as a Lieutenant, there was no lieutenant opening to promote M. Leone. Chief Snyder requested that the Board rescind the previous authorization to promote Leone. Chief Snyder will bring this back to be presented again to the Board at a later date when a vacancy becomes open. Commissioner Flowers motioned to rescind the

previous authorization to promote Leone to the rank of Lieutenant due to the stated change of events; Commissioner Nelson seconded, roll call vote performed, motion unanimously carried.

7. **Role of Board of Fire and Police Commission in Recruitment**

HR Manager A. Fleming introduced Margaret Kostopulos, Labor and Employee Relations Attorney with Ancel Glink law firm to the Board. Based upon the previous Board meeting discussions, Margaret has worked closely with Chief Gault and Alison Fleming to further develop ideas, goals and expectations of the Board. However, additional information related to goals and expectations are needed from the Board to best develop a plan of action moving forward. The current understanding is that the Board would like more participation, where appropriate. The board seems interested in four areas to focus on: 1. Facilitate change in role of the Board 2. Identify functions of the Board 3. Identify areas of expansion of the Board role, and 4. How to implement these roles and functions. Margaret identified four goals to focus on through this process to include: hiring, promotion, discipline, and the complaint process. Margaret will work with the Board to navigate the legal aspects to help the Board achieve the objectives and goals. Margaret explained that there is a need to explore how the current rules and regulations can be utilized to achieve these goals and what needs to be changed or discussed with the union prior to implementing changes. Based on the current dialogue among the Board, it is the Staff understanding that there is a strong desire for more community involvement and with the assistance of the Board, they hope to achieve this goal.

With hiring currently underway, Staff felt this would be the most prudent topic to cover in today's meeting. Oral interviews for police applicants are scheduled for the last week in August and preparations are needed immediately. Following Board discussion, an initial Commissioner Orientation will be scheduled for mid-September. Agenda items for this Orientation include: scope of authority as Commission by law, employee rights, city rights, Board authority by law as part of home rule government and how authority can be changed by collective bargaining and union rights. Additional meetings will be scheduled to cover additional topics previously identified as promotion, discipline and the complaint process. These topics will be discussed at a pace desired by the Board. The continued dialogue from the Board is critical for the Staff in helping to achieve the Boards goals. These goals have been identified as an interpretation from the last meeting; following the Board Orientation goals may need to be modified or additional goals added as the discretion of the Board.

Commissioner Nelson and Flowers expressed education and training of the Board is critical.

8. **Review of Hiring Process**

Chief Gault informed the Board that logically the Board involvement related to hiring would begin in the recruitment phase, however recruitment has already passed and the interviews are scheduled in two weeks. The Police Department could theoretically have several vacancies in the next 8 months and having a solid hiring list is critical. If we plan to hire in January, we need to commence the hiring process in November in order to complete pre-offer tests such as drug screens and psychological exams prior to a final job offer and submission of an Academy registration which has a specific deadline. Alison Fleming and Chief Gault reviewed the hiring process, which begins in a recruitment phase to facilitate the acceptance of applications and testing on an annual basis. The timeline for hiring can be challenging under normal circumstances. Typically, recruitment is done in January and applications are taken in March with a list established by May. This cycle was set to end in late March, however due to COVID19 the timeline was shifted back to August. This has been a difficult recruitment season, there were 108 applications prior to the civil unrest that began in May. Following this civil unrest, approximately 20 applicants withdrew. A solid group made its way through the physical agility and written testing process in mid-June. The physical agility state power test is the

same test administered by the Academy on the first day and is mandatory for acceptance. The written test is proctored by HR including cognitive and integrity exam. This is a purchased program from a nationwide testing company; applicants must achieve 70% or better to pass this portion of testing. Board discussed rules and regulations pertaining to military credit and authority related to disqualification. Margaret commented that these sections are modeled after state statute, however as a home rule government there is the ability to modify this although most municipalities opt to follow the statutes. This is an area identified to be modified for future recruitment and more Board involvement. In this current cycle, the Board is scheduled to interview 25 candidates.

9. **Overview of Background Check Procedure**

Chief Gault provided an overview of the background check procedure. Following the establishment of an eligibility roster, Police Department Supervisors are assigned applicants to complete reference and background checks. This is a standardized process, and there are automatic disqualifiers under state statute and the rules and regulations of the board. In the future a background summary for each candidate will be provided by the Chief to the Board for review; this is an important component for the Board to take an active role in to consider areas such as references and character. The review of background investigations will be important over the next several months, as Academy classes typically begin in January, March, May, and September. Monthly Board meetings will present a challenge to meet these deadlines; special meetings or the Board giving the Chief authority to choose from top 3 or 4 may be needed. Following discussion, the Board recommends special meetings be scheduled to review the completed background investigations. The Chief of Police would then make his recommendation to the Board from the top 3 candidates of the currently eligibility roster to fill a vacancy. HR Manager Fleming distributed the Police Officer Testing and Hiring Process informational with highlighting to indicate areas of enhanced Board participation. Margaret explained to the Board that character and community involvement of candidates can be explored in oral interviews with the modification of interview questions to be discussed further in closed session; without the need to change the Rules and Regulations of the Board.

Commissioner Nelson inquired about the outcome that the Staff and Board would like to achieve in regards to candidates. Chief Gault responded that 31% of the Police Department has been hired in the last 5 years and they are great officers. The process of hiring quality candidates has been successful, however being sensitive to the current times and understanding a different perspective, the desired qualities of a candidate 3-5 years ago may be different than the desired qualities today. Board input and evaluation of candidates is important.

HR Manager Fleming reviewed the process for the execution of interviews. Those in attendance include the Commissioners, Chief, Captain, Lieutenant, and HR Manager. Whether questions are asked by one person or alternating is to be determined by the Commissioners. Candidates are brought in one at a time and asked the same questions. The scoring rubric to rank on eligibility roster will be provided in closed session, however 50% is based on their writing sample and 50% on the oral interview.

10. **Police Complaint Process Web Page**

Chief Gault provided the Board with a print out of the new web page on the city website which describes the complaint process. There was a consensus that this is a good front facing process for the community. For police departments this is a common procedure and in an effort to be transparent this information is now readily available on the website. A hard copy of the complaint process brochure is available upon request 24/7 from a supervisor. To file a complaint against an officer, the

complaint must be signed and notarized per state statute and a notary is available at the Police Department or the Library free of charge.

11. **Police Implicit Bias Training**

Chief Gault has met with several community groups over the past few months to listen to concerns, suggestions, demands and ideas that the community has for policing. Additionally, the police department must be in compliance with the State of Illinois training requirements. In July, the Police Department purchased state certified Implicit Bias training which provided officers with 1.5 hours of credit towards their Cultural Competency state training requirements. Additionally, all field training officers will attend the Essentials of Modern Policing training on August 26th, and outline of this training was provided to the Commissioners. This training includes de-escalation skill development, constitutional limits on police authority, implicit bias and other topics. It provides credits towards Civil Rights, Cultural Competency, Procedural Justice, and Use of Force state mandates. The Moline Police Department is committed to training and understands the importance of state certifications.

12. **Police LEADS Agency Audit**

Chief Gault presented the results of the recent LEADS audit. The National Crime Information Center mandates that a CJIS Systems Agency (Illinois State Police) conduct an audit of each agency every three years. The information obtained via LEADS is heavily regulated and the State of Illinois is responsible for auditing records. The Moline Police Department received the notice of a successful audit with no deficiencies on August 5, 2020. Melissa Brown, the LEADS Agency Coordinator for the Moline Police Department did a great job to ensure we are in compliance and meeting all mandates.

13. **Other Business**

Chief Gault presented information regarding de-escalation training as this is a current hot-topic in the national conversation of policing. One challenge is paying for this training. We recently received information on a de-escalation training which costs \$97/officer with many costing \$8,000-\$10,000 becoming very cost prohibitive. Additionally, the State of Illinois is no longer funding the Academy costs which average approximately \$6,000 per recruit. Chief Gault will continue to work with City Council to ensure training budget is adequate.

HR Manager Fleming informed the Board that 2 police candidates have withdrawn; Board had previously requested that 25 candidates be interviewed. The Board asked that Ms. Fleming fill the 2 interview vacancies to remain at 25 to be interviewed.

14. **Public Comment**

Jay Titus, FOP representative inquired if the upcoming Board Orientation would be held in open session; HR Manager Fleming confirmed that this will be held in open session.

Margaret Kostopulos inquired about setting a training and goals schedule for the Board. Materials for these meetings will be sent in advance for the Board to review and formulate any questions.

HR Manager Fleming reminded the Board that staff can email the Board as a group however the Commissioners cannot email the group to be in compliance with OMA.

15. **Executive Session**

Commissioner Flowers made a motion to adjourn into closed executive session pursuant to Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Specific Employees 5 ILCS 120/2c(1) and Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, 5ILCS 120/2(c)(21); Commissioner Nelson seconded; roll call vote performed, motion unanimously carried. Meeting adjourned at 5:37 p.m. Meeting reconvened in open session at 6:12 p.m.

16. **Action from Executive Session**

Following semi-annual review of the closed executive minutes of the Board of Fire and Police Commissioners and legal counsel recommendation that there exists good cause to maintain these minutes as closed; Commissioner Flowers made a motion to maintain as closed the Executive Session minutes of August 21, 2018, February 14, 2019, April 17, 2019, August 15-16, 2019, October 8, 2019, and November 12, 2019; Commissioner Nelson seconded; roll call vote performed, motion unanimously carried.

17. **Adjournment**

With no further business to discuss, Commissioner Flowers made a motion to adjourn; Commissioner Nelson seconded; meeting adjourned at 6:12 p.m.



Summer O'Leary, Recording Secretary
Board of Fire & Police Commissioners