

Berea Human Rights Commission  
Regular Meeting  
February 1, 2016  
6:30 PM  
Community Room, Berea City Hall

Present: Rev. Carla Gilbert (Chair), Ali Blair (Secretary), Gene Stinchcomb (Treasurer), Dr. Janice Blythe, Mim Pride, Eef Fontanez

Michael Harrington (Administrative Assistant), Chief of Police David Gregory (Berea Police Department [BPD]), Lieutenant Leanne Boyle (BPD), Detective Matt Boyle (Richmond Police Department [RPD])

Summary of Actions Taken:

- Pride MOVES to approve previous MEETING MINUTES: MOTION CARRIED.
- Treasurer DESIGNATED to review potential subscriptions and memberships to the Southern Poverty Law Center (SPLC), Human Rights Campaign (HRC) and any publications by the Kentucky Commission on Human Rights (KCHR).
- Pride MOVES approval of TREASURER'S REPORT: MOTION CARRIED.
- Pride INVITES Lt. Boyle to commence educational presentation on harassment.
- BHRC COMMITS to developing publication that distills information from Lt. Boyle's educational presentation to distribute at upcoming event at the Carter G. Woodson Center of Berea College.
- Pride DESIGNATED to include statement of gratitude on behalf of BHRC to the BPD and Lt. Boyle in BHRC's letter to the Editor of the Berea Citizen.
- Harrington DESIGNATED to consistently access reports from any local, state, and federal agencies that may have information concerning the number of bias-motivated incidents which are reported.
- Dr. Blythe DESIGNATED to coordinate with Dr. Turley of the Carter G. Woodson Center on behalf of the BHRC to detail the Commission's participation in the upcoming "Dialogue on Race and Education in the 21<sup>st</sup> Century."
- Dr. Blythe DESIGNATED to draft fact-sheet detailing BHRC's activities to improve race relations within the community to distribute to attendees of the Carter G. Woodson Center event.
- Pride MOVES for BHRC to participate in the "Dialogue on Race and Education in the 21<sup>st</sup> Century" by distributing informative materials to community at a booth and providing financial assistance for the reception in the amount of \$200: MOTION CARRIED.

- BHRC COMMITS to submitting any materials intended for public distribution to the Mayor's Office for review before distribution.
- Dr. Blythe MOVES to authorize Administrative Assistant, upon checking availability with City, to purchase: shredder, blinds, time/date stamp, and brochure printing services: MOTION CARRIED.
- Stinchcomb MOVES for Chair and Fontanez to report to BHRC concerning potential level of financial support for and further details concerning possible book club event and to determine availability of Berea Community School gym for hosting book club event: MOTION CARRIED.
- BHRC TABLES discussion of 2016 Law Symposium for March regular meeting.
- Stinchcomb MOVES to adjourn meeting: MOTION CARRIED, 9:00 PM.

Body:

Meeting called to Order by Chair, Rev. Carla Gilbert.

Lt. Leanne Boyle and Chief of Police David Gregory from the Berea Police Department, and Detective Matt Boyle are in attendance so that they may educate the Commission and community about issues surrounding harassment.

Chair calls for additions to the agenda. Commissioners offer no additions.

Pride MOVES to approve previous meeting's minutes: MOTION CARRIED.

Stinchcomb submits the TREASURER'S REPORT which indicates there were no expenditures over the previous month, as confirmed by the Finance Department the week prior to the meeting.

Chair asks Treasurer for confirmation concerning process of submitting record of expenses during conferences Commissioners may attend. Treasurer confirms that he would need receipts for all expenses made while attending any event as a member of the Commission.

Dr. Blythe seeks clarification as to whether the BHRC has joined any groups, or paid membership dues to any organizations.

Treasurer confirms that presently, the BHRC has not joined any organizations nor subscribed to any publications. He confirms that Commission must vote to join as a member of any organization so that the approved expenditure will be reflected in the minutes to satisfy proper documentation of expenditures and encumbrances for memberships/subscriptions.

Treasurer further confirms that the Commission has currently spent 50% of the Office Supply line item in the Commission's budget, and request that the Commission consider readjusting

line items within the budget to make appropriate adjustments for the remainder of the fiscal year.

Dr. Blythe confirms that the BHRC is presently considering becoming a member of the Southern Poverty Law Center (SPLC). She informs Commission that subscription to the organization's publications comes with membership as well as materials relating to the organization's "Teaching Tolerance" program.

Stinchcomb expresses enthusiasm about joining SPLC and further encourages Commission to consider membership to the Human Rights Campaign (HRC).

Chair expresses need for subscribing to the Kentucky Commission on Human Rights (KCHR) publications to stay abreast of issues and events within the state.

Stinchcomb DESIGNATED to explore membership/subscriptions fees for these three organizations and report to Commission.

Pride MOVES to approve TREASURER'S REPORT: MOTION CARRIED.

Pride INVITES Lt. Boyle to commence educational presentation on harassment to Commission and community.

Lt. Boyle opens presentation by detailing the criteria law enforcement uses to identify harassment. The guidelines for identifying incidents of harassment include an assessment as to whether the behavior targets a subject, among various other identifying criteria. She instructs the Commission, by way of examples, in identifying cases that would constitute harassment. A full articulation of state law concerning harassment outlined in Lt. Boyle's presentation may be found in the Kentucky Revised Statutes: KRS 525.070, KRS 525.080, KRS 508.050, KRS 525.055, KRS 508.075, KRS 508.078, KRS 508.080, KRS 431.015. [Complete description of statutes referenced in the presentation can be accessed via the digital copy of the KRS maintained by the Kentucky Legislative Research Commission at: <http://www.lrc.ky.gov/statutes/>]

Upon completing a detailed overview of issues relating to various types of harassment, Lt. Boyle submits the following contact information for various authorities that the BHRC may duly note:

- Berea Police Department: (859) 623-1248
- Madison County Sheriff: (859) 623-1511
- Richmond Police Department: (859) 623-1000
- KY State Police Post: (859) 623-2404
- Berea College Public Safety: (859) 985-3333
- Berea College Title VII and Title IX Coordinator, Katie Basham: (859) 985-3606

- Madison County Attorney's Office: (859) 624-4777

Following Lt. Boyle's presentation Commissioners and guests are encouraged to ask questions.

Dr. Blythe asks where the contours of the City limits are, noting that it can be confusing for residents to know precisely where the incorporated limits of the City are and where the unincorporated County may be found.

Lt. Boyle notes that no matter which number residents use to reach police officials, officers on the line or 911 personnel will redirect callers to the appropriate authorities.

Pride asks how the hierarchy of severity of classes of felony harassment and misdemeanors is structured.

Lt. Boyle notes that Class A Felony is determined to be the most severe and the categories follow in descending order from there, with Class A misdemeanor following Class D Felony.

Fontanez asks about proper protocol when dealing with issues of bullying and minors.

Lt. Boyle notes that Court Designated Workers (CDWs) process juvenile complaints against individuals under the age of 18. These complaints are considered public offences or status offences. Status offenses are noncriminal forms of juvenile behavior, while public offences are the same as adult crimes.

Lt. Boyle further emphasizes that when making a report to the Berea Police Department or to any other law enforcement officials it is important for complainants to remember to document as much as they are able. It is important to note the following:

- What happened?
- Time/Place
- Was anyone hurt?
- Description of the subject(s)
- Description of vehicle
- License plate number, including the state
- Time and direction of travel?
- Any additional details and circumstances
- Witnesses names and contact information

Pride asks if resident must make reports to the BPD at the station or if there is an online reporting option in addition to making reports at the station.

Lt. Boyle informs that there is an online reporting process which an officer will review upon completion to determine if the report meets the criteria for a case report. She notes that the BPD duly notes and maintains a record of all reports and highlights the differences between a case

report and an incident report. Case reports include corroborating evidence that a crime has occurred, while incident reports require a lower threshold for evidence. The Lieutenant encourages the BHRC to create a document to log incident reports and transfer the incident or case documentation to the BPD via the Mayor's office as per the Commission's establishing ordinance.

Lt. Boyle further stress that the BPD thoroughly investigates all criminal behavior. Sometimes BPD officials must inform people that certain behaviors are not considered criminal, but officers advise and encourages people to continue to report if incidents escalate. Often police can dissuade escalation of certain behavior by making their awareness of the situation and presence known to the alleged subject of reported behavior.

Dr. Blythe asks that even though BPD officials are unable to distribute information concerning incidents involving juveniles, if there are ways that BPD can provide information once a case is closed.

Lt. Boyle responds that the BPD can release some information about cases which involve juveniles once a case is closed. Concerning a recent incident involving juveniles and harassment of Berea College students, the BPD can update that the case has been adjudicated and completed by the BPD. In any case involving an alleged juvenile subject, the individual making a report can receive a redacted copy of a record of actions taken from the BPD.

Pride asks about the relationship that the BPD has with Berea College Public Safety.

Chief of Police Gregory responds that the relationship between the two organizations is very strong. He notes that there are often some misunderstandings about the difference between the two different organizations among some Berea College students.

The Chief of Police confirms that the Mayor makes all appointments of Commissioners to the BHRC and encourages the Commission to forward all incident reports to the Mayor's office directly so that he may ensure that the BPD and the Chief of Police are able to receive all information reported alleging harassment within the community.

Blair notes that the City Council has maintained in the past that there are no reports of incidents alleging harassment targeting LGBT people in the community and asks if the BPD reports incidents of that nature to the City Council.

Chief of Police Gregory notes that all incident reports are stored on BPD servers and such cases would fall under statutory harassment and would be duly noted as such. He further states that the BHRC is encouraged to request information from the BPD concerning how many cases of harassment the department has handled and that the BPD is available to inform the Commission as to how many of those cases are based upon LGBT status.

Blair asks how long someone has to gather documentation or to report an incident.

Lt. Boyle informs that people have as long as they need. She further notes that the statute of limitations on misdemeanor offences is 1 year.

The Lieutenant and Chief further note that the BPD is charged with documenting all reports of Hate Crimes and submit that data to federal officials with the FBI. There is a federal law mandating such reporting, although there is no corresponding state law. Accordingly, the BPD files federal charges and informs the FBI.

Fontanez encourages Commission to distribute information about BPD's online reporting procedures and guidelines to the public.

Pride notes that the Commission would serve the community well if the BHRC works to build positive relationships between residents and students, and officials and officers at the BPD.

Lt. Boyle notes BPD and Berea College community building efforts by highlighting BPD participation in events organized by Berea College Residential Life personnel. Chief of Police Gregory notes BPD's working relationship with Virgil Burnside of Berea College's Student Life Department.

Blair confirms with the Lieutenant that the Commission may receive a copy of the Power Point presentation to further assist the Commission in researching and understanding harassment issues.

Chair avows that the Commission will work to develop a publication distilled from the information contained in Lt. Boyle's presentation to distribute during the upcoming event at the Carter G. Woodson Center.

Pride DESIGNATED to include a note of gratitude to Lt. Boyle and the BPD in the letter to the Editor of the Berea Citizen she has drafted.

Pride notes that Chief of Police Gregory's encouragement to forward complaints of harassment have several attendant benefits including implementation of protocols which establish a "chain of command" as well as ensuring that information alleging harassment is viewed by the Mayor before being reported to Chief Gregory. This process ensures that the City Council may be abreast of issues within the community.

Blair maintains that the Commission ought to review a previous complaint alleging harassment based upon disability status and forward the complaint to the Mayor.

Dr. Blythe holds that Hate Crimes are appropriately considered broadly and information concerning such incidents may be relevant to the BHRC's charge.

Blair proposes and Commission affirms to DESIGNATE Harrington to consistently access reports from any local, state, and federal agencies that may have information concerning the number of bias-motivated incidents which are reported.

Stinchcomb seeks clarification concerning BHRC's intention in drafting a letter to Representative Rader concerning HB14 (formerly Pre-filed Bill: BR 102).

Blair describes the BHRC's intention as similar to the intentions evinced by the KCHR when that body releases press statements and drafts letters to legislators concerning pending legislation.

Pride and Dr. Blythe confer that the BHRC ought to respectfully send a brief note making the position of the Commission known to a Representative serving many residents of the City of Berea who is working on the potential legislation.

Pride informs the Commission Alternatives to Violence Project (AVP) event is moving forward for Feb. 20-21. Currently, the event has registered attendants for half of the available seats.

Stinchcomb briefs Commission on progress of sub-committee to evaluate and propose changes to the bylaws. Stinchcomb informs Commission that the current bylaws have a substantial amount of superfluous material when viewed in conjunction with the BHRC's establishing ordinance: Ordinance 22.700 – 708. The sub-committee suggests repealing the bylaws in full and adopting a more concise version. Since the sub-committee is proposing such a substantive change, a draft of the newly proposed bylaws will not be available for several weeks. Since the changes are not urgent, the sub-committee is encouraged to take time and review the bylaws methodically.

Dr. Blythe encourages the Commission to collect relevant information to develop a fact-sheet highlighting the Commission's activities to improve race relations within the community to distribute at the upcoming event at the Carter G. Woodson Center.

Dr. Blythe DESIGNATED to draft a fact-sheet and present it to the Commission during the following regular meeting.

Pride MOVES for BHRC to participate in the "Dialogue on Race and Education in the 21<sup>st</sup> Century" by distributing informative materials to community at a booth and providing financial assistance for the reception in the amount of \$200: MOTION CARRIED.

Harrington informs the Commission that the Administrative Assistant will have to reschedule regular hours the week of the event in order to participate and assist Commissioners during the event since he would exceed the maximum allotted hours for his position otherwise.

Stinchcomb and Dr. Blythe encourage Commission to COMMIT to sending all materials designated for public distribution to the Mayor's office prior to distributing them at community events.

Commission designates Harrington to ask City officials about available printing services so that the Commission may acquire a substantial number of materials for all upcoming future events to distribute to the community.

Dr. Blythe MOVES to authorize Administrative Assistant, upon checking availability with City, to purchase: shredder, blinds, time/date stamp, and brochure printing services: MOTION CARRIED.

Rev. Carla Gilbert directs Commissioners' attention to a letter sent by Rev. Kent Gilbert concerning a possible city-wide book study and discussion forum addressing race relations. Commissioners indicate general support for the idea of sponsoring such an educational event.

Chair acknowledges that there are presently few details outlining the implementation of such an event.

Commissioners encourage establishing a possible location for the event at the Berea Community School gym and express reservations about hosting the event at a location that may feel unwelcoming to some within the community.

Stinchcomb MOVES for Chair and Fontanez to report to BHRC concerning potential level of financial support for and further details concerning possible book club event and to determine availability of Berea Community School gym for hosting book club event: MOTION CARRIED.

Dr. Blythe encourages Chair to direct the Steering Committee for the event to work to ensure that the event is broad in representation and focus and perceived as open to the whole community.

Rev. Gilbert TABLES discussion of the "Law Symposium Commemorating the 50<sup>th</sup> Anniversary of the Kentucky Civil Rights Act" that Rev. Gilbert, Pride, and Harrington attended.

Stinchcomb MOVES to adjourn meeting: MOTION CARRIED, 9:00 PM.

Michael Harrington  
Berea Human Rights Commission  
Administrative Assistant

Minutes Recorded: February 1, 2016

Minutes Approved: March 7, 2016