

**ORDINANCE 20-20**

**TO AMEND TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE  
BLOOMINGTON MUNICIPAL CODE  
(To Establish a Community Advisory on Public Safety Commission)**

WHEREAS, the City of Bloomington’s Comprehensive Plan lists as two of its core principles to “Fortify our strong commitment to equality, acceptance, openness and public engagement” and “Fortify our progress toward improving public safety and civility;” and

WHEREAS, on May 6, 2020, the Bloomington Common Council unanimously adopted Resolution 20-06, entitled “Denouncing and Condemning White Nationalism and White Supremacy,” in which it pledged “to continue pursuing policies and directing appropriate resources to ensure civil and human rights are protected and afforded to all individuals;” and

WHEREAS, law enforcement in particular and public safety in general are areas where the City of Bloomington must ensure that civil and human rights are protected for all residents and visitors; and

WHEREAS, public safety is a concept with broad meaning across community demographics; and

WHEREAS, the voices of marginalized community members are often unheard, minimized, or dismissed; and

WHEREAS, some members of our community do not feel safe, related to:

- Race;
- Gender;
- Disability;
- Mental health challenges;
- Sexual orientation;
- Sexual identity;
- Housing status;
- Experiencing domestic violence;
- Experiencing addiction;
- Previous incarceration;
- Or the intersectionality of some or all of these factors; and

WHEREAS, Bloomington law enforcement officers are overburdened with matters outside the scope of traditional law enforcement training and expertise (e.g. homelessness, substance abuse, mental health crises, etc.); and

WHEREAS, data-driven research about, and real-life examples of, improving public safety by means other than traditional policing exist and are available for study and possible application in Bloomington; and

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. The Board of Public Safety “shall have control and oversee the police and fire department of the city pursuant to statute, and shall have the

authority to allow and approve claims” (BMC 2.17.030) but it is not specifically charged with investigating new approaches to public safety; and

WHEREAS, the City has set a Comprehensive Plan Goal 1.2, Health & Safety, to “Support programs and strategies that sustain and enhance the health and safety of residents and visitors.”

WHEREAS, there is a need to gather public input and recommendations on public safety in the City; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

**SECTION 1. Establishment of the Community Advisory on Public Safety Commission.**

There is hereby established a Community Advisory on Public Safety Commission in the Common Council Office.

**SECTION 2. Goal.** The goal of the Community Advisory on Public Safety Commission is to increase the safety of all Bloomington community members, especially those often marginalized due to race, disability, gender, sexual identity, or sexual orientation.

**SECTION 3. Code changes.** A new section of the Bloomington Municipal Code, Section 2.12.120 “Community Advisory on Public Safety Commission” shall be added to the table of contents and the text of Title 2 and shall read as follows:

Section 2.12.120 “Community Advisory on Public Safety Commission”

- (a) Establishment and Purpose. There shall be established a Community Advisory on Public Safety Commission (“Commission”), which shall:
  - (1) 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; and
  - (2) research evidence-based alternatives to traditional policing; and
  - (3) identify best practices in public safety globally and evaluate the efficacy of such practices for implementation in Bloomington.
  - (4) 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.
- (b) General. This Commission is subject to the general provisions of Section 2.08.020 of the Bloomington Municipal Code.
- (c) Appointments. The Commission shall be composed of eleven (11) voting members appointed by the Common Council. Each member shall have one (1) vote and shall serve without compensation.
- (d) Qualifications. Citizen appointments to the Commission must be at least eighteen years of age and reside within the City of Bloomington. Strongly encouraged to apply are residents who are historically underrepresented in local government. Such groups may include, but are not limited to residents:
  - (1) who are Black;
  - (2) who are Latinx;

- (3) who are people of color;
  - (4) with disabilities;
  - (5) who are experiencing or who have experienced mental health challenges;
  - (6) who express non-binary gender identity or are non-cisgender;
  - (7) who are experiencing or who have experienced homelessness;
  - (8) who are experiencing or who have experienced domestic violence;
  - (9) who have a previous record of incarceration;
  - (10) with addictions; and
  - (11) who have a demonstrated background of empowering historically disadvantaged groups and working to further racial, social, and economic equity.
- (e) Officers. Officers shall be selected by a vote of the commission members annually.
  - (f) Meetings. The Commission shall meet one time each month, every month of the year, unless it decides to cancel the meeting. At least four meetings shall be held each year.
  - (g) Staffing. The Common Council staff shall provide general administrative support for the Commission.
  - (h) Terms. The initial terms of five city resident appointments shall expire on January 31, 2022. The term of the remaining initial six city resident appointments shall expire on January 31, 2023. Thereafter, all terms of city resident appointments shall be for two years and expire on January 31.
  - (i) Powers and Duties.
    - (1) In its actions, the Commission shall seek to promote transparency, accountability, a collaborative spirit, long-term and strategic thinking, and effective risk management.
    - (2) The commission shall:
      - (A) gather data about perceptions and preferences regarding public safety, specifically from: racial minority; economically disadvantaged; and marginalized residents of Bloomington.
      - (B) research evidence-based approaches to public safety focusing on those approaches outside the scope of traditional policing, including, but not limited to:
        - i. the establishment of an alternate crisis response phone number;
        - ii. investments in mental health care, addiction treatment, community centers, and/or job training to mitigate the causes of crime; and
        - iii. all other innovative approaches.
      - (C) explore best practices in socially and racially just public safety measures in cities across the US and worldwide, and to examine which ideas may best be implemented in Bloomington;
      - (D) make recommendations to the Bloomington Common Council, the Board of Public Safety, and the Mayor's administration on policies and programs that enhance public safety for all community members;
      - (E) promote a broader view of public safety through education and outreach programs;
      - (F) provide an annual report of its activities to the Common Council, Mayor and the public.

SECTION 4. If any section, sentence, or provision of this ordinance, or application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provision of this ordinance are declared to be severable.

SECTION 5. This ordinance shall be in effect after its passage by the Common Council and approval of the Mayor, any required publication or other promulgation in accordance with the law.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
STEPHEN VOLAN, President  
Bloomington Common Council

ATTEST:

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
NICOLE BOLDEN, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance is authored by Councilmembers Piedmont-Smith, Rosenbarger, and Flaherty and amends Title 2 of the Bloomington Municipal Code (Administration and Personnel) to create an 11-member Community Advisory on Public Safety Commission. This Commission would, among other duties, research and make recommendations to the Common Council and the Mayor on matters of public safety.

## **Community Advisory on Public Safety (CAPS) Commission**

### **RATIONALE**

Because public safety means different things to different people, and because the voices of marginalized folks are often not heard or listened to, we propose the formation of a Community Advisory on Public Safety Commission.

All members of the Bloomington community have a right to feel safe. It has become apparent that some Bloomingtonians do not feel safe because of negative police interactions, both on the local and national levels, with Black people and people of color, as well as people with mental health issues and addictions. At the same time, police are being asked to do too much. The police, who are trained in law enforcement, are not the most appropriate organization to address issues that require social supports and interventions (for example, mental health crises, substance misuse, homelessness). We recognize that there are a multitude of structural and resource inequalities in our community that can lead to behaviors defined by law as criminal, but potentially solved by additional social resources and support.

We seek to better understand perceptions of public safety in Bloomington among demographic groups who don't normally have a seat at the tables of power, including city government. We also seek to improve upon our current public safety system through methods other than traditional policing, learning from programs, both successful and unsuccessful, tried in other communities. Our goal is to increase the safety of Bloomingtonians, especially those most vulnerable among us.

We therefore seek to establish a Community Advisory on Public Safety (CAPS) Commission appointed by the Bloomington City Council. The Commission should be an official body under Bloomington Municipal Code to ensure that its work will be ongoing and that its recommendations will be heeded by the City Council. A fully independent group not affiliated with the City would be more easily discounted by the City Council and by the Mayor's administration.

### **COMPOSITION**

The Commission shall have 11 members, all appointed by the City Council. We consider appointments by the City Council to be more broadly representative of the community than appointments by the Mayor. Like all city commissions, interested participants must apply to be a member and will be appointed by the appropriate standing committee of the City Council after an application and interview process. Individuals from traditionally underrepresented groups are especially encouraged to apply to be on the commission. Such groups may include, but are not limited to, Black people, Latinx people, those experiencing mental health challenges, those with physical disabilities, those who express non-binary gender identity or are non-cisgender, those experiencing or having experienced homelessness, those experiencing or having experienced drug addiction, those experiencing or having experienced domestic violence, and those with a record of previous incarceration. Individuals who work directly with or serve one or more of these groups are also encouraged to apply. In the words of one community member:

"The leaders and the most heard voices should be those most impacted as long as they feel comfortable in that position. If they do not then those who support them must carry their message. It is vital that we follow the marginalized voices' direction in this effort since their experiences and reality is why change must be made. If we, as supporters, create the narrative in this work, we are no different than any other abusive system." - Debra Morrow, Executive Director of Middle Way House

Like with all city boards and commissions, the CAPS Commission meetings will be open to the public.

### **DUTIES**

(A) To gather data about perceptions and preferences regarding public safety, specifically from groups of individuals that do not fall into the majority racial and economically advantaged demographics, as well as marginalized populations, of Bloomington.

(B) To research evidence-based approaches to public safety other than traditional policing, including but not limited to the establishment of an alternate crisis response phone

number, investments in mental health care, addiction treatment, community centers, or job training (among other areas) to mitigate the causes of crime, and other innovative approaches.

(C) To explore best practices in socially and racially just public safety measures in cities across the US and worldwide, and to examine which ideas may best be implemented in Bloomington.

(D) To make recommendations to the Bloomington Common Council and the Mayor's administration on policies and programs that enhance public safety for all community members.

(E) To promote a broader view of public safety through education and outreach programs.

(F) To provide an annual report of its activities to the Common Council, Mayor and the public.

#### COMMUNITY VOLUNTEERS

The Commission is encouraged to work with community volunteers who can provide support with research, data analysis, report writing, public outreach, and other needs of the Commission. The work of community volunteers will be directed by the Commission.

#### SUGGESTED TIMELINE FOR YEAR 1

Our overall goal is to have a set of recommendations from the CAPS Commission in time to incorporate any with financial implications into the budget proposal for calendar year 2022.

- Bloomington City Council establishes the Commission by November 4, 2020
- Application process opens by November 9 and interviews start by November 16, 2020
- Seats filled by December 31, 2020
- CAPS Commission performs a needs assessment/collects data through February 26, 2021
- CAPS Commission analyzes data, does additional data collection as needed and prepares a report for City Council by April 30, 2021
- CAPS Commission prepares a list of priority actions and prepares recommendations/proposals for the City Council's consideration by May 31, 2021
- City Council reviews recommendations/proposals for inclusion in the 2022 City Budget