



City of Bloomington Legal Department
 53C01-2110-PL-002162
 401 N. Morton St. Ste 220
 Monroe Circuit Court
 Bloomington, IN 47404
 Phone: 812-349-3426 Fax: 812-349-3441
 Email: legal@bloomington.in.gov

EXHIBIT 1
 Filed: 10/14/2021 8:04 PM
 Clerk
 1 of 3
 Monroe County, Indiana

Request for Public Records

Name of Person Requesting Records: William R Morris Jr. Atty - Perry Township
405 W. 6th St., Suite 1, Bloomington, IN 47404
wimorris.attorney@gmail.com
812-822-1232 fax: 812-822-3079

Please print or type:

Address: e-mail:
 phone:

Records Requested: Please, be specific. (You may include additional pages or documents.)

Please see attached sheet

This request is: for permission to inspect records.
 to request a copy of records. Please note that there may be a fee for copies.
 Check here if you want to be told about the fee before copies are made.

William R Morris Jr.
 Signature Date 6-2-2021

NOTE: Please submit to the City of Bloomington Legal Department, 401 N. Morton, Rm #220, Bloomington,

Indiana, fax-812.349.3441 or legal@bloomington.in.gov. Upon receiving this completed form, the City of Bloomington may need to review its files to determine if the requested records exist and are disclosable and will contact you soon thereafter to advise you of its determination. If your request is denied, you will be given written notice of the statutory authority for the denial and the name and title or position of the person responsible for the denial.

FOR AGENCY USE ONLY - PLEASE DO NOT WRITE BELOW THIS LINE

Receipt information:

Date and Time request was received:

Date:

Time:

Individual and department receiving request:

Department disposition by Dept. Head or Designee: request granted request sent to Legal for disclosure review

Individual making department disposition:

Date and Time request sent to Legal:

Date:

Time:

Notes:

REQUEST FOR PUBLIC RECORDS

Name of Person Requesting Records: William R. Morris, Jr. Attorney for Perry Township Trustee

Address: 405 W. 6th Street, Suite I, Bloomington IN, 47404

Email: wimorris.attorney@mail.com

Phone: 812-822-1232

Fax: 812-822-3079

Records Requested:

1. RIGHT OF WAYS: Any and all records pertaining to Bloomington City Policy of people living and/or sleeping in places defined as right of ways. This request includes:
 - a. Any and all documents which describe any such policies; and
 - b. Any and all notes, records and other documentation of meetings (formal or informal) at which the above-referenced policies were discussed and/or promulgated.
2. PUBLIC SPACES: Any and all records pertaining to Bloomington City Policy of people living and/or sleeping in places defined as public spaces. This request includes:
 - a. All documents which state any such policies; and
 - b. All and all notes, records, and other documentation of meetings (formal or informal) at which the above-referenced policies were discussed and/or promulgated.
3. ENFORCEMENT POLICIES: Any and all legal authorities that the City has cited or used as a basis for enforcing the policies referenced in items 1 and 2 above. This request includes:
 - a. All documents or records in which enforcement policies of Items 1 and 2 were discussed and/or promulgated; and
 - b. All documents, records and other documentation of meetings (formal or informal) at which discretionary enforcement was discussed and/or granted to police by City officials.
4. LIST of COMMUNITY and FAMILY RESOURCES
(see, <https://bloomington.in.gov/sites/default/files/2017-7/2015%20Resource%20Directory>)
Any and all records which describe how the List of Community and Family Resources was compiled and created, including:

- a. Any and All documents which describe how the List of Resources was created, and approved;
- b. Any and all documents which describes how the List of Resources can best be utilized by residents with disabilities and/or lack of capabilities to effectively manage the information.

WILLIAM R. MORRIS, JR.

Attorney & Counselor at Law

405 W. 6th Street, Suite I – Bloomington IN – 47404 – (812) 345-2361 – wimorris.attorney@gmail.com

June 22, 2021

Phillipa Guthrie
Attorney at Law
City of Bloomington Legal Dept.
401 N Morton St, Suite 220
Bloomington IN 47404

Phillipa,

Perry Township Trustee Dan Combs and the Township Board have authorized and instructed me to restate the Request for Records that I originally sent to your office on June 2, 2021.

In order to clarify the original request, we request again (per Ind. Code 5-14-3-2) any and all records from the Office of the Mayor, the City Council, the Parks Commission, or any other City Agency, Office or Commission regarding the creation and promulgation of policies that:

1. Determine law enforcement actions towards homeless people gathered or camping in Bloomington City Parks and/or Right of Ways;
2. Determine when, how, and under what conditions, homeless neighbors are evicted from Bloomington City Parks and/or removed from Right of Ways;
3. Determine the taking of personal property from homeless people, as well as protective storage of said property;
4. Determine the degree to which the City of Bloomington directs the homeless toward Township resources and assistance.

We look to receive the records/documentation in the near future. Please contact me if you have any questions.

Sincerely,

William R. Morris, Jr.
Attorney at Law



William Morris <wimorris.attorney@gmail.com>

public records request

Jennifer Lloyd <jennifer.lloyd@bloomington.in.gov>
To: wimorris.attorney@gmail.com

Wed, Jun 30, 2021 at 8:52 AM

Dear William,

I'm writing in response to your records request on behalf of the Perry Township Trustee. Attached please find responsive documents from the City as well as a response from the City Council office.

Parks Policies 13080 - Park Hours and 13040 - Park and Facility Special Use are included. Although these are not specific to people living/sleeping in public spaces, they do include certain applicable provisions. An update to Policy 13040 was discussed and approved at the December 8, 2020 meeting of the Board of Parks Commissioners. Minutes of that meeting are available on the City's website: https://bloomington.in.gov/onboard/meetingFiles/download?meetingFile_id=8233.

BPD DRAFT General Orders on homeless persons and homeless encampments are also included. These documents were developed in 2014 to provide guidance to the then-new BPD Downtown Resource Officers and were distributed only in that limited capacity. They have not been adopted as official General Orders and have not been promulgated department-wide.

Per Beverly Calendar-Anderson, Director of Community and Family Resources, the document that you referenced in #4 of your request is no longer a current resource. Instead, the City now partners with HelpingBloomingtonMonroe.org to host and curate an online community resource database: <https://helpingbloomingtonmonroe.auntbertha.com/>. In addition to being available to the public, this database is used by governmental offices and social service providers, as well as the Monroe County Public Library to respond to telephone, online, and in-person requests from the public for information or assistance. Members of the public can also access this information by dialing 2-1-1.

To the extent that your request seeks "any and all notes, records and other documentation of meetings (formal or informal) at which the above-referenced policies were discussed and/or promulgated," your request does not meet the reasonable particularity standard as required by Indiana Code 5-14-3-3(a)(1). As noted above and in the Council attachment, links to the minutes of formal meetings held by the Board of Parks Commissioners and the City Council have been included. However, "informal meetings" could encompass any degree of internal discussion or communication by or between City employees or officials of several departments. Moreover, to the extent that you are seeking records that indicate how City policies were developed, such records would fall under the "advisory or deliberative materials" exception (I.C. 5-14-3-4(b)(6)) and would not be subject to disclosure. If you wish to revise this portion of the request, it would be helpful to include such guidelines as date parameters and specific City personnel who were involved. I can then reach out to those people to determine if they have any responsive records that are not subject to the advisory/deliberative or other exceptions.

To the extent that your request seeks "any and all legal authorities that the City has cited or used as a basis for enforcing the policies....," the City does not maintain documents that list its legal authority in this regard.

Sincerely,

Jennifer

-






Jennifer L. Lloyd
Assistant City Attorney
City of Bloomington
(812) 349-3555

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5 attachments

-  **Parks policy - Park Hours.pdf**
134K
-  **Parks policy - Special Use.pdf**
383K
-  **City Council response.docx**
16K
-  **BPD Draft GO Homeless Persons.pdf**
211K
-  **BPD Draft GO Homeless Encampments.pdf**
214K

WILLIAM R. MORRIS, JR.

Attorney at Law

405 W. 6th Street, Suite I – Bloomington IN – 47404 – (812) 345-2361 – wimorris.attorney@gmail.com

July 29, 2021

Jennifer Lloyd
Attorney at Law
Bloomington Legal Department
City of Bloomington
401 N. Morton Street
Bloomington IN 47404

RE: Request for Public Records II

Jennifer:

Thank you for your June 30th response to our Request for Public Records Information. The information you sent, however, was limited to policies that I myself could have found on the City of Bloomington website. There is nothing in those documents about how the City created those policies.

There are two points that I want to emphasize:

The first is that the Access to Public Records Act (APRA) defines a public record as:

"[A]ny writing, paper, report, study, map, photograph, book, card, tape recording, or other material that is created, received, retained, maintained, or filed by or with a public agency and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine-readable media, electronically stored data, or any other material, regardless of form or characteristics."

The ordinance sent on June 30th doesn't begin to address the scope of how policies about the homeless have been formulated, developed, and promulgated by city government. This includes records of discussions held by the City Council, the Mayor Police Chief, etc. Each of the ordinances you sent has a history, and that is what we want: the histories of these policies, especially as implemented by the current city government.

The Trustee and Board of Perry Township have perceived inconsistencies in how city policy was carried out last winter against the homeless in Seminary Park and other locations, especially with regard to Notice prior to evictions, manner of evictions, taking of personal property, and police actions (amongst other things). Without any explanation of how the city formed its policies, these actions are arbitrary and capricious, especially when carried out unevenly and unpredictably.

Second, the Trustee and Board of Perry Township now re-submit our Request for Public Records Information regarding how City policies were established in regard to:

1. Law enforcement actions by the Bloomington Police Department towards homeless people gathered or camping in Bloomington City Parks and/or Right of Ways;
2. Conditions under which the homeless are evicted from Bloomington City Parks and/or removed from Right of Ways;

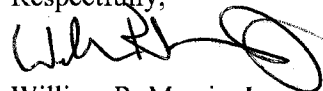
3. The taking of personal property from homeless people "evicted" from City Parks or Public Right of Ways, as well as protective storage of said property;

4. How the City of Bloomington directs the homeless towards Township resources and assistance.

Indiana Code 5-14-3-1 states that "it is the public policy of the state that all persons are entitled to **full and complete information** regarding the affairs of government and the official acts of those who represent them as public officials and employees." The information contained in your June 30th email did not, I believe, contain full and complete information of how City policy was developed in the areas we identified.

It has been nearly two months since our initial Request for Records. The city's delay in making a full response to our Request for Records affects Perry Township's ability to make to make policy determinations. Therefore, if the city does not comply with our Request by **August 9, 2021**, the Trustee and Board of Perry Township have authorized me to seek judicial steps to compel the city's compliance.

Respectfully,



William R. Morris, Jr.

Attorney at Law



William Morris <wimorris.attorney@gmail.com>

public records request - Perry Twp

Jennifer Lloyd <jennifer.lloyd@bloomington.in.gov>
To: wimorris.attorney@gmail.com

Mon, Aug 9, 2021 at 1:24 PM

Dear William,

I am writing in response to your renewed request for records, which is a restatement of the request to which I responded on June 30, 2021.

As I stated at the time of the response, the records that I provided were the records that are in the City's possession and are responsive to your request.

While I understand that your client is interested in learning how City policies regarding unhoused persons were 'formulated, developed and promulgated,' the City administration is unaware of any documents that record that process (other than the minutes of public meetings which were described in my previous response). We are aware of no memoranda, position papers or the like, nor are there minutes of any internal meetings. As I'm sure you know, the City is not required to create documents in order to satisfy a records request (see, e.g., *Opinion of the Public Access Counselor*, 12-FC-17). We believe that we have fully responded to your request.

If you believe that there is some type of document that exists and has not been presented to you, please provide some specific description. As noted by the Indiana Public Access Counselor,

"A request for public records must "identify with reasonable particularity the record being requested." IC 5-14-3-3(a)(1). While a request for information may in many circumstances meet this requirement, when the public agency does not organize or maintain its records in a manner that permits it to readily identify records that are responsive to the request, it is under no obligation to search all of its records for any reference to the information being requested. Moreover, unless otherwise required by law, a public agency is under no obligation to maintain its records in any particular manner, and it is under no obligation to create a record that complies with the requesting party's request." *Opinion of the Public Access Counselor*, 04-FC-38."

While we will certainly search for any documents that are responsive to a follow-up request that is reasonably particular, it is likely that even if such documents did exist, their contents would be exempt from disclosure under Indiana Code § 5-14-3-4(b)(6) as advisory or deliberative material that is communicated for the purpose of decision making or under § 5-14-3-4(b)(2) as attorney work product.

As you may be aware, the City is continuing to discuss issues connected with unhoused persons; however, we do not have any related documents for disclosure at the present time.

Sincerely,

Jennifer

--
Jennifer L. Lloyd
Assistant City Attorney

City of Bloomington
(812) 349-3555

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NOTICE

CITY OF BLOOMINGTON

**IF YOU STAY HERE OVERNIGHT,
PLEASE FIND SAFE SHELTER ELSEWHERE
BY FRIDAY, AUGUST 20, 2021.**

Camping is not allowed on public property.
Please reach out for help finding safer accommodations.

SERVICES ARE AVAILABLE TO HELP YOU.
Again, please ask for help getting shelter if you need it.

HELP IS AVAILABLE HERE:

Call 211 for assistance finding resources or reach out directly to:

- Beacon/Shalom Center: 812-334-5734, 620 S. Walnut St.
- Friend's Place: 812-334-1144, 100 S. Rogers St.
- Wheeler Mission: 812-333-1905, 215 S. Westplex Ave., wheelermission.org
(Men's Shelter and Women's Shelter)
- New Hope Family Shelter: 812-334-3340, 301 W. 2nd St., newhope4families.org
- Amethyst House: Men's House-812-336-2812, Women's House-812-336-2666,
amethysthouse.org
- Perry Township Trustee's Office-812-336-3713, 1010 S. Walnut St.,
perrytwp.investigations@gmail.com or PerryTownship.info
- Middle Way House (for survivors of domestic violence):
812-336-0846, 338 S. Washington St., middlewayhouse.org
- Helping Bloomington Monroe: <http://www.helpingbloomingtonmonroe.auntbertha.com/>

On or about August 20, 2021 any and all personal property remaining at or near this location
will be removed. In addition, tents are prohibited on City park property, including Switchyard
Park and the B-Line, between the hours of 11:00 p.m. and 5:00 a.m. and are subject to
removal. City of Bloomington will store all items in a secure storage area for no more
than thirty (30) days.

The City will not store the following property listed below, and any such
property will be subject to seizure and possible destruction:

- Property which is wet or damp
- Property which is soiled with human or animal bodily fluids/feces,
food, chemicals, or other contaminants
- Property which is perishable (food)
- Property which represents a health or safety hazard



City of Bloomington Legal Department
 401 N. Morton St. Ste 220
 Bloomington, IN 47404
 Phone: 812-349-3426 Fax: 812-349-3441
 Email: legal@bloomington.in.gov

EXHIBIT 7

Request for Public Records

Please print or type:

Name of Person Requesting Records: William R. Morris, Jr.
 Address: 405 W. 6th Street, Suite I
 e-mail: wimorris.attorney@gmail.com
 phone: 812-822-1232 fax: 812-822-3706

Records Requested: Please, be specific. (You may include additional pages or documents.)

1. All records, texts, emails, documents of any kind, including complaints received from local merchants, related to the city's decision and actions taken to remove persons from under the bridge on Grimes Street on Friday, August 20, 2021.

2. All records, texts, emails, documents of any kind on how the mayor's office ^{or any other city agency} makes decisions to: a. allow the establishment of encampment communities (for example, the encampment community under the Grimes Street Bridge that first began in May 2021); and b. dismantle and remove encampment communities (for example, those who were in Seminary Square park in May 2021 and those under the Grimes Street Bridge from May 2021 to August 20, 2021).

This request is: for permission to inspect records.
 to request a copy of records. Please note that there may be a fee for copies.
 Check here if you want to be told about the fee before copies are made.

William R. Morris, Jr.
 Signature

9/7/2021
 Date

NOTE: Please submit to the City of Bloomington Legal Department, 401 N. Morton, Rm #220, Bloomington, Indiana, fax-812.349.3441 or legal@bloomington.in.gov. Upon receiving this completed form, the City of Bloomington may need to review its files to determine if the requested records exist and are disclosable and will contact you soon thereafter to advise you of its determination. If your request is denied, you will be given written notice of the statutory authority for the denial and the name and title or position of the person responsible for the denial.

FOR AGENCY USE ONLY – PLEASE DO NOT WRITE BELOW THIS LINE

Receipt information:

Date and Time request was received: Date: _____ Time: _____

Individual and department receiving request: _____

Department disposition by Dept. Head or Designee: request granted
 request sent to Legal for disclosure review

Individual making department disposition: _____

Date and Time request sent to Legal: Date: _____ Time: _____

Notes:



William Morris <wimorris.attorney@gmail.com>

Public Records Requests

Jennifer Lloyd <jennifer.lloyd@bloomington.in.gov>

Thu, Sep 23, 2021 at 3:11 PM

To: wimorris.attorney@gmail.com

Dear William,

I am writing in response to the public records request you submitted to the City on September 7, 2021 and to your most recent letter to me, which was dated September 2, 2021.

Since the time of my August 9 communication to you, the City promulgated its policy, Actions to Improve Safety in Public Spaces. A copy of that policy is attached.

In your September 7 request, you listed the following:

1. All records, texts, emails, documents of any kind, including complaints received from local merchants, related to the City's decision and actions taken to remove persons from under the bridge on Grimes Street on Friday, August 20, 2021.
2. All records, texts, emails, documents of any kind on how the mayor's office or any other city agency, including the police department makes decisions to: a. allow the establishment of encampment communities (for example, the encampment community under the Grimes Street Bridge that first began in May 2021); and b. dismantle and remove encampment communities (for example, those who were in Seminary Square park in May 2021 and those under the Grimes Street Bridge from May 2021 to August 20, 2021).
3. Any records, texts, or emails showing all the entities (press and otherwise) who receive press releases from the city.
4. Any records, texts or emails from any city agency or entity to the Perry Township Trustee and/or Board in 2020 or 2021.
5. All "general orders" issued by the Bloomington Police Department in 2020 and 2021, including those general orders and/or memos regarding homeless encampments.

The City's official portal for receiving complaints is uReport. I searched this database, and while there were numerous complaints about the encampment at the Grimes Street bridge, none of them came from people who identified themselves as local merchants. Two complaints mentioned concern for local businesses, and those are attached.

The City does not have any documents that pertain to allowing the establishment of encampment communities.

The new policy, Actions to Improve Safety in Public Spaces, certain old General Orders of the Police Department (previously provided to you) and two new General Orders, Police Interaction with Homeless Encampments, and Transient Persons and Persons Experiencing Homelessness (both attached) are responsive to the question of how the City dismantles and removes encampment communities.

Press releases are distributed to 1) members of the local media; 2) members of the media 2 of 4 surrounding areas; 3) community stakeholders; 4) certain local elected officials; and 5) the City employee email distribution list. The lists for 1-4 are attached in two formats each - the full spreadsheet, and a collapsed version that hides many of the columns but is easier to read. I have not included the City employee distribution list.

All BPD General Orders promulgated in 2020 and 2021 are attached.

In regard to your other requests, they are denied as written because they do not fall within the requirements of the Access to Public Records Act for reasons I'll explain below.

As a preliminary matter, you have now made several requests for documents that explain a decision-making process. As I have tried to explain, the City has policy documents, which I have provided to you. Beyond that, it appears that you are searching for either a document that outlines or memorializes the reasons for putting a policy into effect (e.g., dismantling the Grimes Street encampment) or any and all documents that pertain to any factor that may have influenced such a decision. If you are seeking the former, to the best of our knowledge and belief, no such document exists. If the latter, the nature of the request is too broad and too vague to meet the reasonable particularity standard set out in Indiana Code 5-14-3-3(a)(1).

In my August 9 letter to you, I said:

"A request for public records must 'identify with reasonable particularity the record being requested.' IC 5-14-3-3(a)(1). While a request for information may in many circumstances meet this requirement, when the public agency does not organize or maintain its records in a manner that permits it to readily identify records that are responsive to the request, it is under no obligation to search all of its records for any reference to the information being requested. Moreover, unless otherwise required by law, a public agency is under no obligation to maintain its records in any particular manner, and it is under no obligation to create a record that complies with the requesting party's request.' Opinion of the Public Access Counselor, 04-FC-38."

There is no means by which I can reasonably identify or search through all City records for any reference to the information you are requesting.

To the extent that you are requesting all records "from any City agency to the Perry Township Trustee and/or Board in 2020 or 2021," this request is unreasonably overbroad as the City is comprised of dozens of departments, boards and commissions. Moreover, there are many topics about which representatives of City government might contact Township government. If there are certain specific departments, boards, or commissions whose communications you seek, please identify them, as well as the relevant subject matter and I will take steps to work with representatives of those departments to see what documents are available. As the Perry Township Trustee is your client, he may be your best source of narrowing down the categories of communications he has received from the City that are most relevant to the information you are seeking. I would note that under APRA, the Perry Township Trustee and the Perry Township Board are under a statutory duty to preserve official emails and other records, and should already be in possession of the documents sought in this part of your request.

To the extent that you are requesting "all texts or emails," as part of any of your requests, this portion of those requests also does not meet the reasonable particularity standard. A public records request for emails must identify, at minimum, the following four items:

1. A named sender;
2. A named recipient;

3. A time frame of six months or less; and
4. A particularized subject matter or set of search terms.

Further, the number of "lanes" or "channels" of email threads (i.e., sender-recipient links) should be capped at four. See, e.g., *Opinion of the Public Access Counselor*, 18-FC-63.

In regard to text messages, the only way that I can retrieve any such documents is by direct request to the City employee(s) in question. For that reason, the employee(s) and the recipient(s) (preferably by name), as well as a reasonable time frame should be identified.

Regarding any of the requests which have been denied, I reiterate that if you can provide requests that are reasonably particular, I will be glad to make the relevant searches. However, many of your requests are so broad as to constitute a "fishing expedition," which is not an allowable purpose under APRA. See, e.g., *Opinion of the Public Access Counselor*, 16-FC-196. It may be helpful to contact the Public Access Counselor, Luke Britt, for additional guidance on crafting requests that will serve your purpose.

Sincerely,








Jennifer

—
Jennifer L. Lloyd
Assistant City Attorney
City of Bloomington
(812) 349-3555

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8 attachments

-  **Actions to Improve Safety in Public Spaces.pdf**
158K
-  **uReport_ Case #176353.pdf**
58K
-  **uReport_ Case #176314.pdf**
54K
-  **GO Police Interaction with Homeless Encampments.pdf**
122K
-  **GO Transient Persons and Persons Experiencing....pdf**
123K
-  **Policy for Closure of Encampments on Public....pdf**
79K
-  **GO 2020-2021.zip**

10/14/21, 3:59 PM

Gmail - Public Records Requests

EXHIBIT 8
4 of 4

2962K



Contacts.zip

1869K