

Chief Foster,

Please see below for NCAB's response to our emergency meeting on May 20.

HISTORY OF NCAB: The idea for the Norman Citizens' Advisory Board (NCAB) began in 2017 when, former Chief of Police, Chief Humphrey requested assistance from the Department of Justice to develop a Citizens' Advisory Board for the Norman Community. Chief Humphrey's goal was to facilitate efforts with building trust and enhancing department legitimacy with the community. The Chief saw an opportunity for the police department and the community to work together in matters of community concern, department accountability, and other police concerns.

In 2018, NPD conducted a series of planning meetings with the Norman Citizens for Racial Justice. They, jointly, participated in community forums to discuss drafts of NCAB's constitution and bylaws. In November of 2018, the Chief finalized the NCAB bylaws and constitution.

Chief Humphreys, the city manager, and the mayor identified three community leaders to review NCAB applications and select the first five members of the nine-person advisory board. The first five advisory board members then selected, from applications, the remaining four board members. Chief Kevin Foster, as interim Chief of Police and now current Chief of Police, has continued to encourage and support the NCAB.

Currently, NCAB and the original nine board members have been serving Norman for 17 months. The board meets every month with Internal Affairs and hosts community forums quarterly in January, April, July and October.

NCAB members met on Wednesday, May 20, 2020 to review the internal emails between Norman Police Officers that compared their mask policy with a popular movie meme. The email was sent on May 5 and an open records request was made on May 18.

NCAB Chairperson, Stacy Bruce, stated "while NCAB members felt as if the officer sent an extremely inappropriate & race filled meme from the movie 'Django Unchained', the investigative process conducted by NPD has been expeditious and in accordance with policy. Our responsibility, as an advisory board, is in reviewing the investigative process and not in dictating disciplinary action or determining if an officer is racist or not. Even though we are disappointed that the NPD did not inform the public or the NCAB of the investigation on May 7 (when the officer was notified of his investigation) we still fully maintain that NPD's investigative process was conducted quickly and due process was followed."

Our findings show the following timeline:

- Chief Foster sent email regarding mask policy on **May 4**, 2020.
- Cary Bryant sent email regarding masks on **May 5**, 2020 at 12:59.
- Email exchanges from various officers span from 14:20 to 15:56 asking questions about the mask's design, altering the mask, washing the mask, alternatives to the issued mask, a department wide mask contest to be judged by the Chief, etc...
- Officer McDonough sends Django Unchained meme at 15:56; "I think we all think the bag was a nice idea. But not pointin' any fingers, they coulda been done better." (picture included in email).

- McWhorter responds at 16:10 saying email was “beyond inappropriate.”
- Clements responds at 16:14 saying “we are done.”
- McDonough issues department wide apology email at 16:20.
- Chief Foster sends Internal Affairs a request for investigation at 16:33.
- Chief Foster sends email on **May 6** reminding NPD of expectations of its officers and staff.
- IA sends McDonough notice of investigation on **May 7**.
- Interview conducted with McDonough on **May 12**.
- Open Records request on **May 18**.
- Chief Foster sustained complaint on **May 20**.
- Disciplinary action in process.

The NCAB responsibilities are listed in its bylaws but specifically state in Article III, Section 1 “NCAB will review the investigative process and results of completed departmental investigations...” Based on Article III, Section 1, NCAB members unanimously felt as if NPD addressed this issue in accordance with its policies and in less time than required. ***“There were 37 minutes between the time McDonough’s email was sent and when Chief Foster requested an investigation commence through Internal Affairs”, mentions Kristen Burkett, NCAB Vice-Chair.*** NPD is required to give officers a notice of investigation and 10 days to respond for an IA interview. Officer McDonough responded and completed his IA interview within 7 days of his original email and within 5 days of receiving notification of investigation. At this time, the complaint has been sustained (May 20) and disciplinary action is in process through the chain of command: Lieutenant, Captain, Major. Thus, NCAB members feel as if NPD acted expeditiously and in accordance with policy.

Article III, Section 2 allows NCAB members to “offer suggestions and provide comments to the Chief of Police in regards to policy, procedures, and rules.” Disciplinary action has not yet been assigned to this officer, but is in process. ***“Although the officer has had just under 60 hours of community and human relations training, we have recommended various suggestions be included in Officer McDonough’s disciplinary action, including that Officer McDonough attend additional RITE training, trainings including implicit bias, community hours spent with diverse populations such as NC4RJ, PFLAG, and Norman City Ward meetings, professionalism training, and/or be placed on probation. We are hopeful that NPD will consider the above recommendations when determining McDonough’s disciplinary action, “ says Bruce.***

Article III, Section 4 states that “NCAB will assist the police department in achieving a greater understanding of community problems with an emphasis on improving relations between the NPD and citizens of Norman...” NCAB conducts quarterly meetings in which the citizens of Norman can attend and communicate their concerns. Quarterly meetings are in January, April, July, and October and are posted on the NPD website. Additionally, NCAB encouraged Chief Foster and NPD to better communicate with the public in regards to their investigative process and timeline. ***“We believe that in order to establish trust and show transparency, the NPD should have notified the public, as well as the NCAB, after issuing an investigation on May 7 into McDonough’s email,” says Jim Gasso, NCAB member.*** It was voiced that it appeared to the public that NPD only went into action once the Open Records request was made. Through our research, NCAB found this to be untrue and we were pleased with the quick responses by two officers in addition to the Chief of Police.

“Our advisory board is challenged with the responsibility of dealing with the review of NPD procedures, investigative processes, and results and is not intended to determine if the officer’s email was or was not racist in nature. This is a difficult task to do considering the email sent. A recommendation to the Chief of Police, from the advisory board, was that perhaps the officer should have been suspended with pay while the investigation was being conducted” stated Stacy Bruce. “Regardless, up to this point, we believe NPD has responded in accordance to policy and due process was followed. We are eager to see NPD issue McDonough’s disciplinary action and are hopeful that our recommendations will be considered.”

Thank you,

Stacy Bruce

Chairperson, Norman Citizen's Advisory Board