



Attachments:







## Arizona Department of Child Safety

### MEMORANDUM

TO: Colleen Connor, Deputy County Attorney, Maricopa County Attorney's Office

FROM: Department of Child Safety Community Advisory Committee

DATE: **ENTER DATE**

SUBJECT: Open Meeting Law Complaints Response

The Community Advisory Committee appreciates this opportunity to respond to the Open Meeting Law Complaints filed February 20 and 22, 2018. Although there are two different complaints, they are word-for-word identical, so this response will just refer to one complaint.

For reference, the agendas for each of the meetings at issue are attached to this memo. Further, video of the December 1, 2017 meeting is available at:

<https://www.youtube.com/watch?v=p8tBDvk7H08&feature=youtu.be>.

Video of the February 2, 2018 meeting is available at:

<https://www.youtube.com/watch?v=wL7QiU8h-no>.

The Committee is committed to compliance with the Open Meeting Law and believes that its actions as described below have been in compliance with the Open Meeting Law. To the extent that it is determined, the identification check issue regarding the February 2, 2018 meeting did constitute a violation. The Committee notes that now that it is aware of this issue, it is ensuring that future meeting sites do not have an identification check requirement. Further, no legal action was taken at the February 2, 2018 meeting.

#### **December 1, 2017 Meeting**

Complaint allegations:

- 1) **Public attendees with no hearing issues could not hear the committee (refer to A.D.A. 42 U.S.C. §§ 12101-12213 section 15:22 and §7.6.3.2)**

The Community Advisory Committee has historically had fairly low attendance at its meetings. Therefore, it is fairly common for the meetings to be held in locations that are small and do not have microphones. Whenever anyone in the room indicates that they cannot hear someone, Committee members speak more loudly. Additionally, members of the public are always welcome to move to seats closer to where the Committee is seated. At this particular meeting, members of the public noted several minutes into the introductions that they had difficulty



A Community Advisory Committee meeting was held in November 2016. In the video linked below, you will see he begins to speak around the 1 hour, 20 minute mark. You can hear and see him escalating, as he paced around the room and continued to speak loudly and forcefully, even after the Chair noted his time was up and asked that he stop speaking. At the 1 hour, 25 minute mark his friend gets up to stop him after he's been informed multiple times that his time is up. Not knowing who was approaching, the speaking member of the public flexed, took an offensive stance and yelled "please don't touch me." Once he realized it was his friend, he wrapped up his comments and moved back to his seat.

[https://www.youtube.com/watch?v=7q2X5GFE-Wc&index=11&list=PLLzPJwJ1fl\\_BHd5uiMD\\_ugVprJe0aFGGr&t=14s](https://www.youtube.com/watch?v=7q2X5GFE-Wc&index=11&list=PLLzPJwJ1fl_BHd5uiMD_ugVprJe0aFGGr&t=14s)

Subsequent to this event, and due to promises by the speaker on social media that the interruptions would continue (Exhibit 1), the Department decided to move the meetings to a secure location, as both committee members and staff felt unsafe due to the erratic and escalating behavior of meeting attendees. A location was sought that provided security to the members, had adequate space for the members and public, and was technologically adequate for sound and presentations. The meeting space must also be free, which limits the availability of where the meetings can be held. The meetings were moved to an Arizona Department of Administration (ADOA) building, where many public meetings are held. Department staff chose this location because it had on site security.

Department employees are not required to go through the screening process because they have state employee badges. Therefore, Department employees were not aware that ADOA policy required showing identification as a pre-requisite to admission into the building. This requirement was not apparent until security brought to the committee's attention that a member of the public had refused to produce identification and had given a fake name. (Exhibit 2). The member of the public is not either of the complainants in this case. The Department told security that if ADOA policy required identification that it should follow that policy, as the Department does not have the authority to order another state agency to compromise security and violate its policy. Department of Public Safety employees who were at the meeting due to safety concerns for the members offered to print an identification badge for the individual who refused to produce identification so he could attend the meeting. The individual declined the offer.

At the meeting, no legal action was taken, and nothing was voted on. Presentations were made and discussion was held.

Following the discovery that ADOA policy requires attendees to produce identification to enter the building, and that members of the public refused to produce identification, the Department has moved the meetings to another location that does not require identification for entry purposes. The Department has arranged for Department of Public Safety Officers to monitor the meetings to ensure the safety of the members.











