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December 19, 2018

DEC 20 2018

Dorothy David
City Manager
City of Champaign
102 N. Neil St.
Champaign, IL 61820

Re: Emily Klose

Dear Ms. David:

I represent Emily Klose. She has asked me to review the circumstances of her complaint against Police Officer William Killin. I am concerned that this complaint has not been handled according to the City's policy. I am also concerned about your Legal Department's opinions on certain issues involved in this matter.

As you may be aware, the circumstances of the complaint involved Officer Killin using his body-worn camera to record a phone conversation. He did so without the consent of Ms. Klose. Your Legal Department's opinion was that Officer Killin did not have to notify Ms. Klose of the recording or get her consent. This opinion is not supported by the law. The eavesdropping statute is very clear that any party to a conversation must be notified and give consent to it being recorded, otherwise it is considered a violation of the law. Your Legal Department has also offered the opinion that people do not have an expectation of privacy in their home. I believe the Constitution does not support this opinion. Your City's policy on body-worn cameras also does not support this opinion. Section 41.11.4(O) provides: "Officers must provide notice of recording to any person if the person has a reasonable expectation of privacy, such as a person's place of residence ..." Section 41.11.7 provides for prohibited uses of body cameras. Section 41.11.7 (5) specifically mentions "In any location where individuals have a reasonable expectation of privacy, such as a person's place of residence .." I find it hard to believe that if an officer is prohibited from in-person recording in someone's house that it becomes okay if the officer is merely on a phone call with the person.

Based upon my review of the circumstances and the law, Officer Killin clearly violated the Eavesdropping statute. My understanding is that a meeting has been set for January, 2019. Ms. Klose has asked that I attend the meeting with her to discuss her complaint and a possible resolution.

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December 19, 2018
Page Two

Please let me know the date and time of the meeting. I look forward to working with you to resolve Ms. Klose's complaint.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'D. Wesner', written over a horizontal line.

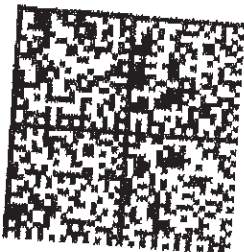
David B. Wesner

DBW/rw

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EX-108-82
032A 0061E



Mailed From
12/19/2018
032A 0061E



2/26/19

Ms. Klode's Police Complaint Appeal

Mr. Wesner, Ms. Klode, Laura & A.

Mr. Wesner -

- Officer Keller recording phone conversation
 & he did not let her know until the end
- conversation re: one of her rental prop.
- she wasn't given the choice to end the call
- supervisor (Lt. Ramseyer) instructed him to record the call
- Ms. Klode raised a complaint, but it was not treated as an official complaint initially; eventually it is processed
- Lt. Meyer's investigation incomplete
 & Chief's decision in error
 (based on City policy only & not the Ill. State Statutes - should apply to disciplinary review, police not exempt from eavesdropping Statute
 → current version was in place at the time of the call

§ 720 ILCS 5/14-2

50 ILCS 706/10-20

Body camera Statute - "take off from in-car video cams" does not allow for this → doesn't cover audio so it does not "trump" eavesdropping

Review of Lt. Myers 8/31/2018 re: 18-04 memo -
 he references body camera policy (g.) - officers
 are not required... unless beneficial
 no comment about providing notice in
 that section

subsection H - when do they have to be
 turned off

subsection O - an officer must provide
 notice if a person has a reasonable
 expectation of privacy

(disagreement here - people don't
 expect to be recorded when
 calling an officer)

-> dept acknowledged that the policy
 does not cover calls

Heart of
 the issue

(*)

subsection N - officers are encouraged to
 provide notice unless it would be
 unwise to do so (policy is deficient
 because "are encouraged" should
 be "shall" because of the
 requirements of the eavesdropping
 statute.

Issue is not the substance of conversation,
 it is the act of recording without notice

3.

Ms Klose is seeking acknowledgement that the policy is defective and needs to be changed.

Mr. Wesner in closing - Ms Klose could have pushed this to litigation, she was frustrated by the lack of progress initially in response to her complaint

~~Case~~

she would love to see the City fund PTSD dogs for veterans as a resolution to the issue

Laura - eavesdropping

Class H glory

she would like to see the policy changed they want to make sure it does not happen again.

Ms Klose —

she transcribed the conversation & photographed the video

ended the conversation w/ 2 minutes

the whole process of how her complaint was handled was absurd

Hallo called and said it would be handled