



Legal Department • 102 N Neil St • Champaign IL 61820 • (217) 403-8765 • fax (217) 403-8755 [legaldepartment@champaignil.gov](mailto:legaldepartment@champaignil.gov)

Frederick C. Stavins, City Attorney  
Laura J. Hall, Assistant City Attorney  
Jennifer Gover Bannon, Assistant City Attorney  
Kathryn Cataldo, Assistant City Attorney  
Thomas Yu, Assistant City Attorney

May 21, 2019

Mr. Christopher Hansen  
[corruptcu@gmail.com](mailto:corruptcu@gmail.com)

RE: FOIA request to CPD  
Emily Klose Documents

Dear Mr. Hansen:

On May 8, 2019 you made the following request for records:

“I would like any and all documents related to the Champaign Police Interview on April 18, 2018 between Emily Klose and Officer William Killin. This should include any and all recordings and related documents. If any complaints were issued, please include those documents. Please include any related emails as well.”

I am attaching the records you have requested subject to the following exemptions:

7(1)(m) Attorney/Client Privilege  
7(1)(b) Private  
Emails  
Phone numbers  
Addresses

You have a right to request review of this response by the Illinois Public Counselor:

Public Access Bureau  
Office of the Attorney General  
500 S. 2<sup>nd</sup> Street  
Springfield, Illinois, 62706

(217) 558-0486

[publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a)

You may also file suit for injunctive or declaratory relief in the Circuit Court of Champaign County, Illinois. 5 ILCS 140/11

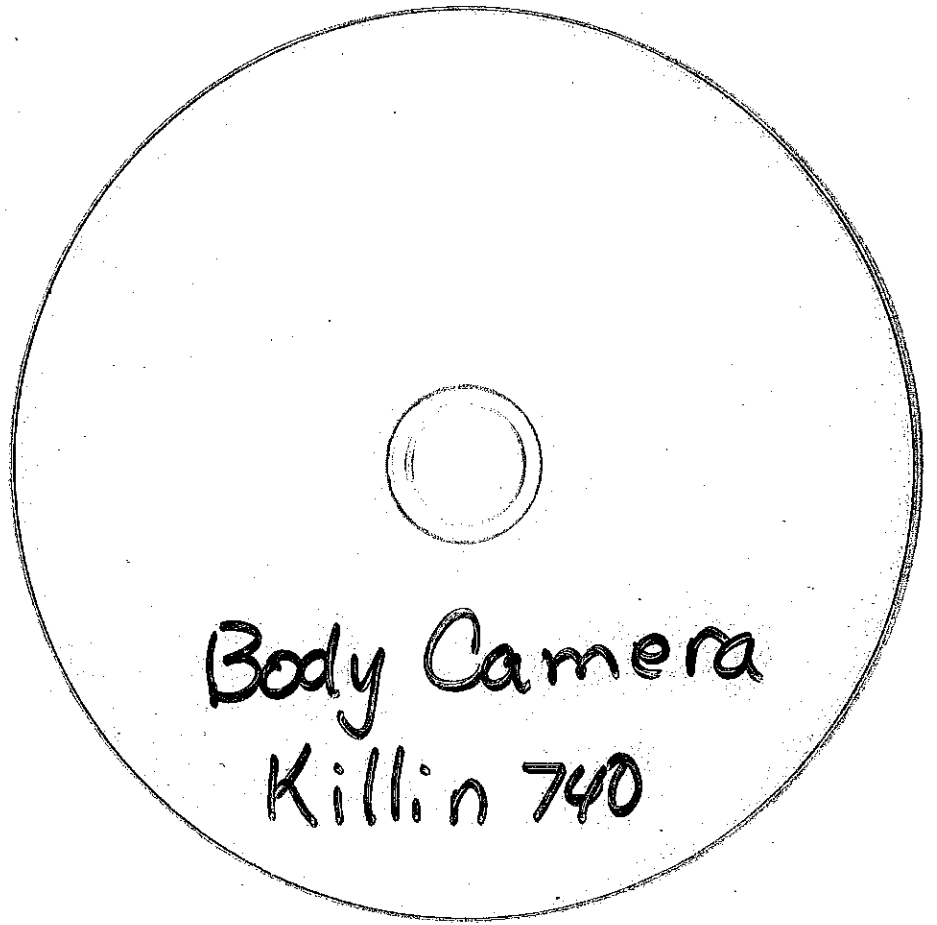
Sincerely,

*Laura J. Hall*

Laura J. Hall  
Assistant City Attorney

LJH/sjg  
Enclosures

J:\LEG\WORD\FOIA\Requests Specific\2019\Hansen, Christopher - Request to CPD re Emily Klose 5-8-19\Hansen, Christopher 5-21-19 (Response).docx



Body Camera  
Killin 740

**Laura Hall**

---

**From:** Anthony Cobb  
**Sent:** Monday, April 29, 2019 4:19 PM  
**To:** Laura Hall  
**Subject:** FW: Complaint Letter- FOIA Emily Close

*Anthony D. Cobb*

---

**From:** Joseph Gallo  
**Sent:** Wednesday, August 08, 2018 12:28 PM  
**To:** Anthony Cobb <anthony.cobb@champaignil.gov>  
**Subject:** Fw: Complaint Letter

FYI...

Joe Gallo

Deputy Chief

Champaign Police Department

[joseph.gallo@champaignil.gov](mailto:joseph.gallo@champaignil.gov)

217-403-7010

---

**From:** Tod Myers  
**Sent:** Wednesday, August 8, 2018 12:19 PM  
**To:** Joseph Gallo  
**Subject:** Fw: Complaint Letter

I'm sending this to you because of her stated allegation to seek out the City Manager and Council. Just so the chief is aware in case she does.

---

**From:** Emily Klose <\_\_\_\_\_  
**Sent:** Wednesday, August 8, 2018 12:07 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I *am* in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.

And I do have two questions for you: 1) Has the city manager been made aware of this complaint? and 2) Has the city council been made aware of this complaint? If not, that will be my first order of business, as I believe that the council wrote, or at least reviewed, the language for the body-camera policy, and this language could certainly use some refining.

Thank you for your response to my question, though. And at the very least, could you give Officer Killin some feedback about the tantrum (recorded on the video) that he pitched after he finished talking to me? It was beyond unprofessional for a police officer to behave that way, especially while he was wearing his uniform while at the police station, surrounded by his peers. I continue to expect better from our public servants.

Respectfully,  
Emily Klose

-----Original Message-----

**From:** Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
**To:** Emily Klose  
**Sent:** Wed, Aug 8, 2018 11:17 am  
**Subject:** Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal's interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

The video on this case is not a flagged video and not subject to FOIA. Our retention period for this video was 90 days and has since rolled off the server.

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**From:** Tod Myers  
**Sent:** Monday, August 6, 2018 7:30:35 AM

**Laura Hall**

---

**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Thursday, February 28, 2019 6:37 PM  
**To:** Laura Hall  
**Subject:** RE: Emily Klose appeal

Laura,

Neither myself or Ms. Klose felt anything was missing in Ms. David's notes.  
So, you can let her know she can proceed with finalizing her decision on the appeal.  
Thank you.

Dave

---

**From:** Laura Hall <Laura.Hall@champaignil.gov>  
**Sent:** Wednesday, January 23, 2019 9:25 AM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Subject:** RE: Emily Klose appeal

I understand completely! Please call when you have a few minutes. I will be in and out so we might play phone tag. Laura

---

**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Wednesday, January 23, 2019 9:23 AM  
**To:** Laura Hall <Laura.Hall@champaignil.gov>  
**Subject:** RE: Emily Klose appeal

Hi Laura,

I apologize for not calling you sooner. I have been in transition between jobs/offices the last couple of weeks. I have a client coming in in a few minutes. I will call you later this morning or this afternoon.  
Thanks.

Dave

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**From:** Laura Hall <Laura.Hall@champaignil.gov>  
**Sent:** Wednesday, January 23, 2019 9:18 AM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Subject:** Emily Klose appeal

Dave, would you please call me regarding this appeal? Thanks!

Laura Hall  
Assistant City Attorney  
(217) 403-8765

**Laura Hall**

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**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Monday, January 14, 2019 4:02 PM  
**To:** Carrie Brown  
**Cc:** Emily Klose; Laura Hall  
**Subject:** RE: Meeting with City Manager David

Ms. Brown,

Has a new date and time been determined for the meeting?  
Thank you for any updates.

Dave

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**From:** Carrie Brown <carrie.brown@champaignil.gov>  
**Sent:** Thursday, December 27, 2018 3:19 PM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Cc:** Emily Klose <[REDACTED]>; Laura Hall <Laura.Hall@champaignil.gov>  
**Subject:** Re: Meeting with City Manager David

Dear Mr. Wesner,

We are in receipt of your letter stating your representation of Ms. Klose and your request to reschedule the January 8, 2019 Meeting.

Ms. David and Ms. Walls are out of the office for the holidays. They are scheduled to return on Wednesday, January 2, 2019 at which time we will respond to your request for rescheduling this meeting.

If you have any questions, please feel free to contact Laura Hall, Assistant City Attorney at 217/403-8765.

Thank you.



RECEIVED

NOV 30, 2018

City Clerk's Office  
City of Champaign

*Via US Mail*

CITY OF CHAMPAIGN  
FREEDOM OF INFORMATION ACT REQUEST

Return to City Clerk, City of Champaign, 102 North Neil, Champaign, IL 61820 or email to:  
FOIOCITY@champaignil.gov

DATE: 11/27/2018

NAME: Emily Klose

ADDRESS: [Redacted]

DAYTIME TELEPHONE NUMBER: [Redacted]

E-MAIL: [Redacted]

Please describe the information/records you are requesting in as much detail as possible.  
This will enable us to find the records quickly.

I request all records related to Citizen's Complaint #18-04, which I initially filed in person at the CPD on May 31, 2018. This request covers all e-mails to/from the Community Relations Manager and the Civilian Review Board. In addition, I request all records from the city of Champaign Legal Dept. and all other city departments.

I wish to:

- Inspect Only
- Inspect and Receive Copies
- Receive Copies Only
- Receive Certified Copies

**Certification of Commercial/Non-Commercial Request**

"Commercial purpose" means the use of any part of a public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement for sales or services. It is a violation of the Freedom of Information Act for a person to knowingly obtain a public record for a commercial purpose without disclosing that it is for a commercial purpose.

I hereby certify that my request:

- is for a commercial purpose
- is not for a commercial purpose

*#18-248*

*Emily A. Klose*  
\_\_\_\_\_  
Signature of Requestor

COST OF COPIES: Paper: \$0.15 per page, First 50 pages free; Computer Records: \$0.75 per CD; \$1.00 per DVD. Payment of estimated cost will be required prior to search.



**Laura Hall**

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**From:** Dorothy Ann David  
**Sent:** Thursday, November 29, 2018 12:10 PM  
**To:** Marilyn Banks; Laura Hall  
**Cc:** Anthony Cobb; Joan Walls  
**Subject:** Fw: #18-248 - Emails with Civilian Review Board  
**Attachments:** E Klose Request of 11-29-2018.pdf

Ms. Klose has sent a request to me for a review of the Chief's decision on this complaint. Due to scheduling conflicts, I will be unable to meet with her until January. However, I would be requesting all of the complaint documentation as part of my review. As such, I would appreciate if I could receive a hard copy of the documents produced as a part of this FOIA (to avoid a duplicate request from our office as part of my review.

**Dorothy Ann David, City Manager**  
**City of Champaign**

telephone: (217) 403-8710  
email: dorothy.david@champaignil.gov

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Please consider the environment before printing this email.

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**From:** Jeff Hamilton  
**Sent:** Thursday, November 29, 2018 11:27 AM  
**To:** Dorothy Ann David; Joan Walls; Matt Roeschley; Rachel Joy  
**Subject:** Fw: #18-248 - Emails with Civilian Review Board

FYI

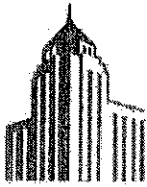
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**From:** FOIOCity  
**Sent:** Thursday, November 29, 2018 10:43 AM  
**To:** Sally Graning; Laura Hall  
**Subject:** #18-248 - Emails with Civilian Review Board

Good Morning Ladies,

Attached is a request which indicates ""This request covers" emails between staff and the Civilian Review Board. The initial portion of the request references a citizen complaint number but she indicated she filed that with CPD in May, 2018, so not sure about that portion of this request.

A response to this request, without an extension, is due Thursday, December 6, 2018. Thanks!



City of  
CHAMPAIGN

Office of the City Manager

March 15, 2019

102 North Neil Street  
Champaign, Illinois 61820-4042  
Telephone (217) 403-8710  
Fax (217) 403-8725  
CityManagersOffice@champaignil.gov

Via U.S. Mail and Email  
Ms. Emily Klose



Dear Ms. Klose:

On May 31, 2018, you filed a complaint with the Champaign Police Department which stated, "I am filing a complaint against Officer William Killin for using his bodycam on Wednesday, April 18, 2018, to record a presumed private phone conversation with me, without first asking for my consent." On October 25, 2018, Chief Anthony Cobb rendered a decision regarding your complaint that the officer was exonerated in using his body camera to record his conversation with you. On November 20, 2018, you sent an email to me requesting an appeal of Chief Cobb's decision.

In response to your appeal, we agreed to meet on February 26, 2019, at 10:00 a.m. In addition to you and me, this meeting also included your legal counsel, Mr. David Wesner, and Assistant City Attorney Laura Hall.

During the meeting, both Mr. Wesner and you provided statements regarding your disagreement with the Chief's decision and I took notes on the statements you each made. I provided a copy of those notes to you at the end of the meeting and offered an opportunity for you to provide any corrections or additional information to clarify my notes. On February 28, 2019 Mr. Wesner notified Laura Hall that my notes were complete.

The scope of my review is to decide whether Officer Killin violated Police Department policy or law in recording his April 2018 conversation with you using his body camera. In addition to considering statements during the February 26 meeting, my review included an examination of your complaint, Professional Standards Lieutenant Tod Myers' (now Deputy Chief Myers) August 31, 2018 investigation report for your complaint, draft minutes and audio from the Human Relations Commission Citizen Review Subcommittee's review of the complaint investigation process, the Police Chief's decision, the Police Department Policy and Procedures for Body Camera and Mobile Video recording that was in effect as of the date of the alleged policy violation, and applicable State of Illinois statutes. I also reviewed the body camera video taken by Officer William Killin on April 18, 2018.

Despite my concurrence with Chief Cobb's decision related to Officer Killin's actions, I am very concerned about other issues that you have raised regarding the process for consideration of your complaint. I do agree with your assertions that the manner in which City staff processed and responded to your complaint was not timely or consistent with the City's value of providing responsive service to the public. Although these issues are outside of the scope of my determination on your specific complaint about Officer Killin, I do intend to address these issues with the Chief of Police and City employees who are involved in the police complaint process. Our handling of your complaint has been unacceptable, and I thank you for bringing this situation to my attention so it can be corrected in the future. I apologize that the process was so prolonged and difficult to navigate. I assure you that these procedural concerns will be addressed.

In addition, Chief Cobb and the HRC Citizen Review Subcommittee have determined that changes to the Body Camera Policy are warranted to clarify the language regarding the use of body-worn cameras when recording telephone conversations. I am aware that draft language is currently under review and I anticipate that the policy soon will be revised.

Again, I thank you for taking the time to bring your concerns to my attention and for your patience as I reviewed your complaint and responded to your appeal.

Sincerely,



Dorothy Ann David  
City Manager

DAD/cb

cc. Anthony Cobb, Chief of Police  
Laura Hall, Assistant City Attorney  
Mr. David Wesner, Legal Counsel

**Laura Hall**

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**From:** Dorothy Ann David  
**Sent:** Friday, March 15, 2019 12:24 PM  
**To:** Dorothy Ann David  
**Cc:** Anthony Cobb; Tod Myers; Bruce Ramseyer; Laura Hall; Rachel Joy  
**Subject:** Response to Police Complaint  
**Attachments:** Klose Complaint Appeal Response 3-15-19.pdf

Mayor Feinen and City Council members - Attached is my written response to an appeal of Police Chief Cobb's decision on a police complaint filed by Ms. Emily Klose on May 31, 2018. The appeal process is an administrative action per the code; however, since Ms. Klose previously emailed City Council members regarding this matter on August 20, I thought you would appreciate receiving a copy of my response.

I have scheduled a meeting with representatives from Police Administration, the Legal Department, and the Office of Equity, Community and Human Rights to discuss my concerns about how Ms. Klose's complaint has been handled. Due to staff vacations and meeting schedules, the meeting could not be scheduled until April. As I stated in my letter to Ms. Klose, I intend to address the deficiencies in the process with staff and assure that we will correct these so they do not occur in the future.

If you have questions about this matter, please give me a call.

**Dorothy Ann David, City Manager**  
**City of Champaign**

telephone: (217) 403-8710  
email: dorothy.david@champaignil.gov

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Please consider the environment before printing this email.

**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Fwd: Complaint Letter

Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you.  
Emily Klose

Sent from my iPhone

Begin forwarded message:

**From:** Emily Klose · \_\_\_\_\_  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I *am* in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.

And I do have two questions for you: 1) Has the city manager been made aware of this complaint? and 2) Has the city council been made aware of this complaint? If not, that will be my first order of business, as I believe that the council wrote, or at least reviewed, the language for the body-camera policy, and this language could certainly use some refining.

Thank you for your response to my question, though. And at the very least, could you give Officer Killin some feedback about the tantrum (recorded on the video) that he pitched after he finished talking to me? It was beyond unprofessional for a police officer to behave that way, especially while he was wearing his uniform while at the police station, surrounded by his peers. I continue to expect better from our public servants.

Respectfully,  
Emily Klose

-----Original Message-----

**From:** Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
**To:** Emily Klose · \_\_\_\_\_ 1>  
**Sent:** Wed, Aug 8, 2018 11:17 am  
**Subject:** Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal's interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

The video on this case is not a flagged video and not subject to FOIA. Our retention period for this video was 90 days and has since rolled off the server.

---

**From:** Tod Myers  
**Sent:** Monday, August 6, 2018 7:30:35 AM  
**To:** Emily Klose  
**Subject:** Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

---

**From:** Emily Klose  
**Sent:** Friday, August 3, 2018 2:05:03 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

Good afternoon, Lt. Myers.

It has been almost two months since you received my written complaint about Officer Killin using his body-worn camera to record our presumed private conversation while I was in the privacy of my home.

I respectfully request an update me on the status of this situation, as I believe that city legal has had adequate time to address my "concern" and come to some conclusion.

Thank you. I look forward to hearing from you.  
Emily Klose

Sent from my iPhone

On Jun 5, 2018, at 12:28 PM, Emily Klose wrote:

**Laura Hall**

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**From:** Anthony Cobb  
**Sent:** Monday, April 29, 2019 4:19 PM  
**To:** Laura Hall  
**Subject:** FW: Complaint Letter - FOIA Emily Close

Here is email regarding the Emily Close FOIA

*Anthony D. Cobb*

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**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:19 AM  
**To:** Emily Klos  
**Cc:** Tod Myers <tod.myers@champaignil.gov>  
**Subject:** RE: Complaint Letter

Hello Emily,

When I spoke with you yesterday, I informed you of the process and procedure our office currently takes as it relates to official police complaints. And as I stated yesterday, for an official police complaint the process is the Lt. of Professional Standards from CPD investigates, our office reviews and the Citizen Review Subcommittee reviews. After that process, the complaint goes to the Chief of Police for a final decision and after that, if a person wants to appeal a decision it goes to the City Manager.

After speaking with Lt. Myers, you did not have an official complaint and instead an inquiry regarding the legal use of body cam video. Therefore, our office was not in receipt of a formal police complaint and thus the reason Lt. Myers sent the information to City legal to answer your direct legal question.

Therefore, since it was not an official police complaint, our office would not have any next steps related to your legal question as that would remain with the City's legal department. I followed up with Lt. Myers and after speaking with the legal department, you will receive a letter from City legal.

As it relates to our office, if a formal complaint is received, our office would follow the process as will the Citizen Review Subcommittee.

Thank you,



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

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**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:03 AM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Re: Complaint Letter

Hi, Rachel.

Regardless of what the letter from City Legal says, I would like answers to the following questions now: 1) Is the city manager aware of this complaint? 2) Is the city council aware of this complaint? 3) Is Chief Cobb aware of this complaint? 4) Why didn't this complaint go through proper channels at the Police Dept.? Why did it go straight to City Legal? and 5) Why didn't anyone seem to realize that I am in possession of the video showing Officer Killin's conversation with me, even if Lt. Myers says it rolled off the server?

If the city continues to ignore its own policies and protocols, I am forced to conclude that all the references on the city's web site about transparency and serving the citizens of Champaign are nothing more than rhetoric.

You yourself said your office should have received a copy of the complaint and that the response should have come from Chief Cobb, not City Legal. I deserve answers to these questions, Rachel. I thought that was the job of your office. Please inform me of what your next steps will be.

Respectfully,  
Emily Klose

Sent from my iPhone

On Aug 16, 2018, at 10:35 AM, Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)> wrote:

Hello Emily,  
You will receive a letter from City Legal regarding your inquiry as stated below.  
Thank you,

<image001.png>

**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

---

**From:** Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
**Sent:** Wednesday, August 15, 2018 1:30 PM



**Laura Hall**

---

**From:** Anthony Cobb  
**Sent:** Monday, April 29, 2019 4:25 PM  
**To:** Laura Hall  
**Subject:** FW: Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04 - FOIA  
Emily Close

*Anthony D. Cobb*

---

**From:** Dorothy Ann David  
**Sent:** Wednesday, November 21, 2018 9:42 AM  
**To:** Emily Klose  
**Cc:** Carrie Brown <carrie.brown@champaignil.gov>; Joan Walls <joan.walls@champaignil.gov>; Anthony Cobb <anthony.cobb@champaignil.gov>  
**Subject:** Re: Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Ms. Klose - Thank you for your email. I apologize that I did not reply sooner; yesterday was quite busy and I didn't open your email until immediately prior to a dinner meeting which was followed by City Council. I have received it. The City Code does not specify a time frame for my response to a request from a citizen to review a police complaint; however, as a practical matter I want to prioritize this to the best of my abilities. I have vacation time scheduled beginning on December 19 through the end of the calendar year, so I would hope that we can meet and I can complete this review before then. Otherwise, I would finish this when I return in January.

To expedite matters, I am copying this email to Ms. Carrie Brown who serves as my Administrative Assistant and manages my calendar. If you could reply to both of us with your availability to meet in the next few weeks, that would be most helpful. We will do our best to schedule the meeting in a timely manner at your convenience. Carrie is out of the office today but will be able to work on this scheduling task next week. I will also request that Deputy City Manager Joan Walls join us during the meeting as she is the City Manager's liaison to the Police Department and the Office of Equity, Community and Human Rights that provides staff support to the Citizen Review Subcommittee of the Human Relations Commission.

I would also like to mention that yesterday, members of the City Council and I also received a separate email from you that was addressed to a gentleman named Rick. I believe that you may have sent this to us in error so I wanted to make you aware of it. Finally, you will note that I am not copying this reply to the members of the City Council, as electronic dialogue regarding City business that involves a majority of the governing body can constitute a violation of the Open Meetings Act. I will separately send a 1-way communication to them to make them aware that I responded to your email today.

I look forward to hearing from you. Have a Happy Thanksgiving.

**Dorothy Ann David, City Manager**  
**City of Champaign**

telephone: (217) 403-8710

email: [dorothy.david@champaignil.gov](mailto:dorothy.david@champaignil.gov)

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**Please consider the environment before printing this email.**

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**From:** Emily Klose <[REDACTED]>  
**Sent:** Tuesday, November 20, 2018 11:38:33 AM  
**To:** Dorothy Ann David; council  
**Subject:** Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Good morning, Ms. David,

I request a review of Chief Cobb's decision regarding Citizen Complaint #18-04, which I filed in person at the CPD Department on May 31, 2018. I have attached Chief Cobb's decision (above). I am within my allotted 30 days asking you to review his decision.

I understand that you, as city manager, take your direction from the city council, so I have copied this e-mail to the entire city council, as I am dissatisfied with the way the city has handled this complaint from the get-go.

First, I would expect your review of Chief Cobb's decision to include an explanation of how "a thorough investigation" in to my complaint could have been completed since Lt. Tod Myers sent an e-mail to me on Aug. 8, 2018, claiming that the video at the heart of this quite serious matter "has since rolled off the server." State of Illinois statute dictates that body cam footage related to "a formal or informal complaint" MUST be flagged for review and maintained for two years. How did the city manage to complete "a thorough investigation" without its key piece of evidence, which is the body cam video detailing Ofc. William Killin's speech and conduct during his clandestine recording of a presumed private phone conversation?

Second, the city of Champaign recently paid plaintiff Alton Corey \$220,000 to settle a federal lawsuit filed against the city due to Ofc. Killin and Ofc. Dylan Holloway's alleged use of excessive force against Mr. Corey on Oct. 17, 2017. Meanwhile, the April 18, 2018 body cam footage that is in MY possession as a result of my FOIA request to the CPD indicates that, six months later, one of the same officers (Killin) is misusing his position of power to behave inappropriately, unprofessionally, and egregiously while talking to me on the phone. Chief Cobb's decision that "this allegation (against Killin) is exonerated" is baffling as it is unsupported by the body cam video from the CPD that is in my possession. I request re-evaluation and re-examination of Chief Cobb's decision. There is nothing in the state of Illinois statute that I am aware of that gives law enforcement the liberty to use body

**Laura Hall**

---

**From:** Troy Daniels  
**Sent:** Monday, April 29, 2019 4:14 PM  
**To:** Laura Hall  
**Subject:** Fw: #18-248 - Emails with Civilian Review Board

FOIA Response

**Troy Daniels**

Deputy Chief | Patrol

P: 217-403-6909 | *Front Desk:* 217-351-4545 | F: 217-403-6924

82 E. University Ave.

Champaign, IL 61820

Facebook.com/ChampaignPD

Twitter: @Champaign PD

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**From:** Anthony Cobb  
**Sent:** Friday, November 30, 2018 10:57 AM  
**To:** Tod Myers  
**Cc:** Troy Daniels; David Shaffer; Joseph Gallo  
**Subject:** FW: #18-248 - Emails with Civilian Review Board

FYI

*Anthony D. Cobb*

---

**From:** Laura Hall  
**Sent:** Thursday, November 29, 2018 12:56 PM  
**To:** Dorothy Ann David <Dorothy.David@champaignil.gov>; Marilyn Banks <marilyn.banks@champaignil.gov>  
**Cc:** Anthony Cobb <anthony.cobb@champaignil.gov>; Joan Walls <joan.walls@champaignil.gov>  
**Subject:** RE: #18-248 - Emails with Civilian Review Board

I will do that. Laura

---

**From:** Dorothy Ann David <Dorothy.David@champaignil.gov>  
**Sent:** Thursday, November 29, 2018 12:10 PM  
**To:** Marilyn Banks <marilyn.banks@champaignil.gov>; Laura Hall <Laura.Hall@champaignil.gov>  
**Cc:** Anthony Cobb <anthony.cobb@champaignil.gov>; Joan Walls <joan.walls@champaignil.gov>  
**Subject:** Fw: #18-248 - Emails with Civilian Review Board

Ms. Klose has sent a request to me for a review of the Chief's decision on this complaint. Due to scheduling conflicts, I will be unable to meet with her until January. However, I would be requesting all of the complaint documentation as part of my review. As such, I would appreciate if I could receive a hard copy of the documents produced as a part of this FOIA (to avoid a duplicate request from our office as part of my review.

**Dorothy Ann David, City Manager**

**City of Champaign**

telephone: (217) 403-8710

email: [dorothy.david@champaignil.gov](mailto:dorothy.david@champaignil.gov)

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**From:** Jeff Hamilton  
**Sent:** Thursday, November 29, 2018 11:27 AM  
**To:** Dorothy Ann David; Joan Walls; Matt Roeschley; Rachel Joy  
**Subject:** Fw: #18-248 - Emails with Civilian Review Board

FYI

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**From:** FOIOCity  
**Sent:** Thursday, November 29, 2018 10:43 AM  
**To:** Sally Graning; Laura Hall  
**Subject:** #18-248 - Emails with Civilian Review Board

Good Morning Ladies,

Attached is a request which indicates ""This request covers" emails between staff and the Civilian Review Board. The initial portion of the request references a citizen complaint number but she indicated she filed that with CPD in May, 2018, so not sure about that portion of this request.

A response to this request, without an extension, is due Thursday, December 6, 2018. Thanks!

Marilyn

RECEIVED

DEC 05 2018

LEGAL DEPT.

Champaign Police Department  
Professional Standards  
Internal/Complaint Investigation Review

I have received internal/complaint investigation number 20/B-CC-04 The investigation and findings are hereby:

X APPROVED / \_\_\_\_\_ DISAPPROVED

[Signature]  
Chief of Police

12/25/18  
Date

Comments:

I agree with Lt. Myers & DC Daniels findings & recommendation. I am ordering a review of our body worn policy to consider if we need to add language to recording telephone conversations, or all conversation even when a person does not have an expectation of privacy.

[Signature]



Police Department • 82 E. University Ave • Champaign, IL 61820 • (217) 351-4545 • [police@champaignil.gov](mailto:police@champaignil.gov) • [www.champaignpolice.com](http://www.champaignpolice.com)

October 25, 2018

Ms. Emily Klose

Champaign, Il. 61822

Re: Citizen Complaint 18-04

A thorough investigation into your complaint alleging employee misconduct has been completed. Your complaint was investigated by the Office of Professional Standards and his investigation was reviewed by the officer's chain of command, Community Relations Manager, Civilian Review Board and me.

In your complaint, you make the following allegation:

1. An officer recorded your telephone conversation using his body worn camera without your consent. The investigation revealed that the officer followed department policy therefore, this allegation is exonerated. Additionally, command staff will be reviewing the current policy to determine what, if any, changes are appropriate.

If you have any questions, please call me at 217-403-6911

You may request that the City Manager review my decision. This request must be made within 30 days.

Respectfully,

Chief Anthony D. Cobb  
Champaign Police Department

Champaign Police Department  
82 E. University Avenue  
Champaign IL 61820  
(217) 351-4545  
police@champaignil.gov  
www.champaignpolice.com



**MEMORANDUM**

To: Chief Cobb

From: DC Daniels *JD*

Date: October 21, 2018

Subject: Complaint 18-04 Recommended Findings

I concur with the findings of Lt. Myers that Officer Killon's recording of the phone conversation involving Ms. Klose was within Champaign Police Department Policy. I concur that the appropriate findings for this complaint is "Exonerated."

Lt. Myers also recommends that "command staff revisit the policy to determine if additional language needs to be included which addresses recording a telephone conversation or if existing language is sufficient", and I also concur with this recommendation. The key issue to determine is whether a person on a phone conversation with a police officer has "a reasonable expectation of privacy". If we determine that a person who has a phone conversation with a police officer has a reasonable expectation of privacy, then Illinois law would require that "proof of notice must be evident in the recording." (50 ILCS 706/10-20(a)5). Currently, the Champaign Police Department Policy describes locations where a person has a reasonable expectation of privacy in 41.11.4 (O) by stating, "...such as a person's place of residence, bathrooms, locker rooms, and hospital rooms." The Illinois Law Enforcement Officer-Worn Body Camera Act mentions the authorized eavesdropping statutes; however, it specifically states that "nothing in this Act shall be construed "to limit or prohibit law enforcement officers from recording in accordance..." of various eavesdropping statutes (50 ILCS 706/10-35).

## Re: For Review

Bruce Ramseyer

Thu 9/13/2018 12:14 PM

To: Tod Myers <tod.myers@champaignil.gov>

I read the memo and agree. Thank you.

**Bruce Ramseyer**

Lieutenant | Patrol

**City of Champaign Police Department**

82 E. University Ave.

Champaign, IL 61820

[bruce.ramseyer@champaignil.gov](mailto:bruce.ramseyer@champaignil.gov)

217-403-7040 | (fax) 217-403-6924



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---

**From:** Tod Myers

**Sent:** Friday, August 31, 2018 1:55:15 PM

**To:** Bruce Ramseyer

**Subject:** For Review

**Tod Myers**

Lieutenant | Professional Standards

**City of Champaign Police Department**

82 E. University Ave.

Champaign, IL 61820

[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

217-403-6913 | (fax) 217-403-6924







Office of Equity, Community and Human Rights • 102 N Neil St • Champaign IL 61820 • (217) 403-8830 • fax (217) 403-8835  
• www.champaignil.gov

September 17, 2018

Chief Anthony Cobb  
Champaign Police Department  
82 E. University Ave.  
Champaign IL, 61820

Dear Chief Cobb,

This letter is written to certify that the Citizen Review Subcommittee of the Champaign Human Relations Commission has reviewed police complaint 18-04. We were provided with a copy of the complaint investigation completed by Lt. Tod Myers prior to our meeting held on September 12, 2018. During our meeting, Lt. Myers provided an overview of the case, and subcommittee members were given the opportunity to ask technical and exploratory questions. In addition, subcommittee members had the opportunity to provide comments and recommendations.

Our subcommittee agrees with the completeness, thoroughness, objectiveness and fairness by which the complaint was investigated, pursuant to Division 10.5 Section 2-537 of the Champaign Municipal Code. Our subcommittee directed staff to submit our recommendations for consideration as you make your final decision on complaint 18-04.

In addition, we wanted to let you know that although there was no violation of policy, we would like you to consider updating the policy to include a requirement to inform a citizen of the recording instead of only encouraging officers to disclose this information. Please note our committee would be happy to be a part of any discussion to determine any updates to the local Body Worn Camera policy.

Please contact Lt. Tod Myers and Rachel Joy, Community Relations Manager/Compliance Officer with any additional questions or concerns regarding our recommendations.

Sincerely,

Emily Rodriguez, Chair Citizen Review Subcommittee

Champaign Police Department  
82 E. University Avenue  
Champaign IL 61820  
(217) 351-4545  
police@champaignil.gov  
champaignpolice.com



## MEMORANDUM

To: Chief Anthony Cobb  
From: Lt. Tod Myers  
Date: August 31, 2018  
Subject: Citizen Complaint 18-04

### BACKGROUND

On Tuesday April 10, 2018, Officer Bill Killin was dispatched to [REDACTED] for a disorderly subject call (Incident #181000364). The suspect in this call lived at [REDACTED] and had reportedly returned to her house. Officer Killin spoke to all involved finding this was a parking problem and ultimately cleared after giving advice. Neither person involved in this incident was KLOSE, the complainant in this investigation.

KLOSE, who owns the property at [REDACTED] but doesn't reside there, called and spoke to Lieutenant Ramseyer inquiring about the original incident. After speaking multiple times, Lieutenant Ramseyer either asked Officer Killin to contact KLOSE or asked KLOSE to contact Officer Killin (he couldn't remember which) so Officer Killin could explain what had occurred since he wasn't present.

On April 18<sup>th</sup>, KLOSE called the police department and spoke to Officer Killin. During this conversation, Officer Killin had activated his body worn camera (BWC) to record the conversation. It wasn't until the end of the conversation that Officer Killin told KLOSE the conversation was recorded.

In May, I received a voice mail from KLOSE on my office phone. I recall in the message she referenced a recorded conversation by Officer Killin and she had questions regarding the body camera law. I did not interpret her message to mean she wished to file any type of complaint. After receiving this message, I contact Lieutenant Petrilli and asked him to call KLOSE. I did this because he had just completed the research and subsequent Body Camera Policy and would be in the best position to answer her questions. A few days later I spoke to Lieutenant Petrilli to see if he had made contact. He said he tried to call a couple times but after receiving a voice mail each time, the last name on the voice mail was not KLOSE so he didn't leave a message thinking he possibly had the wrong number. I knew KLOSE went by a previous last name of Washburn, so I asked Lieutenant Petrilli if that was the name on the voicemail. He thought it was. He said he would call again and leave a message. I confirmed with him that he did leave a message and had not received a return call.

Near the end of May or the beginning of June, Deputy Chief Gallo had contact with KLOSE. He later informed me that KLOSE had supplied a letter to him titled "Champaign Police Department

Citizens Complaint." This letter is attached. When I read the letter, it appeared that KLOSE was still looking for a legal interpretation of the law as it pertained to her incident. The question I had was does a person have an expectation of privacy while they are in their home during a phone conversation? My question was taken from the letter KLOSE supplied where she cited language from our policy. I decided to send the letter to the City Legal Department to review her concerns while obtaining a legal opinion on the body worn camera recording. I emailed KLOSE to inform her of this and she replied with thank you.

On August 8<sup>th</sup> I received a response from the legal department which I summarized and sent to KLOSE. KLOSE responded that she disagreed but thanked me for responding to her question. At this point I was under the impression that the questions she had asked had been answered even though she disagreed, and this matter was closed.

It wasn't until a couple weeks later that I was directed to open and complete a complaint investigation.

#### **OFFICER KILLIN'S BODY WORN CAMERA:**

I was able to get a copy of the body worn camera video from Matt Iverson. He had kept a copy after the initial Freedom of Information Act (FOIA) request was completed. Below is a timeline of the conversation.

| <u>TIME</u>   | <u>ACTION</u>   |
|---------------|---|
| 12:34:21 PM   | Officer Killin BWC video begins. He is in the report writing room at the police department.   |
| 12:34:52      | Officer Killin answers a phone call. The phone is on speaker however it appears the caller can't hear him, so he picks the handset up.          |
| 12:34 – 12:43 | Officer Killin is speaking to KLOSE with the speaker off. He appears to be explaining the incident which she called about. She cannot be heard. |
| 12:43:11      | Officer Killin places the phone call on speaker phone.  |
| 13:01:10      | Officer Killin tells KLOSE that he is recording the conversation.   |
| 13:03:44      | KLOSE says she is hanging up and the phone conversation ends.   |

Between the time Officer Killin turned the speaker on until KLOSE ended the phone call, the conversation did not appear to be a productive conversation in my opinion. When Officer Killin is choosing words like "condescending" to describe KLOSE's responses and "nitpicking", the purpose of the original conversation is lost. KLOSE did nothing either to put this conversation back into focus. Although I believe Officer Killin was patient in his explanations, each of them seemed to feed off the other which rendered the second half of the conversation useless.

#### **INTERVIEW WITH OFFICER KILLIN**

I met with Officer Killin on August 24, 2018 in the patrol commons area. Below is a summary of our conversation:

- To his knowledge, he has never met KLOSE. He has heard from other officers of the neighborhood disputes which KLOSE is/was part of.
- Lieutenant Ramseyer asked him to contact KLOSE to answer some questions she has regarding the parking complaint.
- Lieutenant Ramseyer told him to activate his body worn camera to record the conversation.
- He said he activated his body worn camera to have an accurate record of the conversation.

- He did not feel he was rude when speaking to KLOSE.
- He admitted he was direct in some of his conversations when KLOSE took his comments out of context.
- He said he had no reason not to tell KLOSE the conversation was being recorded in the beginning. It never crossed his mind at the time.
- He only mentioned it near the end when she misunderstood what he was telling her.

#### **INTERVIEW WITH LIEUTENANT RAMSEYER**

I spoke to Lieutenant Ramseyer in his office on August 27<sup>th</sup>. I asked him to tell me about his interaction with KLOSE. He provided the following:

- He spoke to KLOSE several times over the phone about a parking issue.
- She initially wanted to review the body worn camera video from the parking complaint call which she was not part of.
- He did review the recording and assured her there was no improper conduct.
- She asked several questions and seemed "upset" by some of his responses.
- KLOSE had questions that he didn't have answers for.
- He asked Officer Killin to have a conversation with KLOSE in hopes of answering some of her questions.
- He told Officer Killin if he was uncomfortable having the conversation to activate his body worn camera.
- He is not sure if he told Officer Killin to advise KLOSE of the recording.
- When asked why he directed Officer Killin to use the body worn camera, he said he wanted to have the conversation on record. He would not have been surprised if KLOSE filed a complaint based on his own interaction with KLOSE, so he wanted Officer Killin to have the conversation on record.

#### **DEPARTMENT POLICY**

Champaign Police Department policy 41.11 titled Body camera and Mobile Video Recording is the policy which governs, in part, the use of the body camera by officers. Section 41.11.4 outlines the body camera requirements for use for uniformed officers. There are a few subsections of 41.11.4 which I believe are relevant to this investigation.

Subsection H: Body cameras must be turned off when:

1. Victim of a crime request that the camera be turned off.
2. A witness of a crime or a citizen who wishes to report a crime request that the camera be turned off.
3. The officer is interacting with a confidential informant used by the law enforcement agency.

Subsection N: Officers are encouraged to provide notice to the subject being recorded unless it is unsafe to do so or exigent circumstances exist.

Subsection O: 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, bathrooms, locker rooms, and hospital rooms. Proof of notice must be evident in the recording.

Subsection P: An officer may initiate a body camera recording any time the officer believes it would be appropriate or valuable to document an incident.

Subsection Q: Officers are not required to record consensual contacts or incidental contact with citizens unless that contact becomes confrontational or changes to an investigative or law enforcement contact, or they believe doing so would be otherwise be beneficial.

### **FINDINGS**

The question before me is did Officer Killin violate Champaign Police Policy by recording the telephone conversation with KLOSE without obtaining her consent prior. In making my findings, I examined the subsections of the Body Camera policy mentioned above.

Subsection H: This subsection defines when the body camera must be turned off. KLOSE was not present or involved at all with the disorderly subject call Officer Killin responded to. KLOSE noted in her letter that she was in a class that evening therefore did not witness any of the events that evening, and KLOSE is not a confidential informant with the Champaign Police Department. I see no violations within this subsection.

Subsection N: This subsection encourages officer to provide notice to subjects being recorded unless it is unsafe to do so, or exigent circumstances exists. Clearly there were no safety issues or exigency involved in the phone call. The wording of the policy states "encourages" but does not require officers to provide notice. During my interview with Officer Killin, he said he had no reason not to tell KLOSE he was recording however it never crossed his mind at the time. I see no violations with this subsection.

Subsection O: This subsection says an officer 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, bathrooms, lockers rooms, and hospital rooms. I do not interpret the policy to mean just because a person is calling the police from inside their residence that the reasonable expectation of privacy applies. However, if an officer is in a citizen's residence and recording with their body worn camera where the interior can be recorded, then this subsection would be applicable. I see no violations with this subsection.

Subsection P: This subsection says an officer may initiate a body camera recording any time the officer believes it would be appropriate or valuable to document the incident. In this case, Lieutenant Ramseyer had several conversations with KLOSE prior to Officer Killin. Based on those conversations and her reaction to some of his answers, he told Officer Killin to document the conversation via his body camera to preserve the interaction in case anything was brought up in the future. Officer Killin followed the suggestion of Lieutenant Ramseyer especially since he (Killin) had not met KLOSE prior and Lieutenant Ramseyer had interacted with her.

Subsection Q: This subsection indicated officers are not required to record consensual contacts or incidental contact with citizens unless that contact become confrontational or changes to an investigative or law enforcement contact, or they believe doing so would otherwise be beneficial. Officer Killin was not required to record the conversation however made the decision to because of information provided by Lieutenant Ramseyer. Officer Killin said he wanted an accurate record of the conversation which he believed would be beneficial to him in the future possibly.

Although I do not believe Officer Killin violated the policy as it is written, I do believe the right thing to do would have been to alert KLOSE in the beginning of the conversation that the recording was occurring. If, after being advised of the recording, KLOSE chose not to be recorded she could have simply ended the conversation. Based on the above information, this allegation is exonerated.

I would recommend command staff revisit the policy to determine if additional language needs to be included which addresses recording a telephone conversation or if existing language is sufficient.

# Complaint Letter

Tod Myers

Tue 6/5/2018 8:55 AM

Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
tod.myers@champaignil.gov



Police Department • 82 E. University Ave • Champaign, IL 61820 • (217) 351-4545 • [police@champaignil.gov](mailto:police@champaignil.gov) • [www.champaignpolice.com](http://www.champaignpolice.com)

August 24, 2018

Ms. Emily Klose  
(  
Champaign, Il. 61821

Re: Citizen Complaint 18-04

Ms. Klose:

First let me apologize for my confusion. After speaking to you initially, I believed that the letter you had submitted was not a formal complaint but rather a legal question. Therefore, I forwarded the information to the City legal department. You are alleging the following:

1. Officer Killin used his body worn camera to record a conversation he had with you via the telephone. You believe this was a private conversation and the officer did not ask for your consent to record it.

I will be conducting the investigation into your complaint allegation. My normal working hours are Monday through Friday 8:00 AM – 4:00 PM. I can be reached at (217) 403-6913 or by email at [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

I have enclosed the “Citizen Complaint Fact Sheet” which outlines our procedure for the investigations.

If you have any questions, please don’t hesitate to contact me.

Sincerely,

Lieutenant Tod Myers  
Champaign Police Department  
Office of Professional Standards  
217-403-6913  
[Tod.Myers@champaignil.gov](mailto:Tod.Myers@champaignil.gov)



**CHAMPAIGN POLICE DEPARTMENT  
CITIZEN'S COMPLAINT**

My name is Emily Klose. I reside at [REDACTED] Champaign, where I have lived since 1993. I am filing a complaint against Officer William Killin for using his bodycam on Wednesday, April 18, 2018, to record a presumed private phone conversation with me, without first asking for my consent. On that date, I called Officer Killin at about 12:45 p.m., to discuss a police interaction that Officer Killin had on Tuesday, April 10, 2018, at [REDACTED] concerning a car that was allegedly parked in front of [REDACTED]. I own the property at [REDACTED] [REDACTED] where my renter, [REDACTED] lives on the first floor apartment. At about 7:30 p.m. on April 10, [REDACTED] apparently knocked on the front door of [REDACTED] home, which is at [REDACTED] [REDACTED] [REDACTED] [REDACTED], to ask [REDACTED] if she knew who owned said car. An argument ensued, and Officer Killin was called to the scene.

While I was not present at this April 10 incident due to a Tuesday night class, Ms. [REDACTED] did text me that evening while I was at class to inform me that this incident was unfolding. The following day, Wednesday, April 11, 2018, I talked to Ms. [REDACTED] in person to find out, from her point of view, what had happened.

Subsequently, I talked several times to Lt. Bruce Ramseyer by phone, to gather more information about this incident. Among other things, he agreed to look at the bodycam footage that Officer Killin had recorded on April 10, 2018, during the incident at [REDACTED]. After his review of said footage, Lt. Ramseyer told me that he wasn't concerned about anything he had seen on Ofc. Killin's bodycam footage, as there appeared to be nothing more consequential than some nervous laughter and some raised voices.

Because this incident concerned a renter living in one of my properties, and because the police were involved, I continued gathering information that was available to me under the Freedom of Information Act. On April 12, 2018, I sent a FOIA request to the Champaign Police Department requesting the police report that I had been given a number for (#181000364). However, I understand that a police report for this incident was apparently never written or filed. I also sent a FOIA to METCAD for the dispatch ticket of this event, which I did receive. Then I remembered that during my phone conversation with Ofc. Killin on April 18, 2018, he had informed me, near the end of our conversation, that he was recording our conversation. I remember being quite surprised to hear this, as he had at no earlier time in our conversation asked for my consent or permission to record this

conversation. In fact, he informed me that he was sitting in his office at the police station while recording our conversation. Please note that I was in the privacy of my home at \_\_\_\_\_ while Ofc. Killin was recording this conversation, and I was not a participant in the events of Tuesday, April 10. So I sent a FOIA to the CPD requesting the bodycam footage of this conversation between myself and Ofc. Killin. I did, in fact, receive the bodycam footage, which included both an audio and a video component of our conversation.

After watching and listening to the bodycam footage several times, and in consultation with my attorney, I came to the conclusion that Ofc. Killin had acted inappropriately, unprofessionally, and in violation of city/police department policy by recording our phone conversation using his bodycam as he had neither asked for, nor received, my consent to engage in this action. Section 41.11.4, Part O, of the CPD Body Camera and Mobile Video Recording Policy states: "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, bathrooms, locker rooms, and hospital rooms. Proof of notice must be evident in the recording."

On Tuesday, May 22, 2018, after talking to Sgt. Colby Oleson by phone about my concerns about Ofc. Killin's use of the bodycam on April 18, and being told by Sgt. Oleson that Ofc. Killin should not have used his bodycam in that way (to record my presumed private conversation with Ofc. Killin), I called Lt. Tod Myers's phone number at the CPD's Professional Standards Division at 10:40 a.m. and left him a voicemail telling him of my concern that Ofc. Killin's behavior was grounds for a complaint. However, Lt. Myers did not call me back. So today, on Wednesday, May 30, 2018, I went to the CPD to find out how I could file a complaint. Eventually, Ofc. Oleson came out and gave me this complaint packet. However, after being told initially that Lt. Dave Shaffer, Deputy Chief, was the person to whom I needed to direct my very specific questions regarding this complaint, Ofc. Oleson then told me in person on Wednesday, May 30, that Lt. Joe Gallo was the person I needed to talk to, but that Lt. Gallo was on vacation until June 4, 2018, and that nobody else at the CPD could address this particular situation until Lt. Gallo's return on June 4. Therefore, given the obstacles that I have faced trying to communicate this complaint in its totality to the CPD, I request that my complaint now be addressed with alacrity, transparency, and accountability when it finally lands on the correct desk.

Thank you for your attention to this matter. My number is \_\_\_\_\_ and my e-mail address is \_\_\_\_\_ should you need to contact me.

*Emily A. Shaffer*  
05/31/2018

# CHAMPAIGN POLICE DEPARTMENT

## POLICY and PROCEDURE

POLICY NUMBER: 41.11

SUBJECT: BODY CAMERA and MOBILE VIDEO RECORDING EFFECTIVE DATE: 10/01/09  
REVISED DATE: 04/04/17

REFERENCE ILEAP: OPR.01.11

REFERENCE CALEA: 41.3.8

### INDEX AS:

- 41.11.1 MOBILE VIDEO RECORDING SYSTEMS
- 41.11.2 MVR - REQUIREMENTS FOR USE
- 41.11.3 BODY CAMERAS - RESPONSIBILITIES – UNIFORMED OFFICERS
- 41.11.4 BODY CAMERAS - REQUIREMENTS FOR USE – UNIFORMED OFFICERS
- 41.11.5 BODY CAMERAS – REQUIREMENTS FOR USE – NON-UNIFORMED OFFICERS
- 41.11.6 BODY CAMERAS - REQUIREMENTS FOR USE – SWAT PERSONNEL
- 41.11.7 PROHIBITED USE OF BODY CAMERAS
- 41.11.8 PUBLIC RECORDINGS
- 41.11.9 REVIEW OF MVR AND BODY CAMERA RECORDINGS
- 41.11.10 RETENTION OF MVR AND BODY CAMERA RECORDINGS
- 41.11.11 RELEASE OF RECORDINGS (FOIA)
- 41.11.12 MVR AND BODY CAMERA VIDEO UPLOAD AND EVIDENCE DOCUMENTATION
- 41.11.13 REPORTING

### PURPOSE:

The Champaign Police Department is committed to protecting the safety, welfare, and integrity of all officers and the public they serve. Therefore, all officers shall use the Mobile Video Recording devices and body cameras consistent with this policy.

The purpose of this policy is to establish guidelines for the use and operation of body cameras and mobile video recording units.

### DEFINITIONS:

**Audio Recording:** Electronic recording of conversation or spoken words.

**Body Camera:** An electronic camera system for creating, generating, sending, receiving, storing, displaying, and processing audiovisual recordings that may be worn about the person of a law enforcement officer that is capable of at least a 30-second pre-record buffering in addition to recording audio and video for a period of at least 10 hours.

**Video Recording Program Manager:** The overall management of the mobile video recorder system and body camera program will be the responsibility of a lieutenant as assigned by the Chief of Police. The Video Recording Program Manager is responsible for handling or directing administrative and management matters

related to the Department's body camera and mobile video recorder programs as outlined in this policy or as further directed.

**Buffering:** The body camera continuously records and loops the video, capturing 30-seconds of pre-event video. Audio is not recorded during the buffering. The body camera is considered off while buffering as no digital record exists until an event recording is initiated.

**Business Offense:** A petty offense for which the fine is in excess of \$1,000.

**In Uniform:** A law enforcement officer who is wearing any officially authorized uniform designated by a law enforcement agency, or a law enforcement officer who is visibly wearing articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia indicating that he is a law enforcement officer acting in the course of his duties.

**Inoperable:** A body camera that does not turn on, stops recording before an officer stops the recording, or is incapable of recording audio or video, or a mobile video system that is incapable of recording video from the front (main) camera or audio from the officer's transmitter.

**Law Enforcement Officer:** Any person employed by a State, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and who is primarily responsible for the prevention or detection of crime and the enforcement of the laws of this State.

**Law Enforcement-Related Encounters or Activities:** Include, but are not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the municipality, county, or State. Does not include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.

**Minor Traffic Offense:** A petty offense, business offense, or Class C misdemeanor under the Illinois Vehicle Code or a similar provision of a municipal or local ordinance.

**Mobile Video Recording (MVR) System:** A departmentally-provided video recording system permanently mounted in a police vehicle.

**Petty Offense:** Any offense for which a sentence of imprisonment is not an authorized disposition.

**Verbal Announcement/Notice:** Verbal statement by the officer indicating a body camera is recording the interaction. Example: "My body camera is on; you are being recorded."

### POLICY:

#### 41.11.1 MOBILE VIDEO RECORDING SYSTEMS

- A. Installation and service of Mobile Video Recording (MVR) systems will be in accordance with manufacturer's specifications. Installation of the system will include linking brake applications and siren activation coding onto the video recording.
- B. Only officers properly trained in the operation of the MVR will operate the system. Operation of the system will follow manufacturer's recommendations.
- C. At the beginning of each shift the driver of a vehicle equipped with an MVR will inspect the system to ensure that it is in proper operating condition. Inspection will consist of checking the audio and video components of the system and verifying that the correct time and date are displayed. Any damage, defect, or malfunction which cannot be fixed and renders the MVR inoperable will immediately be brought to the attention of a supervisor. The vehicle will be dead-lined and another vehicle will be assigned by the supervisor. The supervisor shall notify the Video Recording Program Manager.
- D. Uniformed officers will not turn off the power to their transmitters or remove the transmitter from their person during their shift except during meal breaks in a non-public setting or personal breaks.

#### 41.11.2 MVR - REQUIREMENTS FOR USE

- A. The Mobile Video Recording system will automatically begin recording any time the squad's overhead lights are activated, the speed of the vehicle is more than 56 MPH, or the officer presses the record button on the transmitter.
- B. Officers shall activate both the audio and video components of their MVR whenever an enforcement stop is conducted. An enforcement stop is defined as an action by an officer in relation to enforcement or investigative activity, including but not limited to traffic stops, "terry stops," pedestrian stops, field interviews, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency service.
  - 1. Primary officers will activate their MVR prior to contact with the violator or prior to or upon arrival at the scene of the incident or investigation.
  - 2. Back-up or assisting officers will activate their MVR prior to or upon arrival at the scene of the enforcement stop, incident, or investigation.
- C. There may be cases in which the MVR video is not of value because of conditions or the location of the camera. However, the MVR audio recording may be valuable and is subject to the same activation requirements as described above.
- D. An officer may activate the audio and/or video components of the MVR any other time the officer believes it would be appropriate or valuable to document an incident.

E. In all circumstances, once an MVR recording has been initiated the officer shall not cease recording until a reasonable and prudent person would consider the stop or contact to be completed, except when:

- 1. The initial incident that required the activation has stabilized or concluded, the officer is not actively interacting with citizens or actively participating in the investigation, and the officer does not reasonably anticipate doing so in the immediate future; or,
- 2. The officer is engaged in scene protection, traffic direction, monitoring a traffic post, or other similar activity and reasonably believes there is no longer any necessity to record.

F. Any officer driving a police vehicle which is equipped with an MVR and a rear seat camera and who is responsible for transporting any person, in-custody or otherwise, shall audio and video record the transport. This will be accomplished by activating both the rear seat camera and the rear seat microphone.

#### 41.11.3 BODY CAMERAS - RESPONSIBILITIES - UNIFORMED OFFICERS

- A. Officers dressed in a Class A, B, or C uniform and working a shift, detail, or a special event, shall wear their assigned body camera while on duty as part of their standard duty equipment.
- B. Prior to going into service, uniformed officers shall inspect the body camera to ensure that it is in proper operating condition. Inspection will consist of initiating a system check recording to ensure the camera has synced to the squad the officer will be driving and recordings are beginning and functioning properly.
- C. Malfunctions, damage, loss, or theft of the body camera shall be reported by the officer to an immediate supervisor as soon as the officer becomes aware unless exigent circumstances exist. That supervisor shall notify the shift lieutenant and the Video Recording Program Manager.
- D. If a body camera becomes damaged or is deemed inoperable, the supervisor will immediately provide a replacement body camera to the officer.
- E. Supervisors shall ensure that recording procedures are followed and that officers are submitting body camera media as required by both the law and Department policy.
- F. Should an incident arise that requires the immediate retrieval of the recorded media (e.g. officer-involved shooting or serious officer-involved incident), a supervisor shall respond to the scene and notify the shift lieutenant. The lieutenant will retrieve the body camera and ensure the proper upload of the recorded media. The officer shall not return to duty until equipped with a fully functioning replacement body camera.

41.11.4 **BODY CAMERAS - REQUIREMENTS FOR USE - UNIFORMED OFFICERS**

- A. Department members shall use only Department-issued body cameras.
- B. Officers shall securely position the camera on their upper torso so events in front of the officer are most likely to be captured.
- C. Body cameras must be turned on when the officer is responding to calls for service or engaged in any law enforcement-related encounter or activity that occurs while the officer is on duty.
- D. If a police report is written, the officer shall document in the report that the incident or interaction was recorded by a body camera and note the existence of the recording in the property section of that report.
- E. Field Training Officers wearing plain clothes shall be equipped with a body camera and shall use the camera in accordance with this section.
- F. Uniformed officers will connect the magnetic charging cord in the squad car to their body camera while inside the vehicle and on patrol to maintain the battery's charge.
- G. In all circumstances, other than those described in paragraphs (I) and (J) of this section, once a body camera recording has been initiated the officer shall not cease recording until a reasonable and prudent person would consider the stop or contact to be completed, except when:
1. The initial incident that required the activation has stabilized or concluded, the officer is not actively interacting with citizens or actively participating in the investigation, and the officer does not reasonably anticipate doing so in the immediate future; or
  2. The officer is engaged in scene protection, traffic direction, monitoring a traffic post, or other similar activity and reasonably believes there is no longer any necessity to record.
- H. **Body cameras must be turned off when:**
1. The victim of a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording.
  2. A witness of a crime or a citizen who wishes to report a crime requests that the camera be turned off, and unless impractical or impossible, that request is made on the recording.
  3. The officer is interacting with a confidential informant used by the law enforcement agency.
- I. If exigent circumstances exist, or if the officer has reasonable, articulable suspicion that a victim, witness, or confidential informant has committed or is the process of committing a crime, the officer may continue to record that person. In these situations, unless impractical or impossible, the officer must verbally indicate the reason for continuing to record despite the request from the victim, witness, or confidential informant.
- J. When a body camera recording is deactivated by an officer prior to the conclusion of an event, the officer shall:
1. Verbally describe the reason by narration prior to deactivation.
  2. Document the reason for deactivation in the report, if one is written.
- K. Body cameras may be turned off when a person in custody is willing to speak with the officer but refuses to do so unless the camera is turned off, unless the law requires the recording because of the offense.
1. Offenses that require recording of custodial interrogations are:
    - a. Juveniles in custody for misdemeanor or felony Sex Offenses and any state felony charge.
    - b. Adults in custody for murder; homicide; manslaughter; voluntary manslaughter; reckless homicide; drug-induced homicide; fatal DUI; predatory criminal sexual assault; aggravated arson; aggravated kidnapping; aggravated vehicular hijacking; home invasion; aggravated criminal sexual assault; armed robbery; aggravated battery with a firearm.
- L. Because it may not be immediately apparent to an officer which subjects are witnesses, victims, suspects, or unrelated bystanders, officers are required to keep the body camera activated while they determine the role of each person in the incident. Officers are not expected to make a positive determination of what each person's role was prior to conducting interviews, so the standard will be reasonable belief based on the available information to the officer at that time.
- M. Officers will not unreasonably endanger themselves or another person to conform to this policy. In any situation in which the camera is required to be turned on and exigent circumstances exist which prevent the camera from being turned on as directed by this policy, the camera must be turned on as soon as practicable. The reason for the delay will be noted in the police report or dispatch ticket if there is no report.
- N. Officers are encouraged to provide notice to the subject being recorded unless it is unsafe to do so or exigent circumstances exist. If a person inquires as to whether a body camera is in use or whether a recording is being made, officers shall provide a prompt and truthful response.
- O. 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, bathrooms, locker rooms, and hospital rooms. Proof of notice must be evident in the recording. If exigent

circumstances exist which prevent the officer from providing notice, notice must be provided as soon as practicable.

- P. An officer may initiate a body camera recording any time the officer believes it would be appropriate or valuable to document an incident.
- Q. Officers are not required to record consensual contacts or incidental contacts with citizens unless that contact becomes confrontational or changes to an investigative or law enforcement contact, or they believe doing so would otherwise be beneficial.
- R. Officers will not turn off the power to their body camera during their shift or detail.
- S. Officers will not remove the body camera from their person during their shift, with the following exceptions:
  - 1. During meal breaks in a non-public setting; or
  - 2. During personal breaks; or
  - 3. When at the Department, not on a call for service, to charge the battery in the squad; or
  - 4. During the uploading process.

#### 41.11.5 BODY CAMERAS – REQUIREMENTS FOR USE – NON-UNIFORMED OFFICERS

- A. Officers assigned to the Investigations Division or any other non-uniformed position shall wear a body camera when they are wearing outer protective vests which identify them as police officers.
- B. Officers assigned to the Investigations Division or any other non-uniformed position shall be equipped with a body camera and record the following situations:
  - 1. An in-person interrogation, whether custodial or non-custodial, of an individual suspected of committing a crime, regardless of the location of that interrogation.
  - 2. A planned arrest detail.
  - 3. Execution of a search warrant.
  - 4. A uniformed detail.
  - 5. A uniformed patrol assignment.
  - 6. Any enforcement stop of a person or vehicle.
  - 7. Response to an emergency call for service.
  - 8. Any other law enforcement encounters as directed by a supervisor.
- C. When an interrogation that must be recorded by law or this policy takes place in a location that has other video and audio recording options, such as an

interview room, that equipment may be used in lieu of the officer's body camera.

- D. Officers assigned to the Investigations Division or any other non-uniformed assignment may carry and use an approved body camera at any time the officer believes that such a device may be useful in recording statements from other involved parties or documenting evidence.
- E. Non-uniformed officers involved in the execution of a search warrant may deactivate the body camera recording once the scene is secure if they are not involved in an interrogation or are no longer in contact with citizens involved in the search warrant.
- F. Non-uniformed officers will have their assigned body camera available to them and charged at all times.
- G. Non-uniformed officers are subject to the same requirements and restrictions as uniformed officers as outlined in 41.11.4 subsections (A), (B), (D), (G), (H), (I), (J), (K), (L), (M), (N), (O), and (Q).

#### 41.11.6 BODY CAMERAS - REQUIREMENTS FOR USE – SWAT PERSONNEL

- A. Members of the Department's SWAT team will wear a body camera during all search warrants, arrest details, or other incidents as directed by the team leader.
- B. Unless unsafe to do so, officers will begin the body camera recording just prior to the execution of a search warrant, arrest activity, or other enforcement activity, or at any time directed to by a supervisor.
- C. SWAT officers may deactivate the body camera recording once the scene is secure provided they are not involved in an interrogation or are no longer in contact with citizens involved in the search warrant.
- D. The SWAT Team Commander, SWAT Team Leader, or Assistant SWAT Team Leader may exempt a SWAT sniper from these requirements based upon operational needs.

#### 41.11.7 PROHIBITED USE OF BODY CAMERAS

- A. Body cameras shall not be used to record:
  - 1. Communications with other police personnel during routine, non-enforcement related activities.
  - 2. Communications with other police personnel during planning and tactical discussions.
  - 3. Encounters with undercover officers or informants.
  - 4. When an officer is on break or is otherwise engaged in personal activities.
  - 5. In any location where individuals have a reasonable expectation of privacy, such as a person's place of residence, locker rooms,

dressing rooms, and/or restrooms, except during legitimate law enforcement encounters.

6. Any activity from off-duty employment.
- B. Officers who inadvertently activate the body camera during non-law enforcement activities or in a setting in which others would have a reasonable expectation of privacy (place of residence, locker rooms, dressing rooms, and/or bathrooms), shall notify their supervisor immediately. The supervisor who was notified will as soon as possible classify the recording as "Private." The Deputy Chief of the officer who inadvertently made the recording will review the recording only to the point where it can be determined that the recording was appropriately classified as "Private." Only Deputy Chiefs and the Chief of Police will have viewing rights for recordings classified as "Private." "Private" recordings will be retained for a period of 90 days.
- C. Officers are prohibited from using Department-issued body cameras and recording media for personal use and from making personal copies of recordings created while on-duty or while acting in their official capacity.
- D. Recordings shall not be used by any officer for the purpose of entertainment, embarrassment, or ridicule.
- E. Officers who are off-duty and who take official action are not expected to be in possession of their assigned body camera.

#### 41.11.8 PUBLIC RECORDINGS

- A. No officer may hinder or prohibit any person, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no reasonable expectation of privacy.
- B. Unlawful confiscation or destruction of a recording medium of a person who is not a law enforcement officer in violation of this policy may result in criminal penalties and/or departmental discipline.
- C. Notwithstanding the foregoing, an officer is authorized to take reasonable actions to maintain safety and control, secure crime and accident scenes, protect the integrity and confidentiality of individuals and investigations, and protect the public safety and order.

#### 41.11.9 REVIEW OF MVR AND BODY CAMERA RECORDINGS

- A. All images and sounds recorded by MVR or body cameras are the exclusive property of the Department.
- B. Personnel will not erase, alter, or make unauthorized copies of the recorded media made by MVR, body cameras, or other recording devices.
- C. The recording officer and the officer's supervisor may access and review MVR and body camera recordings prior to completing incident reports or other

documentation, provided that the officer or his supervisor discloses that fact in the report or documentation.

- D. Officers shall not use the fact that an MVR or body camera recording was made as justification for writing a less-detailed report.
- E. Supervisors are authorized to review relevant MVR and body camera recordings at any time to include when they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing an officer's performance.
- F. Recordings shall not be used to discipline law enforcement officers unless:
1. A formal or informal complaint of misconduct has been made; or
  2. A use of force incident has occurred; or
  3. The encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or
  4. As corroboration of other evidence of misconduct.
- G. Nothing in 41.11.9 Section F shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline, including but not limited to counseling.

#### 41.11.10 RETENTION OF MVR AND BODY CAMERA RECORDINGS

- A. Recordings made by officer-worn body cameras or MVRs must be retained by the law enforcement agency or by the camera vendor used by the agency, on a recording medium for a period of 90 days.
- B. Under no circumstances shall any recording made by an officer-worn body camera or MVR be altered, erased, or destroyed prior to the expiration of the 90-day storage period.
- C. Following the 90-day storage period, any and all recordings made with an officer-worn body camera or MVR must be destroyed, unless any encounter captured on the recording has been flagged. An encounter is deemed to be flagged when:
1. A formal or informal complaint has been filed; or
  2. The officer discharged his or her firearm or used force during the encounter; or
  3. Death or great bodily harm occurred to any person in the recording; or
  4. The encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense; or

5. The officer is the subject of an internal investigation or otherwise being investigated for possible misconduct; or
  6. The supervisor of the officer, a prosecutor, a defendant, or a court determines that the encounter has evidentiary value in a criminal prosecution; or
  7. The recording officer requests that the video be flagged for official purposes related to his or her official duties.
- D. Under no circumstances shall any recording made with an officer-worn body camera or MVR relating to a flagged encounter be altered or destroyed prior to 2 years after the recording was flagged. If the flagged recording was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.
  - E. Following the 90-day storage period, recordings may be retained if a lieutenant designates the recording for training purposes. If the recording is designated for training purposes, the recordings may be viewed by officers, in the presence of a supervisor or training instructor, for the purposes of instruction, training, or ensuring compliance with agency policies.
  - F. Recordings which are either not required or are restricted from being recorded by this policy, but are related to a criminal investigation, shall be retained as part of the criminal investigation file.

#### 41.11.11 RELEASE OF RECORDINGS (FOIA)

- A. Recordings made with the use of an officer-worn body camera are not subject to disclosure under the Freedom of Information Act (FOIA), except that:
  1. If the subject of the encounter has a reasonable expectation of privacy at the time of the recording, any recording which is flagged, due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm, shall be disclosed in accordance with FOIA if:
    - a. The subject of the encounter captured on the recording is a victim or witness; and
    - b. The law enforcement agency obtains written permission of the subject or the subject's legal representative.
  2. Except as provided in paragraph (1) of this section, any recording which is flagged due to the filing of a complaint, discharge of a firearm, use of force, arrest or detention, or resulting death or bodily harm shall be disclosed in accordance with FOIA; and
  3. Upon request, the law enforcement agency shall disclose, in accordance with FOIA, the recording to the subject of the encounter captured on the recording or to the subject's attorney, or the officer or his or her legal representative.

- B. For the purposes of paragraph (A)(1) of this section, the subject of the encounter does not have a reasonable expectation of privacy if the subject was arrested as a result of the encounter. For purposes of subparagraph (a) of paragraph (1) of this section, "witness" does not include a person who is a victim or who was arrested as a result of the encounter.
- C. Only recordings or portions of recordings responsive to the request shall be available for inspection or reproduction. Any recording disclosed under FOIA shall be redacted to remove the identification of any person that appears on the recording and is not the officer, a subject of the encounter, or directly involved in the encounter. Nothing in this section shall require the disclosure of any recording or portion of any recording which would be exempt from disclosure under FOIA.
- D. Nothing in this section shall limit access to a camera recording for the purposes of complying with the Supreme Court rules or the rules of evidence.
- E. MVR recordings shall be available under the applicable provisions of the Freedom of Information Act. Only recorded portions of the audio recording or video recording medium applicable to the request will be available for inspection or copying.

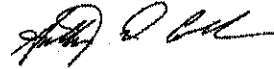
#### 41.11.12 MVR AND BODY CAMERA VIDEO UPLOAD AND EVIDENCE DOCUMENTATION

- A. Whenever an incident is recorded, the officer making the recording shall correctly classify it based on the type of incident that occurred. Officers shall include the complete 9-digit METCAD event number and case number, if generated, separated by a space in the Case File Number data field in the classification box. Additional information, such as a subject's name or identifiers, location, or other notes, may be included at the officer's discretion in the Note box.
- B. Officers shall classify all body camera videos and MVR videos using the following requirement:
  1. 3 Years: Great Bodily Harm, Use of Force, State Criminal Charge, Detention Stop, DUI.
  2. 10 Years: Major Criminal Investigation (Death, Shooting, Bank Robbery, Sexual Assault).
  3. 90 Days: All other recordings.
- C. Supervisors or investigators may add a longer duration classification tag to any video at their discretion.
- D. Whenever an incident is recorded and a report is written regarding that incident, the recording and classification shall be noted in the corresponding police report.
- E. Whenever an incident is recorded by an MVR or body camera and the recording is entered as evidence, it is the responsibility of the officer who made the recording to ensure the existence of the recording(s) is entered into the property section of the police report.



- F. Body camera videos and MVR videos will be entered as separate items of property in the report writing software.
  - G. If an officer enters a recording into the property section of the report, he shall complete an evidence tag for the recording and submit it to the Evidence Department.
  - H. The Mobile Video Recording System will automatically wirelessly upload digital recordings onto the server when a squad car returns to the police department.
  - I. Until such time that wireless upload of body camera recordings is possible, officers will manually upload their body camera recordings onto the Arbitrator server via the Back-End Client.
  - J. Officers are responsible for correctly classifying all MVR recordings made prior to the end of each tour of duty.
  - K. Officers are encouraged to take every opportunity to periodically upload their body camera recordings throughout the workday to reduce excessive delays at the end of the day.
  - L. Officers are required to correctly classify and upload all body camera videos prior to the end of each tour of duty unless authorized by a supervisor to wait until the next day's shift. Body camera videos must be classified and uploaded prior to the end of an officer's shift if the officer does not work again for more than 24 hours after the end of the shift.
  - M. Under no circumstances may an employee delete, erase, or alter a body camera or MVR recording prior to the expiration of the required storage period pursuant to this policy and state law.
- 5. For each recording used in the prosecution of a conservation, criminal, traffic offense, or municipal ordinance violation:
    - a. The time, date, location, and precinct of the incident.
    - b. The offense charged and the date charges were filed.
  - 6. Any other relevant information relevant to the administration of the program.

ISSUING AUTHORITY



Anthony D. Cobb  
 Chief of Police  
 Champaign Police Department

**41.11.13 REPORTING**

- A. The Body Camera Program Manager will provide an annual report to the Illinois Law Enforcement Training Standards Board on or before May 1 of each year. The report shall include:
  - 1. A brief overview of the makeup of the Department, including the number of officers utilizing body cameras.
  - 2. The number of body cameras used by the Department.
  - 3. Any technical issues with the equipment and how those issues were remedied.
  - 4. A brief description of the review process used by supervisors within the Department.

**Laura Hall**

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**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 10:43 AM  
**To:** Laura Hall  
**Subject:** FW: Complaint Letter

Hi Laura,  
Tod and I spoke regarding Emily Klose. I know he spoke to you, so I wanted to forward you my email communication with her and her forward to me. I have already sent a forward to Tod.  
Let me know if you need any additional information from me.  
Thanks

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 10:36 AM  
**To:** 'Emily Klose' <[REDACTED]>  
**Subject:** RE: Complaint Letter

Hello Emily,  
You will receive a letter from City Legal regarding your inquiry as stated below.  
Thank you,



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

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**From:** Emily Klose <[REDACTED]>  
**Sent:** Wednesday, August 15, 2018 1:30 PM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Fwd: Complaint Letter

Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you.  
Emily Klose

Sent from my iPhone

Begin forwarded message:

**From:** Emily Klose  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I *am* in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.

And I do have two questions for you: 1) Has the city manager been made aware of this complaint? and 2) Has the city council been made aware of this complaint? If not, that will be my first order of business, as I believe that the council wrote, or at least reviewed, the language for the body-camera policy, and this language could certainly use some refining.

Thank you for your response to my question, though. And at the very least, could you give Officer Killin some feedback about the tantrum (recorded on the video) that he pitched after he finished talking to me? It was beyond unprofessional for a police officer to behave that way, especially while he was wearing his uniform while at the police station, surrounded by his peers. I continue to expect better from our public servants.

Respectfully,  
Emily Klose

-----Original Message-----

**From:** Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
**To:** Emily Klose  
**Sent:** Wed, Aug 8, 2018 11:17 am  
**Subject:** Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

The video on this case is not a flagged video and not subject to FOIA. Our retention period for this video was 90 days and has since rolled off the server.

---

**From:** Tod Myers  
**Sent:** Monday, August 6, 2018 7:30:35 AM  
**To:** Emily Klose  
**Subject:** Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

---

**From:** Emily Klose <.....>  
**Sent:** Friday, August 3, 2018 2:05:03 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

Good afternoon, Lt. Myers.

It has been almost two months since you received my written complaint about Officer Killin using his body-worn camera to record our presumed private conversation while I was in the privacy of my home.

I respectfully request an update me on the status of this situation, as I believe that city legal has had adequate time to address my "concern" and come to some conclusion.

Thank you. I look forward to hearing from you.  
Emily Klose

Sent from my iPhone

On Jun 5, 2018, at 12:28 PM, Emily Klose wrote:

Thank you.

Sent from my iPhone

On Jun 5, 2018, at 8:55 AM, Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)> wrote:

Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

**Laura Hall**

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:55 AM  
**To:** Laura Hall  
**Subject:** FW: Complaint Letter

Hi Laura,  
Sharing the 2<sup>nd</sup> response I received. I BCC'd you on my first response. I will not be responding to this email below, but wanted to share the email string.  
Thanks  
Rachel

---

**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:37 AM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: Complaint Letter

Rachel,  
I beg to differ. It absolutely was an official complaint, and I filled out the official complaint paperwork that I PICKED UP in person at the CPD, and while there, I talked to multiple people at the CPD about my intent to file said complaint. I am in receipt of all the original papers that I filed, by the way, so Lt. Myers is incorrect. If you aren't able to get the original complaint from him or City Legal, I'm sorry that the city's own systems are so dysfunctional, but it seems clear to me that you have not read my complaint yourself.

Your ongoing refusal to answer my questions is distressing, as I used the word "complaint" multiple times in my written complaint.

Respectfully,  
Emily Klose

Sent from my iPhone

On Aug 16, 2018, at 11:18 AM, Rachel Joy <rachel.joy@champaignil.gov> wrote:

Hello Emily,

When I spoke with you yesterday, I informed you of the process and procedure our office currently takes as it relates to official police complaints. And as I stated yesterday, for an official police complaint the process is the Lt. of Professional Standards from CPD investigates, our office reviews and the Citizen Review Subcommittee reviews. After that process, the complaint goes to the Chief of Police for a final decision and after that, if a person wants to appeal a decision it goes to the City Manager.

After speaking with Lt. Myers, you did not have an official complaint and instead an inquiry regarding the legal use of body cam video. Therefore, our office was not in receipt of a formal police complaint and thus the reason Lt. Myers sent the information to City legal to answer your direct legal question. Therefore, since it was not an official police complaint, our office would not have any next steps related to your legal question as that would remain with the City's legal department. I followed up with Lt. Myers and after speaking with the legal department, you will receive a letter from City legal.

As it relates to our office, if a formal complaint is received, our office would follow the process as will the Citizen Review Subcommittee.

Thank you,



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

---

**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:03 AM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Re: Complaint Letter

Hi, Rachel.

Regardless of what the letter from City Legal says, I would like answers to the following questions now: 1) Is the city manager aware of this complaint? 2) Is the city council aware of this complaint? 3) Is Chief Cobb aware of this complaint? 4) Why didn't this complaint go through proper channels at the Police Dept.? Why did it go straight to City Legal? and 5) Why didn't anyone seem to realize that I am in possession of the video showing Officer Killin's conversation with me, even if Lt. Myers says it rolled off the server?

If the city continues to ignore its own policies and protocols, I am forced to conclude that all the references on the city's web site about transparency and serving the citizens of Champaign are nothing more than rhetoric.

You yourself said your office should have received a copy of the complaint and that the response should have come from Chief Cobb, not City Legal. I deserve answers to these questions, Rachel. I thought that was the job of your office. Please inform me of what your next steps will be.

Respectfully,  
Emily Klose

Sent from my iPhone

On Aug 16, 2018, at 10:35 AM, Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)> wrote:

Hello Emily,  
You will receive a letter from City Legal regarding your inquiry as stated below.  
Thank you,

<image001.png>

**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

---

**From:** Emily Klose  
**Sent:** Wednesday, August 15, 2018 1:30 PM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Fwd: Complaint Letter

Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you.  
Emily Klose

Sent from my iPhone

Begin forwarded message:

**From:** Emily Klose  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I *am* in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.



And I do have two questions for you: 1) Has the city manager been made aware of this complaint? and 2) Has the city council been made aware of this complaint? If not, that will be my first order of business, as I believe that the council wrote, or at least reviewed, the language for the body-camera policy, and this language could certainly use some refining.

Thank you for your response to my question, though. And at the very least, could you give Officer Killin some feedback about the tantrum (recorded on the video) that he pitched after he finished talking to me? It was beyond unprofessional for a police officer to behave that way, especially while he was wearing his uniform while at the police station, surrounded by his peers. I continue to expect better from our public servants.

Respectfully,  
Emily Klose

-----Original Message-----

From: Tod Myers <tod.myers@champaignil.gov>  
To: Emily Klose <j\_\_\_\_>  
Sent: Wed, Aug 8, 2018 11:17 am  
Subject: Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal's interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

The video on this case is not a flagged video and not subject to FOIA. Our retention period for this video was 90 days and has since rolled off the server.

---

From: Tod Myers  
Sent: Monday, August 6, 2018 7:30:35 AM  
To: Emily Klose  
Subject: Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

---

From: Emily Klose  
Sent: Friday, August 3, 2018 2:05:03 PM

To: Tod Myers  
Subject: Re: Complaint Letter

Good afternoon, Lt. Myers.

It has been almost two months since you received my written complaint about Officer Killin using his body-worn camera to record our presumed private conversation while I was in the privacy of my home.

I respectfully request an update me on the status of this situation, as I believe that city legal has had adequate time to address my "concern" and come to some conclusion.

Thank you. I look forward to hearing from you.  
Emily Klose

Sent from my iPhone

On Jun 5, 2018, at 12:28 PM, Emily Klose <\_\_\_\_\_>  
wrote:

Thank you.

Sent from my iPhone

On Jun 5, 2018, at 8:55 AM, Tod Myers  
<[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)> wrote:

Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

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Thank you,



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Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

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Respectfully,  
Emily Klose

-----Original Message-----

From: Tod Myers <tod.myers@champaignil.gov>  
To: Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
Sent: Wed, Aug 8, 2018 11:17 am  
Subject: Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legals interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

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---

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**Subject:** Re: Complaint Letter

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Thank you.

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concern to our legal  
department. Once I hear back from  
them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

**Laura Hall**

---

**From:** Sally Graning  
**Sent:** Monday, August 20, 2018 1:48 PM  
**To:** Laura Hall  
**Subject:** Fw: looking for a FOIA file...

See Susan's message below. Do you have this file?

Sally J. Graning, Legal Assistant  
City of Champaign Legal Department  
102 North Neil Street  
Champaign, IL 61820  
sally.graning@champaignil.gov  
Office: 217-403-8765  
Fax: 217-403-8755  
City website: [www.champaignil.gov](http://www.champaignil.gov)

---

**From:** Susan Wozniak  
**Sent:** Monday, August 20, 2018 12:05 PM  
**To:** Sally Graning  
**Subject:** looking for a FOIA file...

Emily Klose from 2018? including bodycam from officer killin--do we have this??

Susan Wozniak  
Civil Litigation Paralegal  
City of Champaign Legal Department  
102 North Neil Street  
Champaign, IL 61820  
PH: 217-403-8765  
Direct: 217-403-8748  
FAX: 217-403-8755  
Email: Susan.Wozniak@champaignil.gov  
Web: [www.champaignil.gov](http://www.champaignil.gov)



**Laura Hall**

---

**From:** Susan Wozniak  
**Sent:** Monday, August 20, 2018 3:49 PM  
**To:** Laura Hall; Sally Graning  
**Cc:** Frederick Stavins; Thomas Yu  
**Subject:** Re: looking for a FOIA file...

Schneur Nathan requested all info on an 'incident' between Emily Klose and Officer Killin in the Corey case discovery...when I requested it from CPD they said part of a conversation was caught on his body camera but that had rolled off the server by now since it was not an incident that was originally flagged--

so Emily has a copy of the body cam from the FOIA request but we do not...I was hoping you had it for some reason since it was a FOIA...

Susan Wozniak  
Civil Litigation Paralegal  
City of Champaign Legal Department  
102 North Neil Street  
Champaign, IL 61820  
PH: 217-403-8765  
Direct: 217-403-8748  
FAX: 217-403-8755  
Email: [Susan.Wozniak@champaignil.gov](mailto:Susan.Wozniak@champaignil.gov)  
Web: [www.champaignil.gov](http://www.champaignil.gov)

---

**From:** Laura Hall  
**Sent:** Monday, August 20, 2018 3:08 PM  
**To:** Sally Graning  
**Cc:** Susan Wozniak  
**Subject:** RE: looking for a FOIA file...

The request did not come through this office.  
I am currently working on a memo/letter to Emily Klose regarding this issue. Is there something I need to know? Laura

---

**From:** Sally Graning  
**Sent:** Monday, August 20, 2018 1:48 PM  
**To:** Laura Hall <[Laura.Hall@champaignil.gov](mailto:Laura.Hall@champaignil.gov)>  
**Subject:** Fw: looking for a FOIA file...

See Susan's message below. Do you have this file?

Sally J. Graning, Legal Assistant  
City of Champaign Legal Department  
102 North Neil Street  
Champaign, IL 61820  
[sally.graning@champaignil.gov](mailto:sally.graning@champaignil.gov)  
Office: 217-403-8765  
Fax: 217-403-8755  
City website: [www.champaignil.gov](http://www.champaignil.gov)

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City of Champaign Legal Department  
102 North Neil Street  
Champaign, IL 61820  
PH: 217-403-8765  
Direct: 217-403-8748  
FAX: 217-403-8755  
Email: [Susan.Wozniak@champaignil.gov](mailto:Susan.Wozniak@champaignil.gov)  
Web: [www.champaignil.gov](http://www.champaignil.gov)

**Laura Hall**

---

**From:** Dorothy Ann David  
**Sent:** Monday, August 20, 2018 4:51 PM  
**To:** Frederick Stavins; Anthony Cobb; Laura Hall  
**Subject:** Fw: My Official Citizen's Complaint Against a CPD Officer

FYI. I know I asked for an update last week. It might be a good idea for someone to setup a meeting to fill me in.

**Dorothy Ann David, City Manager**  
**City of Champaign**  
telephone: (217) 403-8710  
email: dorothy.david@champaignil.gov

**Notice: With limited exceptions, all email sent and received by this account is subject to public disclosure under the State of Illinois Freedom of Information Act.**  
Please consider the environment before printing this email.

---

**From:** Emily Klose <  
**Sent:** Monday, August 20, 2018 4:13 PM  
**To:** ; citymanagersoffice; council  
**Subject:** Re: My Official Citizen's Complaint Against a CPD Officer

Correction: s.b. Lt. Myers, I believe. My apologies.

-----Original Message-----  
**From:** Emily Klose <  
**To:** citymanagersoffice <citymanagersoffice@champaignil.gov>; council <council@champaignil.gov>  
**Sent:** Mon, Aug 20, 2018 4:01 pm  
**Subject:** My Official Citizen's Complaint Against a CPD Officer

Hello, Council Members and City Manager,

Good afternoon.

For the last two weeks, I have been trying to get an answer from the city of Champaign that justifies or explains why an official complaint I filed against Officer William Killin at the end of May, 2018, was mishandled by the city in a way that clearly violates and ignores the city's own policies and procedures on how said complaint should be handled, and also may violate my rights as a citizen to lodge a complaint. I ask that the city council and the city manager find out why Sgt. Tod Myers apparently decided that my official, meticulously written complaint (entitled "**Champaign Police Department Citizen's Complaint**") would not go through proper, well-delineated channels at the CPD, but would instead go to City Legal, where it was buried and ignored for two months by that department.

Please note that I, myself, followed the correct procedure by picking up in person from Sgt. Oleson on Wed., 05/30/2018, the city's own **CITIZEN COMPLAINT FACT SHEET** packet from the CPD front desk, completing it in detail, and then returning it to Employee #841 at the CPD's front desk on 05/31/2018 at 1608 (4:08 p.m.), which the CPD employee hand-wrote on my complaint form because she could not find the CPD's official stamp.

Please note that I am in possession of copies of all the documents related to my filing of said complaint against Officer Killin, as well as the body-cam video that I received from the CPD via FOIA request.

To quote from one of the last lines from my official citizen's complaint against Officer William Killin, "...I request that my complaint now be addressed with alacrity, transparency, and accountability when it finally lands on the correct desk."

Respectfully,

Emilv Klose

Champaign, IL 61820

1/21

1/21/20

**Laura Hall**

---

**From:** Frederick Stavins  
**Sent:** Monday, August 20, 2018 11:01 PM  
**To:** Matthew Gladney  
**Cc:** Dorothy Ann David; Anthony Cobb; Laura Hall  
**Subject:** Re: My Official Citizen's Complaint Against a CPD Officer

An attorney in our office (Laura Hall) is looking into aspects of this "complaint" in cooperation with the police department. After gathering a few more facts, I will talk to you on Tuesday evening as your time permits.

*Frederick.Stavins*  
*City Attorney*  
*City of Champaign*  
*102 N. Neil*  
*Champaign, Illinois 61820*  
*217.403.8765/217.403.8755(fax)*  
*frederick.stavins@champaignil.gov*

---

**From:** Matthew Gladney  
**Sent:** Monday, August 20, 2018 5:13 PM  
**To:** Frederick Stavins  
**Cc:** Dorothy Ann David; Anthony Cobb  
**Subject:** Fwd: My Official Citizen's Complaint Against a CPD Officer

What is going on with this?

Get [Outlook for iOS](#)

---

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**Sent:** Monday, August 20, 2018 4:13:01 PM  
**To:** , managersoffice; council  
**Subject:** Re: My Official Citizen's Complaint Against a CPD Officer

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To: citymanagersoffice <citymanagersoffice@champaignil.gov>; council <council@champaignil.gov>

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Emily Klose

Champaign, IL 61820

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**Laura Hall**

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**To:** Frederick Stavins  
**Cc:** Dorothy Ann David; Anthony Cobb; Laura Hall  
**Subject:** Re: My Official Citizen's Complaint Against a CPD Officer

Thank you, Fred.

Get [Outlook for iOS](#)

---

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**Sent:** Monday, August 20, 2018 11:00:45 PM  
**To:** Matthew Gladney  
**Cc:** Dorothy Ann David; Anthony Cobb; Laura Hall  
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Hello, Council Members and City Manager,

Good afternoon.

For the last two weeks, I have been trying to get an answer from the city of Champaign that justifies or explains why an official complaint I filed against Officer William Killin at the end of May, 2018, was mishandled by the city in a way that clearly violates and ignores the city's own policies and procedures on how said complaint should be handled, and also may violate my rights as a citizen to lodge a complaint. I ask that the city council and the city manager find out why Sgt. Tod Myers apparently decided that my official, meticulously written complaint (**entitled "Champaign Police Department Citizen's Complaint"**) would not go through proper, well-delineated channels at the CPD, but would instead go to City Legal, where it was buried and ignored for two months by that department.

Please note that **I, myself**, followed the correct procedure by picking up in person from Sgt. Oleson on Wed., 05/30/2018, the city's own **CITIZEN COMPLAINT FACT SHEET** packet from the CPD front desk, completing it in detail, and then returning it to Employee #841 at the CPD's front desk on 05/31/2018 at 1608 (4:08 p.m.), which the CPD employee hand-wrote on my complaint form because she could not find the CPD's official stamp.

Please note that I am in possession of copies of all the documents related to my filing of said complaint against Officer Killin, as well as the body-cam video that I received from the CPD via FOIA request.

To quote from one of the last lines from my official citizen's complaint against Officer William Killin, "...I request that my complaint now be addressed with alacrity, transparency, and accountability when it finally lands on the correct desk."

Respectfully,

Emily Klose

Champaign, IL 61820



## Rachel Joy

---

**From:** Emily Klose <  
**Sent:** Wednesday, August 15, 2018 1:30 PM  
**To:** Rachel Joy  
**Subject:** Fwd: Complaint Letter

Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you.  
Emily Klose

Sent from my iPhone

Begin forwarded message:

**From:** Emily Klose  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I *am* in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.

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Respectfully,  
Emily Klose

-----Original Message-----

**From:** Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
**To:** Emily Klose



Thank you.

Sent from my iPhone

On Jun 5, 2018, at 8:55 AM, Tod Myers <tod.myers@champaignil.gov> wrote:

Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
tod.myers@champaignil.gov

## Rachel Joy

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**From:** Rachel Joy  
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**To:** 'Emily Klose'  
**Subject:** RE: Complaint Letter

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Thank you,



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

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To: Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
Sent: Wed, Aug 8, 2018 11:17 am  
Subject: Re: Complaint Letter

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Hi Emily,

I will reach out to Legal this morning to see what they have found out.

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217-403-6913  
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## Rachel Joy

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Sharing:  
RJ

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City of Champaign

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## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 10:43 AM  
**To:** Laura Hall  
**Subject:** FW: Complaint Letter

Hi Laura,  
Tod and I spoke regarding Emily Klose. I know he spoke to you, so I wanted to forward you my email communication with her and her forward to me. I have already sent a forward to Tod.  
Let me know if you need any additional information from me.  
Thanks

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City of Champaign

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## Rachel Joy

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**From:** Laura Hall  
**Sent:** Thursday, August 16, 2018 10:57 AM  
**To:** Rachel Joy  
**Subject:** RE: Complaint Letter

Thanks.....LH

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## Rachel Joy

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**From:** Emily Klose  
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**To:** Rachel Joy  
**Subject:** Re: Complaint Letter

Hi, Rachel.

Regardless of what the letter from City Legal says, I would like answers to the following questions now: 1) Is the city manager aware of this complaint? 2) Is the city council aware of this complaint? 3) Is Chief Cobb aware of this complaint? 4) Why didn't this complaint go through proper channels at the Police Dept.? Why did it go straight to City Legal? and 5) Why didn't anyone seem to realize that I am in possession of the video showing Officer Killin's conversation with me, even if Lt. Myers says it rolled off the server?

If the city continues to ignore its own policies and protocols, I am forced to conclude that all the references on the city's web site about transparency and serving the citizens of Champaign are nothing more than rhetoric.

You yourself said your office should have received a copy of the complaint and that the response should have come from Chief Cobb, not City Legal. I deserve answers to these questions, Rachel. I thought that was the job of your office. Please inform me of what your next steps will be.

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**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I **am** in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.

And I do have two questions for you: 1) Has the city manager been made aware of this complaint? and 2) Has the city council been made aware of this complaint? If not, that will be my first order of business, as I believe that the council wrote, or at least reviewed, the language for the body-camera policy, and this language could certainly use some refining.

Thank you for your response to my question, though. And at the very least, could you give Officer Killin some feedback about the tantrum (recorded on the video) that he pitched after he finished talking to me? It was beyond unprofessional for a police officer to behave that way, especially while he was wearing his uniform while at the police station, surrounded by his peers. I continue to expect better from our public servants.

Respectfully,  
Emily Klose

-----Original Message-----

**From:** Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
**To:** Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
**Sent:** Wed, Aug 8, 2018 11:17 am  
**Subject:** Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal's interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

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**From:** Tod Myers  
**Sent:** Monday, August 6, 2018 7:30:35 AM  
**To:** Emily Klose  
**Subject:** Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

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**From:** Emily Klose <1  
**Sent:** Friday, August 3, 2018 2:05:03 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

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Sent from my iPhone

On Jun 5, 2018, at 12:28 PM, Emily Klose wrote:

Thank you.

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Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:19 AM  
**To:** 'Emily Klose'  
**Cc:** Tod Myers  
**Subject:** RE: Complaint Letter

Hello Emily,

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As it relates to our office, if a formal complaint is received, our office would follow the process as will the Citizen Review Subcommittee.

Thank you.



Rachel Joy

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

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**From:** Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
**Sent:** Thursday, August 16, 2018 11:03 AM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
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Hi, Rachel.

Regardless of what the letter from City Legal says, I would like answers to the following questions now: 1) Is the city manager aware of this complaint? 2) Is the city council aware of this complaint? 3) Is Chief Cobb aware of this complaint? 4) Why didn't this complaint go through proper channels at the Police Dept.? Why did it go straight to City Legal? and 5) Why didn't anyone seem to realize that I am in possession of the video showing Officer Killin's conversation with me, even if Lt. Myers says it rolled off the server?

If the city continues to ignore its own policies and protocols, I am forced to conclude that all the references on the city's web site about transparency and serving the citizens of Champaign are nothing more than rhetoric.

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Respectfully,  
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<image001.png>

**Rachel Joy**

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**From:** Emily Klose  
**Sent:** Wednesday, August 15, 2018 1:30 PM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Fwd: Complaint Letter

Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you.



Emily Klose

Sent from my iPhone

Begin forwarded message:

**From:** Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
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-----Original Message-----

**From:** Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
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**Sent:** Wed, Aug 8, 2018 11:17 am  
**Subject:** Re: Complaint Letter

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shut off to prevent the interior of the home and conversation from being recorded.

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**From:** Tod Myers  
**Sent:** Monday, August 6, 2018 7:30:35 AM  
**To:** Emily Klose  
**Subject:** Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

---

**From:** Emily Klose  
**Sent:** Friday, August 3, 2018 2:05:03 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

Good afternoon, Lt. Myers.

It has been almost two months since you received my written complaint about Officer Killin using his body-worn camera to record our presumed private conversation while I was in the privacy of my home.

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Ms. Klose,

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Lt. Tod Myers  
Office of Professional Standards  
217-403-6913  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

## Rachel Joy

---

**From:** Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
**Sent:** Thursday, August 16, 2018 11:37 AM  
**To:** Rachel Joy  
**Subject:** Re: Complaint Letter

Rachel,

I beg to differ. It absolutely was an official complaint, and I filled out the official complaint paperwork that I PICKED UP in person at the CPD, and while there, I talked to multiple people at the CPD about my intent to file said complaint. I am in receipt of all the original papers that I filed, by the way, so Lt. Myers is incorrect. If you aren't able to get the original complaint from him or City Legal, I'm sorry that the city's own systems are so dysfunctional, but it seems clear to me that you have not read my complaint yourself.

Your ongoing refusal to answer my questions is distressing, as I used the word "complaint" multiple times in my written complaint.

Respectfully,  
Emily Klose

Sent from my iPhone

On Aug 16, 2018, at 11:18 AM, Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)> wrote:

Hello Emily,

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As it relates to our office, if a formal complaint is received, our office would follow the process as will the Citizen Review Subcommittee.

Thank you,



Rachel Joy

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[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

---

**From:** Emily Klose <[emilysklose@champaignil.gov](mailto:emilysklose@champaignil.gov)>  
**Sent:** Thursday, August 16, 2018 11:03 AM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
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Regardless of what the letter from City Legal says, I would like answers to the following questions now: 1) Is the city manager aware of this complaint? 2) Is the city council aware of this complaint? 3) Is Chief Cobb aware of this complaint? 4) Why didn't this complaint go through proper channels at the Police Dept.? Why did it go straight to City Legal? and 5) Why didn't anyone seem to realize that I am in possession of the video showing Officer Killin's conversation with me, even if Lt. Myers says it rolled off the server?

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Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you,  
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Sent from my iPhone

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**From:** Emily Klose  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** tod.myers@champaignil.gov  
**Subject:** Re: Complaint Letter

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Subject: Re: Complaint Letter

Good Morning Emily,

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## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:45 AM  
**To:** Joan Walls  
**Subject:** FW: Complaint Letter

Sharing for next week.  
I BCC'd Dorothy, Chief and Laura from legal on the original email below.  
Thanks

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:19 AM  
**To:** 'Emily Klose'  
**Cc:** Tod Myers <tod.myers@champaignil.gov>  
**Subject:** RE: Complaint Letter

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Thank you,



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Community Relations Manager/Compliance Officer

City of Champaign

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(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

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## Rachel Joy

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**From:** Rachel Joy  
**Sent:** Wednesday, August 15, 2018 12:09 PM  
**To:** Tod Myers  
**Subject:** Emily Klose

**Importance:** High

Hi Tod,

I received a call from Emily Klose who indicated she filed a complaint while you were out and it was never investigated. She indicated she knew Lt. Ramseyer and they spoke about body cam issues related to the incident with an Officer William Kinnin which her complaint is against. She stated she knew Lt. Ramseyer so her conversation with him, was not official but she was told to fill out paperwork. She stated she was told that it went to City legal, but she never received any written documentation about the complaint being investigated. I informed her I was unaware of any such complaint and informed her of the process for police complaints which did not include the complaint going to City legal. She stated she spoke to you or received an email from you. I am not sure which one as she stated spoke to and email exchange several times. She indicated you informed her it was past the time to file a complaint and it was lost on the server.

She called the City Manager's Office today regarding the issue and wanting to go to Council based on what she has stated as her complaint not being properly reviewed. She was transferred to me to ask about her options for filing a complaint.

I informed her I would need to get back to her as I did not have any information regarding her particular case.

Do you know anything about this case? Can we discuss if you have info?

Thanks



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

[\(217\) 403-8830](tel:2174038830) | [\(217\) 403-8835](tel:2174038835) fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

## Rachel Joy

---

**From:** Tod Myers  
**Sent:** Wednesday, August 15, 2018 12:18 PM  
**To:** Rachel Joy  
**Subject:** Re: Emily Klose

Yes. Let me know when you are in and I'll call over.

---

**From:** Rachel Joy  
**Sent:** Wednesday, August 15, 2018 12:09:10 PM  
**To:** Tod Myers  
**Subject:** Emily Klose

Hi Tod,

I received a call from Emily Klose who indicated she filed a complaint while you were out and it was never investigated. She indicated she knew Lt. Ramseyer and they spoke about body cam issues related to the incident with an Officer William Kinnin which her complaint is against. She stated she knew Lt. Ramseyer so her conversation with him, was not official but she was told to fill out paperwork. She stated she was told that it went to City legal, but she never received any written documentation about the complaint being investigated. I informed her I was unaware of any such complaint and informed her of the process for police complaints which did not include the complaint going to City legal. She stated she spoke to you or received an email from you. I am not sure which one as she stated spoke to and email exchange several times. She indicated you informed her it was past the time to file a complaint and it was lost on the server.

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[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:52 AM  
**To:** Dorothy Ann David; Matt Roeschley  
**Subject:** FW: Complaint Letter

I am not responding to the 2<sup>nd</sup> email response below, but wanted to make you aware and keep you in the loop of the email strings in Joan's absence. If you would like any updates or additional info the email strings don't provide please let me know.

I am not in tomorrow, so wanted to let you know that in case you had questions today.

Thanks

Rachel

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**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:37 AM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: Complaint Letter

Rachel,

I beg to differ. It absolutely was an official complaint, and I filled out the official complaint paperwork that I PICKED UP in person at the CPD, and while there, I talked to multiple people at the CPD about my intent to file said complaint. I am in receipt of all the original papers that I filed, by the way, so Lt. Myers is incorrect. If you aren't able to get the original complaint from him or City Legal, I'm sorry that the city's own systems are so dysfunctional, but it seems clear to me that you have not read my complaint yourself.

Your ongoing refusal to answer my questions is distressing, as I used the word "complaint" multiple times in my written complaint.

Respectfully,  
Emily Klose

Sent from my iPhone

On Aug 16, 2018, at 11:18 AM, Rachel Joy <rachel.joy@champaignil.gov> wrote:

Hello Emily,

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As it relates to our office, if a formal complaint is received, our office would follow the process as will the Citizen Review Subcommittee.



Thank you,



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

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**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:03 AM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Re: Complaint Letter

Hi, Rachel.

Regardless of what the letter from City Legal says, I would like answers to the following questions now: 1) Is the city manager aware of this complaint? 2) Is the city council aware of this complaint? 3) Is Chief Cobb aware of this complaint? 4) Why didn't this complaint go through proper channels at the Police Dept.? Why did it go straight to City Legal? and 5) Why didn't anyone seem to realize that I am in possession of the video showing Officer Killin's conversation with me, even if Lt. Myers says it rolled off the server?

If the city continues to ignore its own policies and protocols, I am forced to conclude that all the references on the city's web site about transparency and serving the citizens of Champaign are nothing more than rhetoric.

You yourself said your office should have received a copy of the complaint and that the response should have come from Chief Cobb, not City Legal. I deserve answers to these questions, Rachel. I thought that was the job of your office. Please inform me of what your next steps will be.

Respectfully,  
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On Aug 16, 2018, at 10:35 AM, Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)> wrote:

Hello Emily,  
You will receive a letter from City Legal regarding your inquiry as stated below.

Thank you,

<Image001.png>

**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

---

**From:** Emily Klose <  
**Sent:** Wednesday, August 15, 2018 1:30 PM  
**To:** Rachel Joy <[rachel.joy@champaignil.gov](mailto:rachel.joy@champaignil.gov)>  
**Subject:** Fwd: Complaint Letter

Rachel,

Here's the string of e-mails I exchanged with Lt. Myers regarding the complaint I filed in May at the CPD.

Thank you,  
Emily Klose

Sent from my iPhone

Begin forwarded message:

**From:** Emily Klose <  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
**Subject:** Re: Complaint Letter

Hello, Lt. Myers,

I respectfully disagree with the conclusion of City Legal. At the very least, I should have received a written document from City Legal and/or the Police Department stating their conclusions. I took a great deal of time to document the concerns leading to my complaint, yet the city appears to have little interest in responding to my complaint at all. And, in fact, I *am* in possession of the video, since I did request it via a FOIA, I did receive it, and I have viewed it numerous times. Since Officer William Killin (the officer who wore the body camera during my conversation with him) is also involved in a federal lawsuit filed by a citizen (Alton Corey) against the city, I believe this video may show a pattern of inappropriate conduct by Officer Killin. In any event, I am surprised by the behavior of City

Legal and our Police Department over this body-camera event involving myself and a Champaign police officer. I will continue to research this situation, and I plan to write about it.

And I do have two questions for you: 1) Has the city manager been made aware of this complaint? and 2) Has the city council been made aware of this complaint? If not, that will be my first order of business, as I believe that the council wrote, or at least reviewed, the language for the body-camera policy, and this language could certainly use some refining.

Thank you for your response to my question, though. And at the very least, could you give Officer Killin some feedback about the tantrum (recorded on the video) that he pitched after he finished talking to me? It was beyond unprofessional for a police officer to behave that way, especially while he was wearing his uniform while at the police station, surrounded by his peers. I continue to expect better from our public servants.

Respectfully,  
Emily Klöse

-----Original Message-----

From: Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
To: Emily Klöse  
Sent: Wed, Aug 8, 2018 11:17 am  
Subject: Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal's interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

The video on this case is not a flagged video and not subject to FOIA. Our retention period for this video was 90 days and has since rolled off the server.

---

From: Tod Myers  
Sent: Monday, August 6, 2018 7:30:35 AM  
To: Emily Klöse  
Subject: Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

---

**From:** Emily Klose <  
**Sent:** Friday, August 3, 2018 2:05:03 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

Good afternoon, Lt. Myers.

It has been almost two months since you received my written complaint about Officer Killin using his body-worn camera to record our presumed private conversation while I was in the privacy of my home.

I respectfully request an update me on the status of this situation, as I believe that city legal has had adequate time to address my "concern" and come to some conclusion.

Thank you. I look forward to hearing from you.  
Emily Klose

Sent from my iPhone

On Jun 5, 2018, at 12:28 PM, Emily Klose wrote:

Thank you.

Sent from my iPhone

On Jun 5, 2018, at 8:55 AM, Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)> wrote:

Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards

217-403-6913

[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

## Rachel Joy

---

**From:** Matt Roeschley  
**Sent:** Thursday, August 16, 2018 12:32 PM  
**To:** Rachel Joy; Dorothy Ann David  
**Subject:** Re: Complaint Letter

Thanks, Rachel

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:51:37 AM  
**To:** Dorothy Ann David; Matt Roeschley  
**Subject:** FW: Complaint Letter

I am not responding to the 2<sup>nd</sup> email response below, but wanted to make you aware and keep you in the loop of the email strings in Joan's absence. If you would like any updates or additional info the email strings don't provide please let me know.

I am not in tomorrow, so wanted to let you know that in case you had questions today.

Thanks  
Rachel

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**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:37 AM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: Complaint Letter

Rachel,

I beg to differ. It absolutely was an official complaint, and I filled out the official complaint paperwork that I PICKED UP in person at the CPD, and while there, I talked to multiple people at the CPD about my intent to file said complaint. I am in receipt of all the original papers that I filed, by the way, so Lt. Myers is incorrect. If you aren't able to get the original complaint from him or City Legal, I'm sorry that the city's own systems are so dysfunctional, but it seems clear to me that you have not read my complaint yourself.

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Thank you,



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

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(217) 403-8830 | (217) 403-8835 fax  
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From: Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)>  
To: Emily Klose <[emily.klose@champaignil.gov](mailto:emily.klose@champaignil.gov)>  
Sent: Wed, Aug 8, 2018 11:17 am  
Subject: Re: Complaint Letter

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Office of Professional Standards  
217-403-6913  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

## Rachel Joy

---

**From:** Dorothy Ann David  
**Sent:** Thursday, August 16, 2018 12:37 PM  
**To:** Rachel Joy; Matt Roeschley  
**Subject:** Re: Complaint Letter

Thank you for the information.

**Dorothy Ann David, City Manager  
City of Champaign**

telephone: (217) 403-8710  
email: dorothy.david@champaignil.gov

**Notice: With limited exceptions, all email sent and received by this account is subject to public disclosure under the State of Illinois Freedom of Information Act.  
Please consider the environment before printing this email.**

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:51:37 AM  
**To:** Dorothy Ann David; Matt Roeschley  
**Subject:** FW: Complaint Letter

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City of Champaign

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Emily Klose

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From: Tod Myers <tod.myers@champaignil.gov>  
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Sent: Wed, Aug 8, 2018 11:17 am  
Subject: Re: Complaint Letter

Good Morning Emily,

City Legal got back with me this morning. Officers are required to have the camera on at all times when in uniform and engaged in any law enforcement activity. It is not legal's interpretation that a person has an expectation of privacy while in their home and that conversation is being had over the phone. However when the officer's are in people's houses conducting law enforcement activities with the body camera activated, we should be notifying the person of the camera. If that person is a victim or witness, they can request the camera be shut off to prevent the interior of the home and conversation from being recorded.

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From: Tod Myers  
Sent: Monday, August 6, 2018 7:30:35 AM  
To: Emily Klose  
Subject: Re: Complaint Letter

Hi Emily,

I will reach out to Legal this morning to see what they have found out.

---

**From:** Emily Klose <[emilysklose@champaignil.gov](mailto:emilysklose@champaignil.gov)>  
**Sent:** Friday, August 3, 2018 2:05:03 PM  
**To:** Tod Myers  
**Subject:** Re: Complaint Letter

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It has been almost two months since you received my written complaint about Officer Killin using his body-worn camera to record our presumed private conversation while I was in the privacy of my home.

I respectfully request an update me on the status of this situation, as I believe that city legal has had adequate time to address my "concern" and come to some conclusion.

Thank you. I look forward to hearing from you.  
Emily Klose

Sent from my iPhone

On Jun 5, 2018, at 12:28 PM, Emily Klose wrote:

Thank you.

Sent from my iPhone

On Jun 5, 2018, at 8:55 AM, Tod Myers <[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)> wrote:

Ms. Klose,

I just wanted to let you know I had received your complaint letter in reference to an officer recording your phone conversation via his body worn camera. I have sent your concern to our legal department. Once I hear back from them, I will be in contact with you.

Lt. Tod Myers  
Office of Professional Standards

217-403-6913

[tod.myers@champaign.gov](mailto:tod.myers@champaign.gov)



## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 11:55 AM  
**To:** Laura Hall  
**Subject:** FW: Complaint Letter

Hi Laura,  
Sharing the 2<sup>nd</sup> response I received. I BCC'd you on my first response. I will not be responding to this email below, but wanted to share the email string.  
Thanks  
Rachel

---

**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 11:37 AM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: Complaint Letter

Rachel,  
I beg to differ. It absolutely was an official complaint, and I filled out the official complaint paperwork that I PICKED UP in person at the CPD, and while there, I talked to multiple people at the CPD about my intent to file said complaint; I am in receipt of all the original papers that I filed, by the way, so Lt. Myers is incorrect. If you aren't able to get the original complaint from him or City Legal, I'm sorry that the city's own systems are so dysfunctional, but it seems clear to me that you have not read my complaint yourself.

Your ongoing refusal to answer my questions is distressing, as I used the word "complaint" multiple times in my written complaint.

Respectfully,  
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**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

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If the city continues to ignore its own policies and protocols, I am forced to conclude that all the references on the city's web site about transparency and serving the citizens of Champaign are nothing more than rhetoric.

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<image001.png>

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**From:** Emily Klose  
**Date:** August 8, 2018 at 12:07:10 PM CDT  
**To:** [tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)  
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From: Tod Myers <tod.myers@champaignil.gov>  
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[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 12:00 PM  
**To:** Carrie Brown; Kris Robbins  
**Cc:** Ashley Stickels  
**Subject:** Citizen

**Importance:** High

Hello Carrie and Kris,

There have been a string of emails from Emily Klose. She may or may not call the office, but wanted to keep you in the loop. She disagrees with the process followed by CPD and is not happy with my information related to her legal inquiry that City legal reviewed. She has been informed she will receive an official letter from legal regarding her inquiry. I am out tomorrow and I did inform her of this, but wanted to let you all know she may call for the Mayor or Dorothy with her concerns regarding CPD, ECHO and Legal. Dorothy has been sent the emails as has Matt, Chief Cobb, Tod Myers and Laura.

Let me know if you need any more details at this time.

Thanks



**Rachel Joy**

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## Rachel Joy

---

**From:** Emily Klose  
**Sent:** Thursday, August 16, 2018 3:42 PM  
**To:** Rachel Joy  
**Subject:** Re: Complaint Letter

Hello, Rachel,

Since you indicated earlier that you will be out of the office tomorrow, Fri., 08/17/2018, please indicate which of the five questions I asked you in an earlier e-mail that you will have answers for by the end of today. Also, who shall I direct my questions to while you are away?

The CPD's description of itself as "an honest, transparent, and inclusive government agency" that is "committed to fostering positive police-citizen partnerships" leads me to believe that the city is eager to resolve this situation with one of its long-time citizens, taxpayers, and voters (that would be me).

I appreciate your time and attention to this matter.

Respectfully,  
Emily Klose

Sent from my iPhone

On Aug 16, 2018, at 11:36 AM, Emily Klose wrote:

Rachel,

I beg to differ. It absolutely was an official complaint, and I filled out the official complaint paperwork that I PICKED UP in person at the CPD, and while there, I talked to multiple people at the CPD about my intent to file said complaint. I am in receipt of all the original papers that I filed; by the way, so Lt. Myers is incorrect. If you aren't able to get the original complaint from him or City Legal, I'm sorry that the city's own systems are so dysfunctional, but it seems clear to me that you have not read my complaint yourself.

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217-403-6913  
[tod.myers@champaign.gov](mailto:tod.myers@champaign.gov)  
[nil.gov](http://nil.gov)

**Rachel Joy**

---

**From:** Matt Roeschley  
**Sent:** Monday, August 20, 2018 4:50 PM  
**To:** Rachel Joy  
**Subject:** Fwd: My Official Citizen's Complaint Against a CPD Officer

FYI, I don't think we need anything from you at this point but will let you know if that changes.

Begin forwarded message:

**From:** Emily Klose  
**Date:** August 20, 2018 at 4:13:01 PM CDT  
**To:** [m.citymanagersoffice@champaignil.gov](mailto:m.citymanagersoffice@champaignil.gov), [council@champaignil.gov](mailto:council@champaignil.gov)  
**Subject:** Re: My Official Citizen's Complaint Against a CPD Officer

Correction; s.b. Lt. Myers, I believe. My apologies.

-----Original Message-----

**From:** Emily Klose  
**To:** citymanagersoffice <[citymanagersoffice@champaignil.gov](mailto:citymanagersoffice@champaignil.gov)>; council <[council@champaignil.gov](mailto:council@champaignil.gov)>  
**Sent:** Mon, Aug 20, 2018 4:01 pm  
**Subject:** My Official Citizen's Complaint Against a CPD Officer

Hello, Council Members and City Manager,

Good afternoon.

For the last two weeks, I have been trying to get an answer from the city of Champaign that justifies or explains why an official complaint I filed against Officer William Killin at the end of May, 2018, was mishandled by the city in a way that clearly violates and ignores the city's own policies and procedures on how said complaint should be handled, and also may violate my rights as a citizen to lodge a complaint. I ask that the city council and the city manager find out why Sgt. Tod Myers apparently decided that my official, meticulously written complaint (**entitled "Champaign Police Department Citizen's Complaint"**) would not go through proper, well-delineated channels at the CPD, but would instead go to City Legal, where it was buried and ignored for two months by that department.

Please note that I, **myself**, followed the correct procedure by picking up in person from Sgt. Oleson on Wed., 05/30/2018, the city's own **CITIZEN COMPLAINT FACT SHEET** packet from the CPD front desk, completing it in detail, and then returning it to Employee #841 at the CPD's front desk on 05/31/2018 at 1608 (4:08 p.m.), which the CPD employee hand-wrote on my complaint form because she could not find the CPD's official stamp.

Please note that I am in possession of copies of all the documents related to my filing of said complaint against Officer Killin, as well as the body-cam video that I received from the CPD via FOIA request.

To quote from one of the last lines from my official citizen's complaint against Officer William Killin, "...I request that my complaint now be addressed with alacrity, transparency, and accountability when it finally lands on the correct desk."

Respectfully,

Emily Klose

Champaign, IL 61820



## Rachel Joy

---

**From:** Tod Myers  
**Sent:** Friday, August 24, 2018 10:12 AM  
**To:** Rachel Joy  
**Subject:** Re: question

Oh Yeah,

I opened a complaint for the Emily Klose allegation that she was recorded without her consent. It will be 18-04.

---

**From:** Rachel Joy  
**Sent:** Friday, August 24, 2018 10:08:03 AM  
**To:** Tod Myers  
**Subject:** RE: question

Great. Enjoy your rainy Friday!

---

**From:** Tod Myers  
**Sent:** Friday, August 24, 2018 10:07 AM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: question

OK. And no need for the calendar invite, he has it on there already.

---

**From:** Rachel Joy  
**Sent:** Friday, August 24, 2018 10:06:35 AM  
**To:** Tod Myers  
**Subject:** RE: question

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Thanks  
Rachel

---

**From:** Tod Myers  
**Sent:** Friday, August 24, 2018 8:44 AM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: question

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Sent from my iPhone

On Aug 24, 2018, at 8:38 AM, Rachel Joy <rachel.joy@champaignil.gov> wrote:

Hi Tod,

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<image001.png>

**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

Rachel.Joy@champaignil.gov

## Rachel Joy

---

**From:** Tod Myers  
**Sent:** Friday, August 24, 2018 10:33 AM  
**To:** Rachel Joy  
**Subject:** Re: question  
**Attachments:** Redacted\_Investigative Report.pdf

Attached is the redacted complaint for the committee.

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**From:** Tod Myers  
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**Subject:** RE: question

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**Sent:** Friday, August 24, 2018 10:38 AM  
**To:** Ashley Stickels  
**Subject:** FW: question  
**Attachments:** Redacted\_Investigative Report.pdf

For upcoming CRS meeting:  
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(217) 403-8830 | (217) 403-8835 fax  
[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

## Rachel Joy

---

**From:** Ashley Stickels  
**Sent:** Friday, August 24, 2018 10:40 AM  
**To:** Rachel Joy  
**Subject:** RE: question

Saved it!

---

**From:** Rachel Joy  
**Sent:** Friday, August 24, 2018 10:38 AM  
**To:** Ashley Stickels <ashley.stickels@champaignil.gov>  
**Subject:** FW: question

For upcoming CRS meeting.  
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**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

[\(217\) 403-8830](tel:2174038830) | [\(217\) 403-8835](tel:2174038835) fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

## Rachel Joy

---

**From:** Tod Myers  
**Sent:** Thursday, October 25, 2018 10:51 AM  
**To:** Rachel Joy  
**Subject:** 18-04  
**Attachments:** 18-04r.docx

Attached is the citizen response letter closing complaint 18-04.

**Tod Myers**  
Lieutenant | Professional Standards  
City of Champaign Police Department  
82 E. University Ave.  
Champaign, IL 61820  
[tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)

217-403-6913 | (fax) 217-403-6924



---

Information contained in or attached to this e-mail message may be privileged, confidential, protected from disclosure and subject to release under the Freedom of Information Act (FOIA). If you are not the intended recipient, any further disclosure, use, dissemination, distribution, or copying of this message or any attachment is strictly prohibited. If you believe that you have received this e-mail message in error, please delete it and notify Tod Myers at ([tod.myers@champaignil.gov](mailto:tod.myers@champaignil.gov)).

## Rachel Joy

---

**From:** Ashley Stickels  
**Sent:** Wednesday, September 5, 2018 8:26 AM  
**To:** Rachel Joy  
**Subject:** Confidential Citizen Review Subcommittee Materials  
**Attachments:** 091218 Case 1 Redacted Investigative Report.pdf; 091218 Case 2 PDF Redacted Report.pdf; COMPLAINT INVESTIGATION FINDINGS.doc; CRS check list draft.docx; Legal issues Laura Hall Power Point.pptx; 053118 Citizen Review Subcommittee Open Session Meeting Minutes.pdf

**Importance:** High

Greetings,

Attached please find for your review the May meeting minutes and the complaint investigation reports for the September 12<sup>th</sup> meeting.

Please let us know if you have any questions.



**Ashley Stickels**

102 N. Neil Street  
Champaign, IL 61820

P: (217) 403-8830

F: (217) 403-8835

E: [Ashley.Stickels@champaignil.gov](mailto:Ashley.Stickels@champaignil.gov)

Connect with the Community Coalition by visiting our website and following us on social media  
[ChampaignCommunityCoalition](#) | [Facebook](#) | [Twitter](#) | [Contact Us](#)

## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 10:57 AM  
**To:** Ashley Stickels  
**Subject:** CRS status

Tod is pretty confident we will be ready to have the regular meeting on the 12<sup>th</sup>. I have asked that we have all materials to send out electronically by Wednesday September 5<sup>th</sup> in order to send electronically to committee members. We wouldn't send out the notice until 48 hours in advance, but the committee only could receive their information. We will discuss more at our next check in.  
Thanks



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

102 N. Neil St. | Champaign, IL 61820

(217) 403-8830 | (217) 403-8835 fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)



## Rachel Joy

---

**From:** Ashley Stickels  
**Sent:** Thursday, August 16, 2018 11:02 AM  
**To:** Rachel Joy  
**Subject:** RE: CRS status

Cool!

---

**From:** Rachel Joy  
**Sent:** Thursday, August 16, 2018 10:57 AM  
**To:** Ashley Stickels <ashley.stickels@champaignil.gov>  
**Subject:** CRS status

Tod is pretty confident we will be ready to have the regular meeting on the 12<sup>th</sup>. I have asked that we have all materials to send out electronically by Wednesday September 5<sup>th</sup> in order to send electronically to committee members. We wouldn't send out the notice until 48 hours in advance, but the committee only could receive their information. We will discuss more at our next check in.

Thanks:



**Rachel Joy**

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(217) 403-8830 | (217) 403-8835 fax

[Rachel.Joy@champaignil.gov](mailto:Rachel.Joy@champaignil.gov)

## Rachel Joy

---

**From:** Rachel Joy  
**Sent:** Wednesday, August 15, 2018 12:21 PM  
**To:** Tod Myers  
**Subject:** RE: Emily Klose

Here now

---

**From:** Tod Myers  
**Sent:** Wednesday, August 15, 2018 12:18 PM  
**To:** Rachel Joy <rachel.joy@champaignil.gov>  
**Subject:** Re: Emily Klose

Yes. Let me know when you are in and I'll call over.

---

**From:** Rachel Joy  
**Sent:** Wednesday, August 15, 2018 12:09:10 PM  
**To:** Tod Myers  
**Subject:** Emily Klose

Hi Tod,

I received a call from Emily Klose who indicated she filed a complaint while you were out and it was never investigated. She indicated she knew Lt. Ramseyer and they spoke about body cam issues related to the incident with an Officer William Kinnin which her complaint is against. She stated she knew Lt. Ramseyer so her conversation with him was not official but she was told to fill out paperwork. She stated she was told that it went to City legal, but she never received any written documentation about the complaint being investigated. I informed her I was unaware of any such complaint and informed her of the process for police complaints which did not include the complaint going to City legal. She stated she spoke to you or received an email from you. I am not sure which one as she stated spoke to and email exchange several times. She indicated you informed her it was past the time to file a complaint and it was lost on the server.

She called the City Manager's Office today regarding the issue and wanting to go to Council based on what she has stated as her complaint not being properly reviewed. She was transferred to me to ask about her options for filing a complaint.

I informed her I would need to get back to her as I did not have any information regarding her particular case. Do you know anything about this case? Can we discuss if you have info?

Thanks



**Rachel Joy**

Community Relations Manager/Compliance Officer

City of Champaign

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# Re: Klose Complaint Appeal Response 3/15/19

Carrie Brown

Fri 3/15/2019 2:38 PM

Police Complaints

To: Emily Klose <

Ms. Klose,

City Manager Dorothy David forwarded a copy of this letter to City Council via e-mail.

Sincerely,



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

---

**From:** Emily Klose

**Sent:** Friday, March 15, 2019 11:09:41 AM

**To:** Carrie Brown

**Subject:** Re: Klose Complaint Appeal Response 3/15/19

Ms. Brown,

Regarding Ms. David's response to my appeal (below), please state if and how she has informed the city council of the details of this 9.5 month process. Most especially, I would like to know if council members have read her response to me, which is below.

Emily Klose

Sent from my iPhone

On Mar 15, 2019, at 10:11 AM, Carrie Brown <[carrie.brown@champaignil.gov](mailto:carrie.brown@champaignil.gov)> wrote:

Dear Ms. Klose,

Please find attached City Manager Dorothy David's response to your complaint appeal. A hard copy of this letter will be placed in the U.S. Mail today.

Thank you.

<Outlook-1474384426.jpg>

**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

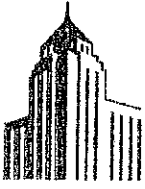
Champaign, IL 61820

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Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

<Klose Complaint Appeal Response 3-15-19.pdf>



City of  
CHAMPAIGN

Office of the City Manager

March 15, 2019

102 North Neil Street  
Champaign, Illinois 61820-4042  
Telephone (217) 403-8710  
Fax (217) 403-8725  
CityManagersOffice@champaignil.gov

Via U.S. Mail and Email  
Ms. Emily Klose

████████████████████  
  
Dear Ms. Klose:

On May 31, 2018, you filed a complaint with the Champaign Police Department which stated, "I am filing a complaint against Officer William Killin for using his bodycam on Wednesday, April 18, 2018, to record a presumed private phone conversation with me, without first asking for my consent." On October 25, 2018, Chief Anthony Cobb rendered a decision regarding your complaint that the officer was exonerated in using his body camera to record his conversation with you. On November 20, 2018, you sent an email to me requesting an appeal of Chief Cobb's decision.

In response to your appeal, we agreed to meet on February 26, 2019, at 10:00 a.m. In addition to you and me, this meeting also included your legal counsel, Mr. David Wesner, and Assistant City Attorney Laura Hall.

During the meeting, both Mr. Wesner and you provided statements regarding your disagreement with the Chief's decision and I took notes on the statements you each made. I provided a copy of those notes to you at the end of the meeting and offered an opportunity for you to provide any corrections or additional information to clarify my notes. On February 28, 2019 Mr. Wesner notified Laura Hall that my notes were complete.

The scope of my review is to decide whether Officer Killin violated Police Department policy or law in recording his April 2018 conversation with you using his body camera. In addition to considering statements during the February 26 meeting, my review included an examination of your complaint, Professional Standards Lieutenant Tod Myers' (now Deputy Chief Myers) August 31, 2018 investigation report for your complaint, draft minutes and audio from the Human Relations Commission Citizen Review Subcommittee's review of the complaint investigation process, the Police Chief's decision, the Police Department Policy and Procedures for Body Camera and Mobile Video recording that was in effect as of the date of the alleged policy violation, and applicable State of Illinois statutes. I also reviewed the body camera video taken by Officer William Killin on April 18, 2018.

Based upon my review, I concur with Chief Cobb in determining that Officer Killin was not in violation of policy by using his body camera to record his phone conversation with you on April 18, 2018. I believe that Deputy Chief Myers prepared a comprehensive summary of the applicable provisions of policy in the findings section of his August 31 report, upon which Chief Cobb's decision is based. You have previously received a copy of DC Myers' report so I will not repeat the full findings here. However, I would like to emphasize a few points that cause me to concur with the Chief's decision:

- Section 41.11.3 C of the policy provides that officers must turn on their body cameras "when the officer is responding to calls for service or engaged in any law enforcement-related encounter or activity that occurs while the officer is on duty." The phone call between you and Officer Killin on April 18, 2018, clearly occurred while the officer was on duty and was related to a law enforcement activity, as the substance of the call was about a call for service that Officer Killin took on April 10, 2018, at [REDACTED].
- Section 41.11.3 H of the policy further provides specific requirements for when a body camera must be *turned off*, but the circumstances of the April 18 call do not meet those requirements.
- Section 41.11.3 N of the policy states, "Officers are encouraged to provide notice to the subject being recorded..." but the policy does not *require* such notice.
- Section 41.11.3 O states, "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, bathrooms, locker rooms, and hospital rooms" and Section 41.11.7 further prohibits the use of body cameras in locations where an individual has a reasonable expectation of privacy. This section applies to the use of a body camera in private locations. The circumstances of the April 18, 2018, phone call between you and Officer Killin do not resemble any of the circumstances listed as possible situations where an individual would have a reasonable expectation of privacy. It was a call with a law enforcement officer (public official) who was on official duty at the Police Department (public office building.)
- Eavesdropping Act 720 ILC5/14-1 *et seq.* states, "a person commits eavesdropping when he or she knowingly or intentionally uses an eavesdropping device, in a surreptitious manner, for the purpose of ...recording all or any part of a conversation to which he or she is a party unless he or she does so with the consent of all other parties to the private conversation." The disputed issue appears to be whether the phone conversation was a private conversation. With regard to the substance of the conversation, which was the April 10 incident at [REDACTED], you were neither a victim, witness or a confidential informant. The call concerned an incident which did not involve you personally; it involved your tenant. The incident occurred in public and any record of it is public record. It is the City's position that this was not a private conversation as defined by the eavesdropping statute.

Despite my concurrence with Chief Cobb's decision related to Officer Killin's actions, I am very concerned about other issues that you have raised regarding the process for consideration of your complaint. I do agree with your assertions that the manner in which City staff processed and responded to your complaint was not timely or consistent with the City's value of providing responsive service to the public. Although these issues are outside of the scope of my determination on your specific complaint about Officer Killin, I do intend to address these issues with the Chief of Police and City employees who are involved in the police complaint process. Our handling of your complaint has been unacceptable, and I thank you for bringing this situation to my attention so it can be corrected in the future. I apologize that the process was so prolonged and difficult to navigate. I assure you that these procedural concerns will be addressed.

In addition, Chief Cobb and the HRC Citizen Review Subcommittee have determined that changes to the Body Camera Policy are warranted to clarify the language regarding the use of body-worn cameras when recording telephone conversations. I am aware that draft language is currently under review and I anticipate that the policy soon will be revised.

Again, I thank you for taking the time to bring your concerns to my attention and for your patience as I reviewed your complaint and responded to your appeal.

Sincerely,



Dorothy Ann David  
City Manager

DAD/cb

cc. Anthony Cobb, Chief of Police  
Laura Hall, Assistant City Attorney  
Mr. David Wesner, Legal Counsel

# Response to Police Complaint

Dorothy Ann David

Fri 3/15/2019 12:23 PM

To: Dorothy Ann David <Dorothy.David@champaignil.gov>;

Cc: Anthony Cobb <anthony.cobb@champaignil.gov>; Tod Myers <tod.myers@champaignil.gov>; Bruce Ramseyer <bruce.ramseyer@champaignil.gov>; Laura Hall <Laura.Hall@champaignil.gov>; Rachel Joy <rachel.joy@champaignil.gov>;

Bcc: council <council@champaignil.gov>;

📎 1 attachments (401 KB)

Klose Complaint Appeal Response 3-15-19.pdf;

Mayor Feinen and City Council members - Attached is my written response to an appeal of Police Chief Cobb's decision on a police complaint filed by Ms. Emily Klose on May 31, 2018. The appeal process is an administrative action per the code; however, since Ms. Klose previously emailed City Council members regarding this matter on August 20, I thought you would appreciate receiving a copy of my response.

I have scheduled a meeting with representatives from Police Administration, the Legal Department, and the Office of Equity, Community and Human Rights to discuss my concerns about how Ms. Klose's complaint has been handled. Due to staff vacations and meeting schedules, the meeting could not be scheduled until April. As I stated in my letter to Ms. Klose, I intend to address the deficiencies in the process with staff and assure that we will correct these so they do not occur in the future.

If you have questions about this matter, please give me a call.

**Dorothy Ann David, City Manager  
City of Champaign**

telephone: (217) 403-8710

email: dorothy.david@champaignil.gov

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Please consider the environment before printing this email.



# Update on Police Complaint Appeal

Dorothy Ann David

Fri 3/8/2019 1:25 PM

To: Emily Klose <[REDACTED]>

Cc: dwesner@acton-snyder.com <dwesner@acton-snyder.com>; Laura Hall <Laura.Hall@champaignil.gov>;

Dear Ms. Klose - As you may recall from our meeting on February 26, I had set today as a target date for responding to your request for review of Chief Cobb's decision on Police Complaint 18-04, which you submitted to the City last May. Please accept my apology that I will not be able to complete my review and decision by the end of business today. I have conducted a preliminary review of the complaint documents earlier this week and asked staff for some additional information on the applicable policies. Unfortunately I have been unable to thoroughly review this additional information by today, and I will need some additional time to fully consider your appeal.

You have been extremely patient with the City, as the process for considering your complaint has already taken an extraordinary amount of time. I regret that I have not been able to meet my goal of responding by today, thereby further delaying a final response to you. You do have my promise that I am taking this very seriously and will not delay this much longer. I thank you for your continued patience. I should be able to provide you with a response by the end of next week.

**Dorothy Ann David, City Manager  
City of Champaign**

telephone: (217) 403-8710

email: dorothy.david@champaignil.gov

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**Laura Hall**

---

**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Thursday, February 28, 2019 6:37 PM  
**To:** Laura Hall  
**Subject:** RE: Emily Klose appeal

Laura,

Neither myself or Ms. Klose felt anything was missing in Ms. David's notes. So, you can let her know she can proceed with finalizing her decision on the appeal. Thank you.

Dave

---

**From:** Laura Hall <Laura.Hall@champaignil.gov>  
**Sent:** Wednesday, January 23, 2019 9:25 AM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Subject:** RE: Emily Klose appeal

I understand completely! Please call when you have a few minutes. I will be in and out so we might play phone tag. Laura

---

**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Wednesday, January 23, 2019 9:23 AM  
**To:** Laura Hall <Laura.Hall@champaignil.gov>  
**Subject:** RE: Emily Klose appeal

Hi Laura,

I apologize for not calling you sooner. I have been in transition between jobs/offices the last couple of weeks. I have a client coming in in a few minutes. I will call you later this morning or this afternoon. Thanks.

Dave

---

**From:** Laura Hall <Laura.Hall@champaignil.gov>  
**Sent:** Wednesday, January 23, 2019 9:18 AM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Subject:** Emily Klose appeal

Dave, would you please call me regarding this appeal? Thanks!

Laura Hall  
Assistant City Attorney  
(217) 403-8765

# RE: Meeting with Champaign City Manager

Dave Wesner <dwesner@acton-snyder.com>

Tue 2/19/2019 11:07 AM

Police Complaints

To: Carrie Brown <carrie.brown@champaignil.gov>;

Thank you Carrie.

Dave

---

**From:** Carrie Brown <carrie.brown@champaignil.gov>

**Sent:** Tuesday, February 19, 2019 10:18 AM

**To:** Dave Wesner <dwesner@acton-snyder.com>

**Subject:** Re: Meeting with Champaign City Manager

Dear Mr. Wesner,

Per our conversation this morning, I have confirmed your meeting with City Manager Dorothy David and Assistant City Attorney Laura Hall for Tuesday, February 26, 2019, 10:00 a.m. - 11:00 a.m.

This meeting will be held in the City Manager's Conference Room on the 2nd Floor of the City Building, 102 North Neil Street, Champaign. Please check in at the Information Desk for direction to the conference room.

Thank you.



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

---

**From:** Carrie Brown

**Sent:** Monday, February 11, 2019 3:07:02 PM

**To:** Dave Wesner

**Subject:** Meeting with Champaign City Manager

Good Afternoon Mr. Wesner,

I am following up on your request to meet with City Manager Dorothy David on behalf of Ms. Klose.

I have a few dates that I can offer you:

Monday, February 25, 2019, 9:30 a.m. - 10:30 a.m.

Tuesday, February 26, 2019, 10:00 a.m. - 11:00 a.m.

Tuesday, February 26, 2019, 3:00 p.m. - 4:00 p.m.

Monday, March 4, 2019, 9:30 a.m. - 10:30 a.m.

Please let me know if any of these dates work for you and Ms. Klose. If not, I will look out further on our calendars. Assistant City Attorney Laura Hall will be included in this meeting. Please let me know if anyone besides Ms. Klose will be attending with you so that I may schedule an appropriate meeting space.

If you have any questions, please feel free to contact me at 217/403-8710.

Thank you.



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

# Re: Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Carrie Brown

Wed 11/28/2018 12:07 PM

To: Emily Klose

Cc: Dorothy Ann David <Dorothy.David@champaignil.gov>;

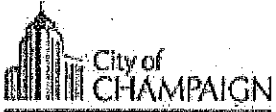
Dear Ms. Klose,

I have confirmed your meeting with City Manager Dorothy David for Tuesday, January 8, 2019 at 11 a.m. in the City Manager's Conference Room, 102 North Neil Street, Champaign. Please check in at the Information Desk for direction to the Conference Room.

As Ms. David mentioned, she will include Deputy City Manager Joan Walls in this meeting. Ms. Walls is the City Manager's liaison to the Police Department and the Office of Equity, Community and Human Rights that provides staff support to the Citizen Review Subcommittee of the Human Relations Commission.

Please let us know prior to the meeting if anyone will be attending with you.

Thank you...have a wonderful Holiday Season!



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

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**From:** Emily Klose

**Sent:** Wednesday, November 28, 2018 9:56 AM

**To:** Carrie Brown

**Subject:** Re: Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Tuesday, January 8, 2019, at 11 a.m. would be great. Thank you so much.

So, where exactly will this meeting take place? And prior to the meeting, I'd appreciate a complete list of everyone who will be at the meeting. Thanks again.

Emily Klose

Sent from my iPhone

On Nov 27, 2018, at 2:30 PM, Carrie Brown <[carrie.brown@champaignil.gov](mailto:carrie.brown@champaignil.gov)> wrote:

Good Afternoon Ms. Klose,

City Manager Dorothy David can be available:

Tuesday, January 8th at 10 a.m.

Tuesday, January 8th at 11 a.m.

Thursday, January 10th at 2:30 p.m.

Please let me know if any of these dates accommodate your schedule. I will place tentative holds on the above dates/times until I hear back from you.

Thank you...Happy Holidays!

<Outlook-1474384426.jpg>

**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

---

**From:** Dorothy Ann David

**Sent:** Tuesday, November 27, 2018 2:18:04 PM

**To:** Emily Klose

**Cc:** Carrie Brown

**Subject:** Re: Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Thank you. Carrie will work on available times for the week of January 7. I hope you enjoy your time with your daughter. Safe travels and happy holidays to you.

**Dorothy Ann David, City Manager**

**City of Champaign**

telephone: (217) 403-8710

email: [dorothy.david@champaignil.gov](mailto:dorothy.david@champaignil.gov)

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**From:** Emily Klose  
**Sent:** Tuesday, November 27, 2018 1:01:48 PM  
**To:** Dorothy Ann David  
**Cc:** Carrie Brown  
**Subject:** Re: Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Ms. David,

Thank you for your prompt response to my e-mail. I greatly apologize for taking so long to respond. I'm leaving for Brussels in a few days to spend time with my daughter, who is completing her semester abroad program with American University. And it looks like you will be on break yourself when I return. Then I will be traveling again for the new year. So I'm looking at the second week of the new year for a meeting with you.

I think that means the week of Jan. 7-11, 2019. I am happy to schedule a meeting with you via Ms. Brown for that time period.

Thank you so much for your attention to this matter.  
Emily Klose

Sent from my iPhone

On Nov 27, 2018, at 12:27 PM, Dorothy Ann David <[Dorothy.David@champaignil.gov](mailto:Dorothy.David@champaignil.gov)> wrote:

Ms. Klose - I am again following up on your request for a review of your citizen complaint. To expedite this, I am asking Carrie Brown to send you an email with some open times on my schedule in the next couple of weeks. Carrie is copied on this email so she can contact you directly.

**Dorothy Ann David, City Manager**  
**City of Champaign**

telephone: (217) 403-8710

email: [dorothy.david@champaignil.gov](mailto:dorothy.david@champaignil.gov)

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**From:** Emily Klose  
**Sent:** Tuesday, November 20, 2018 11:38:33 AM  
**To:** Dorothy Ann David; council  
**Subject:** Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Good morning, Ms. David,



I request a review of Chief Cobb's decision regarding Citizen Complaint #18-04, which I filed in person at the CPD Department on May 31, 2018. I have attached Chief Cobb's decision (above). I am within my allotted 30 days asking you to review his decision.

I understand that you, as city manager, take your direction from the city council, so I have copied this e-mail to the entire city council, as I am dissatisfied with the way the city has handled this complaint from the get-go.

First, I would expect your review of Chief Cobb's decision to include an explanation of how "a thorough investigation" in to my complaint could have been completed since Lt. Tod Myers sent an e-mail to me on Aug. 8, 2018, claiming that the video at the heart of this quite serious matter "has since rolled off the server." State of Illinois statute dictates that body cam footage related to "a formal or informal complaint" MUST be flagged for review and maintained for two years. How did the city manage to complete "a thorough investigation" without its key piece of evidence, which is the body cam video detailing Ofc. William Killin's speech and conduct during his clandestine recording of a presumed private phone conversation?

Second, the city of Champaign recently paid plaintiff Alton Corey \$220,000 to settle a federal lawsuit filed against the city due to Ofc. Killin and Ofc. Dylan Holloway's alleged use of excessive force against Mr. Corey on Oct. 17, 2017. Meanwhile, the April 18, 2018 body cam footage that is in MY possession as a result of my FOIA request to the CPD indicates that, six months later, one of the same officers (Killin) is misusing his position of power to behave inappropriately, unprofessionally, and egregiously while talking to me on the phone. Chief Cobb's decision that "this allegation (against Killin) is exonerated" is baffling as it is unsupported by the body cam video from the CPD that is in my possession. I request re-evaluation and re-examination of Chief Cobb's decision. There is nothing in the state of Illinois statute that I am aware of that gives law enforcement the liberty to use body cameras during presumed private phone conversations to eavesdrop on citizens without their permission or consent and for no reason.

Finally, as prior communication on this matter has been less than ideal, please confirm that you have received this request for review of Citizen Complaint #18-04, AND please inform me of the deadline you must adhere to before providing me with your written review of Chief Cobb's decision.

Respectfully,

Emily Klose

# City Manager's Response to Emily Close request for review of Police Complaint

Dorothy Ann David

Wed 11/21/2018 9:45 AM

To: Anthony Cobb <anthony.cobb@champaignil.gov>; Joan Walls <joan.walls@champaignil.gov>;

Mayor Feinen and City Council members - Yesterday you were copied on an email from Ms. Emily Close requesting that I review a recent citizen complaint regarding a police officer. I responded to Ms. Close this morning via email. In my response to her, I noted that I was not copying the City Council on the email because a dialogue regarding City business that is copied to the governing body can constitute a violation of the Open Meetings Act. I did promise her that I would send a separate email to you to let you know that I did respond.

Have a Happy Thanksgiving.

**Dorothy Ann David, City Manager  
City of Champaign**

telephone: (217) 403-8710

email: dorothy.david@champaignil.gov

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# Request for Review of Chief Cobb's Decision of Citizen Complaint #18-04

Emily Klose

Tue 11/20/2018 11:38 AM

To: Dorothy Ann David <Dorothy.David@champaignil.gov>; council <council@champaignil.gov>;

1 attachments (21 KB)

Chief Cobb's decision.pdf;

*Response by 3/8/2019  
or send written request for  
extension*

Good morning, Ms. David,

I request a review of Chief Cobb's decision regarding Citizen Complaint #18-04, which I filed in person at the CPD Department on May 31, 2018. I have attached Chief Cobb's decision (above). I am within my allotted 30 days asking you to review his decision.

I understand that you, as city manager, take your direction from the city council, so I have copied this e-mail to the entire city council, as I am dissatisfied with the way the city has handled this complaint from the get-go.

First, I would expect your review of Chief Cobb's decision to include an explanation of how "a thorough investigation" in to my complaint could have been completed since Lt. Tod Myers sent an e-mail to me on Aug. 8, 2018, claiming that the video at the heart of this quite serious matter "has since rolled off the server." State of Illinois statute dictates that body cam footage related to "a formal or informal complaint" MUST be flagged for review and maintained for two years. How did the city manage to complete "a thorough investigation" without its key piece of evidence, which is the body cam video detailing Ofc. William Killin's speech and conduct during his clandestine recording of a presumed private phone conversation?

Second, the city of Champaign recently paid plaintiff Alton Corey \$220,000 to settle a federal lawsuit filed against the city due to Ofc. Killin and Ofc. Dylan Holloway's alleged use of excessive force against Mr. Corey on Oct. 17, 2017. Meanwhile, the April 18, 2018 body cam footage that is in MY possession as a result of my FOIA request to the CPD indicates that, six months later, one of the same officers (Killin) is misusing his position of power to behave inappropriately, unprofessionally, and egregiously while talking to me on the phone. Chief Cobb's decision that "this allegation (against Killin) is exonerated" is baffling as it is unsupported by the body cam video from the CPD that is in my possession. I request re-evaluation and re-examination of Chief Cobb's decision. There is nothing in the state of Illinois statute that I am aware of that gives law enforcement the liberty to use body cameras during presumed private phone conversations to eavesdrop on citizens without their permission or consent and for no reason.

Finally, as prior communication on this matter has been less than ideal, please confirm that you have received this request for review of Citizen Complaint #18-04, AND please inform me of the deadline you must adhere to before providing me with your written review of Chief Cobb's decision.

Respectfully,

Emily Klose

Thomas B. Meyer  
Steve Miller  
Nicolas Bolleau  
Jared L. Trigg  
David B. Wesner

Eric D. Eves, *Associate*  
Robert E. McIntire, *Of Counsel*



*Acton & Snyder, LLP*

ATTORNEYS AND  
COUNSELORS AT LAW

Wm. M. Acton (1876-1957)  
Robert Dow Acton (1886-1962)  
Donald S. Baldwin (1905-1971)  
Frank J. Meyer (1913-1979)  
Harvey H. Acton (1913-1994)  
Robert D. Acton (1922-1995)  
Carroll E. Snyder (1915-2000)

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.

11 E. North Street, Danville, IL 61832 • Tel (217) 442-0350 • Fax (217) 442-0335  
E-mail: [dwesner@acton-snyder.com](mailto:dwesner@acton-snyder.com)

*Acton & Snyder, LLP*

Dorothy David  
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.

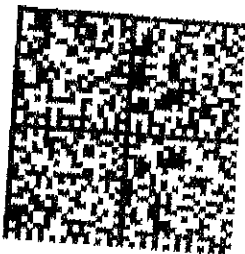
David B. Wesner

DBW/rw

**ACTON & SNYDER, LLP**  
ATTORNEYS AT LAW  
11 EAST NORTH STREET  
DANVILLE, ILLINOIS 61832

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

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. Ramsayer) 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. Neyses 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 History

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

~~Dr~~ Tod Myers decided to handle it as a legal matter and not a complaint

Video should have been flagged but it "rolled off the server."

She was never interviewed as part of the complaint process

"Top brass" is not aware of the Statute as evidenced by Lt. Ramseyer's direction to record this conversation

Mr. Weasner - the complaint filing process needs to be looked at; complaints should be treated like FOIA requests and processed as official complaints regardless of how we receive them.

(citizen complaint process)

Ms. Klose - this process should be more open and transparent; the process is flawed HRC Subcommittee did not review Statute

5

Mr. Wilmer - Mr. Klose was never interviewed  
as part of the process

Mr. Klose - it was clear this was a complaint;  
she documented meticulously and it  
still was not treated as a complaint

Officer violated state law.  
There should be consequences

**Laura Hall**

---

**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Wednesday, January 23, 2019 9:23 AM  
**To:** Laura Hall  
**Subject:** RE: Emily Klose appeal

Hi Laura,

I apologize for not calling you sooner. I have been in transition between jobs/offices the last couple of weeks. I have a client coming in in a few minutes. I will call you later this morning or this afternoon.  
Thanks.

Dave

---

**From:** Laura Hall <Laura.Hall@champaignil.gov>  
**Sent:** Wednesday, January 23, 2019 9:18 AM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Subject:** Emily Klose appeal

Dave, would you please call me regarding this appeal? Thanks!

Laura Hall  
Assistant City Attorney  
(217) 403-8765

# Fw: Meeting with City Manager David

Carrie Brown

Mon 1/14/2019 4:08 PM

To: Laura Hall <Laura.Hall@champaignil.gov>; Dorothy Ann David <Dorothy.David@champaignil.gov>;

Bcc: Carrie Brown <carrie.brown@champaignil.gov>;

Hi Laura,

I have been out of the office for the past couple of weeks and asked Dorothy for an update this morning on this request for a meeting. She instructed me to forward any correspondence from Mr. Wesner to you so that you may respond.

Thank you.



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

---

**From:** Dave Wesner <dwesner@acton-snyder.com>

**Sent:** Monday, January 14, 2019 4:01 PM

**To:** Carrie Brown

**Cc:** Emily Klose; Laura Hall

**Subject:** RE: Meeting with City Manager David

Ms. Brown,

Has a new date and time been determined for the meeting?

Thank you for any updates.

Dave

---

**From:** Carrie Brown <carrie.brown@champaignil.gov>

**Sent:** Thursday, December 27, 2018 3:19 PM

**To:** Dave Wesner <dwesner@acton-snyder.com>

**Cc:** Emily Klose <emklose@champaignil.gov> Laura Hall <Laura.Hall@champaignil.gov>

**Subject:** Re: Meeting with City Manager David

Dear Mr. Wesner,

We are in receipt of your letter stating your representation of Ms. Klose and your request to reschedule the January 8, 2019 Meeting.

Ms. David and Ms. Walls are out of the office for the holidays. They are scheduled to return on Wednesday, January 2, 2019 at which time we will respond to your request for rescheduling this meeting.

If you have any questions, please feel free to contact Laura Hall, Assistant City Attorney at 217/403-8765.

Thank you.



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

---

**From:** Dave Wesner <[dwesner@acton-snyder.com](mailto:dwesner@acton-snyder.com)>

**Sent:** Thursday, December 27, 2018 1:36 PM

**To:** Carrie Brown

**Cc:** Emily Klose

**Subject:** Meeting with City Manager David

Ms. Brown,

I recently sent a letter to City Manager David indicating that Ms. Klose has asked me to represent her and attend the meeting between Ms. Klose, Ms. David and Ms. Walls.

Ms. Klose sent me some material which included an indication that the meeting is set for January 8 at 11:00 a.m. in Champaign.

I am not able to make that day. I would like to re-schedule the meeting for later that week or after.

Please let me know some dates and times and I will see what works for myself and Ms. Klose.

Thank you.

Dave

David B. Wesner

Partner

Acton & Snyder LLP

11 E. North St

Danville, IL 61832

Ph: (217) 442-0350

E-mail: [dwesner@acton-snyder.com](mailto:dwesner@acton-snyder.com)



**Laura Hall**

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**From:** Dave Wesner <dwesner@acton-snyder.com>  
**Sent:** Monday, January 14, 2019 4:02 PM  
**To:** Carrie Brown  
**Cc:** Emily Klose; Laura Hall  
**Subject:** RE: Meeting with City Manager David

Ms. Brown,

Has a new date and time been determined for the meeting?  
Thank you for any updates.

Dave

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**From:** Carrie Brown <carrie.brown@champaignil.gov>  
**Sent:** Thursday, December 27, 2018 3:19 PM  
**To:** Dave Wesner <dwesner@acton-snyder.com>  
**Cc:** Emily Klose <emily.klose@champaignil.gov>, Laura Hall <Laura.Hall@champaignil.gov>  
**Subject:** Re: Meeting with City Manager David

Dear Mr. Wesner,

We are in receipt of your letter stating your representation of Ms. Klose and your request to reschedule the January 8, 2019 Meeting.

Ms. David and Ms. Walls are out of the office for the holidays. They are scheduled to return on Wednesday, January 2, 2019 at which time we will respond to your request for rescheduling this meeting.

If you have any questions, please feel free to contact Laura Hall, Assistant City Attorney at 217/403-8765.

Thank you.



**Carrie Brown**

Administrative Assistant

City Manager's Office

102 N. Neil Street

Champaign, IL 61820

Phone: (217) 403-8710

Fax: (217) 403-8725

Email: [Carrie.Brown@champaignil.gov](mailto:Carrie.Brown@champaignil.gov)

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**From:** Dave Wesner <[dwesner@acton-snyder.com](mailto:dwesner@acton-snyder.com)>

**Sent:** Thursday, December 27, 2018 1:36 PM

**To:** Carrie Brown

**Cc:** Emily Klose

**Subject:** Meeting with City Manager David

Ms. Brown,

I recently sent a letter to City Manager David indicating that Ms. Klose has asked me to represent her and attend the meeting between Ms. Klose, Ms. David and Ms. Walls.

Ms. Klose sent me some material which included an indication that the meeting is set for January 8 at 11:00 a.m. in Champaign.

I am not able to make that day. I would like to re-schedule the meeting for later that week or after.

Please let me know some dates and times and I will see what works for myself and Ms. Klose.

Thank you.

Dave

David B. Wesner

Partner

Acton & Snyder LLP

11 E. North St

Danville, IL 61832

Ph: (217) 442-0350

E-mail: [dwesner@acton-snyder.com](mailto:dwesner@acton-snyder.com)

# Re: Meeting with City Manager David

Carrie Brown

Thu 12/27/2018 3:19 PM

To: Dave Wesner <dwesner@acton-snyder.com>;

Cc: Emily Klose <[REDACTED]>; Laura Hall <Laura.Hall@champaignil.gov>;

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Thank you.

Dave

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