

Rapid City Human Relations Commission
Semi-annual Report
July 15, 2015

Revised Process for Filing a Discrimination Complaint

The 2014 revision of Ordinance 5964 changed the process for the receipt and investigation of HRC complaints. Generally, the process begins with a phone call or with a walk-in question. The City Attorney's office has a checklist of questions to ask regarding the potential complaint. They need to be able to check each box, meeting all the requirements of the ordinance, in order to proceed further. If callers cannot check each box, they are referred to a more appropriate agency to deal with their complaint. Since the City Attorney's office started logging calls at the beginning of 2015, there have been eleven callers that were referred to other agencies. Generally the referrals were due to the complaint being against a public entity or arising outside the city.

If a potential complainant can check all of the boxes, a meeting is scheduled with Assistant City Attorney, Wade Nyberg for the purpose of reviewing the substance of the complaint. There have been twelve meetings that did not result in a verified complaint being filed. At least four complaints resolved themselves outside of the HRC process. In four other instances, the complaints did not fit the HRC ordinance's definition of discrimination. Others decided against following through with the process after the initial meeting. Attorney Nyberg has noted that he believes that some people who contact the HRC seem to just want to get an incident or an issue off their chest and are looking for someone to listen to them.

Complaints Filed With RCHRC

In the time since the revised ordinance took effect, there have been five verified complaints of discrimination. Of the five complaints that have been filed, three were transferred to the State Human Rights Commission. Respondents have a statutory right to transfer the complaints within fifteen days of notice that the complaint is filed. Of the two complaints remaining, one has been investigated and a subpoena is pending¹, and one respondent has received a time extension to file a reply. The respondent in the second complaint has allowed its right to transfer to lapse, so it will not be transferred to the State.

At the time this report was written, there are potentially two new complaints waiting to be filed. In the first case, a copy of the verified complaint is being reviewed by the complainant and the City Attorney's office is awaiting a signature. In the second, a copy of the complaint is in the process of being drafted.

¹ A requested photograph has not been produced. Attorney Wade Nyberg gave the respondent, with a time extension, over a month to produce the photo. The HRC feels the photo has the potential to tip the case one way or the other. As per the ordinance, Attorney Nyberg recommended that they issue the subpoena. (RCMC § requires that the investigator recommend and a majority of the appointed commissioners vote affirmatively to issue a subpoena). The Commission voted unanimously to issue the subpoena.

Commission Membership

Jacqueline Gerry was appointed in May to fill the vacancy on the Commission as a result of the death of Tim Standing Soldier. She was sworn in at the June meeting and will participate this week in an orientation and training session with Assistant City Attorney Wade Nyberg in order to become acquainted with the work of the Commission and the responsibilities associated with membership. She will complete Commissioner Standing Soldier's term in office which would have ended in October 2015.

Special Public Meeting

A special meeting of the Commission was held on February 15th with special guest Carol Russo from the United States Department of Justice Community Relations Service. She was invited to attend in order to discuss suggestions for outreach and reconciliation in the community after the incident at the Civic Center. About 25 members of the public, along with members of the media, attended the meeting and a question and answer session was held concerning the role of the Rapid City Human Relations Commission and its area of jurisdiction.

Education & Outreach

Media Interviews: A concerted effort has been made in the past six months to let the public know what the Rapid City Human Relations Commission does and how it can act as a resource at the local level for investigating and resolving discrimination complaints. A number of TV and radio interviews have been given in which we've explained the work of the Commission and how and where we can be contacted.

Public Service Announcement: A PSA, entitled Stand-Up, Speak Out, was developed with the assistance of Tim Reilly at Mid-Continent- Communications. (A copy of the PSA can be accessed on the RCHRC page of the City website). Each year Mid-Continent contributes over \$4,000,000 in broadcast time to mostly non-profit organizations. We are very fortunate to have had their assistance with this project and also with an earlier PSA produced in 2010. The PSA, featuring commission members, aired on local television stations and cable channels 76 times in February and 691 times in March. The value of those 767 spots amounted to \$6,136.00, but was provided to the HRC free of charge by Mid-Continent. A second version of the PSA was shot using the same script, but with three community members delivering the message. It was released into the local cable network in mid June and will run for one month. A third version is currently being shot and will be released at a later date. An audio version has been prepared for distribution to radio stations. We are very grateful to Tim Reilly of Mid-Continent for all he has done to help us get this message out to the public and we also want to thank the community members who agreed to appear in the Public service announcements.

Public Notices: Feedback from members of the public, and the Native American community, indicated that information was lacking regarding the specific type of complaint that the Human Relations Commission handles as well as how and where we can be contacted for assistance. To remedy this, we have placed several small notices in the Native Sun News.

Power Point Program: A short Power Point Program explaining the work of the Commission has been developed and is now ready to be presented to local organizations and civic groups. We will be contacting organizations to let them know that we can bring this informational program to them.

Update of RCHRC page on City Website: Work has continued with plans to make the HRC page more user-friendly as well as a better source of information, but we are waiting for updates to begin on the City website. When that takes place, we will be ready with content to add to our page on the website.

Participation in Community Meetings Regarding Racial Relations in Rapid City; As part of their responsibilities as members of the Human Relations Commission, members are accountable for being informed regarding the current civil rights issues in the Rapid City community. In that regard, a number of Commissioners have attended the Creating Alliances meetings sponsored by the Barbara Schneider Foundation as well as the world café style discussions held by Omnicity Rotary. The purpose of these meetings has been to explore ways to bring people together across racial and cultural lines in order to reduce tensions in Rapid City. This participation has been valuable and is continuing.

Respectfully submitted,

Susan Timmons
Rapid City Human Relations Commission