

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
JULY 13, 2020**

The City of DeKalb, Illinois City Council held a Committee of the Whole meeting on July 13, 2020 in the Yusunas Room at the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

Mayor Smith called the meeting to order at 5:00 p.m. and proceeded to read emails from City Clerk Fazekas, as well as City Attorney Rose, regarding attendance by a public official via remote access.

Mayor Smith then called the roll and the following City Council members were present: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Smith, and Mayor Jerry Smith.

Others in attendance included City Manager Bill Nicklas, City Attorney John Donahue, and Executive Assistant Ruth Scott.

Mayor Smith then asked for a motion to allow City Clerk Fazekas to attend the meeting remotely.

MOTION

Alderman Finucane moved to allow the City Clerk to attend this Committee of the Whole meeting, as well as the Regular meeting, remotely; seconded by Alderman Morris.

Alderman Morris noted that she would rather attend Council meetings remotely during the COVID-19 situation.

Executive Assistant Scott read an email from the City Clerk stating she would not be attending this meeting, nor the Regular meeting.

Mayor Smith then asked Executive Assistant Scott if she would cover both meetings in the absence of the City Clerk. Executive Assistant Scott indicated she would.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

B. APPROVAL OF THE AGENDA

MOTION

Alderman Morris moved to approve the agenda; seconded by Alderman Verbic.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

C. PUBLIC PARTICIPATION

Mark Charvat stated he wasn't sure that the vote taken to allow the City Clerk to attend meetings remotely was valid since the item wasn't on the agenda. Mr. Charvat also expressed his opinion regarding the Human Relations Commission (HRC) findings.

For the record, Mayor Smith read electronically submitted comments from Ray Nelson regarding his support of the DeKalb Police Department.

The following electronically submitted comments were read into the record by various Council members:

- Irene Rubin regarding reorganization of the DeKalb Police Department and its policies and procedures, and the idea of creating a civilian oversight board.
- Herbert Rubin regarding reorganization of the DeKalb Police Department, search committees for senior city personnel, battling irresponsible apartment owners, and support of the HRC.
- Laurie Rodriguez regarding reorganization of the DeKalb Police Department and its policies and procedures, persons of color in hiring panels, no-knock warrants, body cams, installation of a Citizen's Review Board for police conduct, criminal housing management, and her relief that a stoplight and sidewalk is planned for N. Annie Glidden.
- Kate Wiegele regarding her support for the HRC's recommendations.
- Amy Levin with questions regarding the non-reduction of the police department.
- Alejandra Hernandez stating that the DeKalb Police Department and county should not collaborate with ICE, and her request that the demands of the Black Community be met.
- Emma Johnson regarding the proposed police reform measures and not negotiating with the Fraternal Order of Police.
- Chantel Davis regarding keeping citizens within DeKalb and the county safe from ICE.
- Sarah Slavenas regarding the recommended police department restructuring and the hiring of only a part-time social worker, and the non-reduction of the police department.
- Andrew Tillotson regarding the City not offering Zoom as an alternative for meeting attendance, as well as support for the HRC's recommendations.
- Josh Rodriguez regarding his support of the HRC's recommendations.

David Barrow spoke on behalf of the HRC, summarizing comments from a written statement that included their mission and vision.

Mayor Smith indicated that there are two items on the Regular meeting agenda as a direct response to demands and recommendations made by the HRC and citizens.

D. CONSIDERATIONS

1. Consideration of Recommendations from the Human Relations Commission.

Larry Apperson of the HRC spoke regarding the document with HRC's recommendations, as well as those recommendations from the community, noting that it's an incomplete document but the best reference point at this time. Mr. Apperson stated he hopes that Council will be in favor of the recommendations and provide direction to City staff on how to proceed.

City Manager Nicklas provided an overview of this item, which included recommendations from the HRC as follows:

1. As stated, the HRC strongly believes that the City of DeKalb should review all community recommendations in recognition of the need for changes overwhelmingly expressed at our recent community events.
2. The HRC strongly recommends that the city increase its commitment to a community policing model and the full implementation of its components.
3. The HRC also recommends that those community recommendations that have already been completed or are in process, should be immediately communicated to the DeKalb community via all media avenues.
4. The HRC recommends that the Campaign Zero organization document (included in the July 13, 2020 City Council Meeting packet) be used by the Mayor, City staff, Police Dept. and City Council as a good starting point for further information and research data to assist in reviewing the recommendations and formulating changes to be made.
5. It is recommended that the recommendations that require changes to State of Illinois statutes be identified and lobbying begin with appropriate State of Illinois Representatives, Illinois Police Associations, etc. and a staff member be appointed to be the lead in this effort.
6. The HRC recommends that the city provide updates to the community through all media to inform them about progress on the review and investigation and decisions of changes based upon the recommendations.
7. The HRC also recommends that city updates be presented to the HRC at its regularly scheduled meetings.
8. The HRC recommends that the City use resources in the community to assist with the task of reviewing and deciding upon recommendations (e.g. community social service agencies).
9. The HRC recommends that, if the city determines that the review of these recommendations or review of some groupings of recommendations would best be conducted by establishing a smaller task/coordinating group, then besides the task group members being selected from the City staff, Police Department, and a City Council liaison, that such a smaller task group include two community representatives.

10. The HRC recommends that whether a recommendation is assigned to a staff member, small group or other entity, that such individuals or groups need to:
 - a. Research the recommendation using recognized organizations and/or knowledgeable individuals/professionals.
 - b. Identify other municipalities that have implemented the recommendations and, if at all possible, visit the municipalities.
 - c. Share the information with all stakeholders.
 - d. Decide, only after the above steps are completed, whether the recommendation under study can be implemented as stated or with some modifications or record why the recommendation is not possible.
11. The HRC recommends that the City use an operating principle to not discard or discount any recommendation because it, at first, seems “impossible.”
12. The HRC also strongly recommends that the Police Department not be allowed to reject the consideration of any recommendation.
13. The HRC recommends that the community recommendations be considered and implemented as quickly as possible.
14. Finally, it is recommended that an Action Plan be developed to prioritize the recommendations with timelines and staff, or groups assigned to coordinate and report the review of the recommendations. These prioritized recommendations and their timelines should also be made public.

City Manager Nicklas then reviewed a list of action steps, noting that some have already been taken administratively, while others are recommended for Council action. He also noted that there is no presumption that these are the only steps that might be taken over time, but steps that need to be taken now. Action steps include: (Recorder’s Note: This is a simple summary of action steps that have been or will be taken. Detailed information can be found in the backup documentation provided for this meeting.)

- **POLICE REFORM: STANDARDS OF CONDUCT**

Use of Force. The DeKalb PD standards of conduct have been revised to prohibit any “lateral vascular technique” and “any type of forcible neck restraint” as well as any choke hold that would impair breathing or restrict blood flow to the brain.

Duty to Intervene. The DeKalb Police standards of conduct have been revised to make it the affirmative duty of “any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to do so, intervene to prevent the use of unreasonable force.”

- **POLICE REFORM: OFFICER ACCOUNTABILITY**

Implementation of Body Cams. The City Manager recommends that the proceeds from the sale of the former city hall at 200 S. Fourth Street should be deposited in the Capital Projects Fund (400-00-00-38600, “Sale of Surplus

Property”) and the estimated \$150,000 necessary for the initial outfitting of all sworn officers with body cameras should be disbursed from that City fund for body cam purchases when the current pilot studies involving 3 body cam vendors are completed.

Public Posting of Disciplinary Records. As any and all disciplinary investigations are completed, the determination as to whether disciplinary action is taken or not shall be posted on the City’s website. A monthly updating will occur.

No Expungement of Disciplinary Action. No disciplinary records will hereafter be expunged from officer personnel files.

No-Knock Warrants. The Department has not sought “no-knock” warrants. If another law enforcement agency (e.g. FBI, State Police, etc.) seeks the assistance of the DeKalb Police in serving such a warrant, such assistance will only be provided if, in the opinion of the States Attorney and the DeKalb Police Chief, there is an imminent threat to life.

Hiring Practices. The Board of Fire and Police Commissioners will be reviewing its procedures to ensure that no candidates previously employed in law enforcement have been disciplined for violations of “use of force” protocols adopted by the DeKalb PD.

▪ **POLICE REFORM: CULTURAL DIVERSITY AND RACIAL BIAS TRAINING.**

The City Manager and the Police command staff agree that the department has an affirmative responsibility to develop compulsory, annual on-line diversity training for all sworn officers and community service personnel. Such training will conform to the provisions of the Illinois Police Training Act (50 ILCS 705), which mandates annual officer training. Under the Act, the guidelines for such training are established by the Illinois Law Enforcement Training and Standards Board. The DeKalb department’s conformity to these guidelines was a key consideration in its accreditation in the Fall of 2019.

Shared Principles. It is recommended that the Council adopt the set of principles reached between the Illinois NAACP and the Illinois Association of Chiefs of Police in 2018. The purpose is to help bridge the mistrust between Police officers and persons of color.

▪ **POLICE REFORM: COMMUNITY POLICING**

Imbedding a Social Work Perspective. It is recommended that Council approve an informal arrangement that has been established between the DeKalb Police Department and Northwestern Medicine’s Ben Gordon Center for the services of a social worker who will ride with officers and maintain an office at the DeKalb PD. The funding for this contract has been granted by the Community Mental Health Board through the good offices of executive director Deanna Cada.

Public Awareness of Police Methods. The popular “Citizens Police Academy”, which was discontinued several years ago because of inadequate funding, will be revived this fall to invite community members to participate in various simulations and discussions of Police policies and procedures.

Departmental Reorganization. The DeKalb Police Department will be reorganized to focus on community interaction and support.

Landlord-Tenant Relations: Prosecution for “criminal housing management.” To break the “rope a dope” defense of Hunter Properties, a new approach is necessary. The City Attorney will pursue claims of **criminal housing management** under a home rule ordinance patterned after State statute 720 ILCS 5/12-5.1. This State statute permits the prosecution of those who manage or control residential real estate who are recklessly permitting the physical condition in their facilities to become or remain in a condition that endangers the health or safety of their tenants.

▪ **NEW ORGANIZATIONAL AND BUDGET PROTOCOLS**

City Hiring Practices: Inclusion of Persons of Color on Hiring Panels. Effective July 1, all hiring panels created to fill authorized management positions will include persons of color. In the near term, this includes the interview teams created for the positions of assistant city manager and police chief.

City Support for Social Services. The City’s fiscal year 2020 Budget, which runs with the calendar year, allocates resources for social services.

Cost-Reduction in the Police Budget. On May 11, in the face of an estimated overall decline in General Fund revenues of \$4.5 million owing to COVID impacts, the City Manager proposed, and the Council supported, a reduction of Police staffing from 67 sworn officers to 64 sworn officers. Any further reduction from 64 sworn officers must be weighed against the incidence of crime in our community, and the effectiveness of crime reduction efforts through a variety of departmental programs and local nonprofit services.

Following the City Manager’s overview, Mayor Smith stated he’s impressed with the amount of information that has been put together in response to the community’s request for change. Mayor Smith thanked City Manager Nicklas for putting the information into a form that can be disseminated by all.

MOTION

Alderman Verbic moved to extend the Committee of the Whole meeting for as long as it takes to exhaust comments from the Council and community regarding this topic; seconded by Alderman Morris.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

Alderman McAdams stated he supports the Black Lives Matter (BLM) movement and the changes that have already been made to support them.

Alderman Verbic thanked BLM for providing information to the Council and HRC regarding this matter, noting he is encouraged by the number of items that we can apply measures to.

Alderman Finucane stated there are a lot of good ideas that have been put forth by BLM and the HRC, but there are some state and federal laws involved that the City cannot change.

Alderman Faivre stated we need to keep up the momentum, noting he would like to have the HRC assist Council in an action plan.

Alderman Verbic asked for consideration in getting into more of a practice of joint meetings of other government bodies, such as the DeKalb school board, park district, and county.

Alderman Morris agreed with Alderman Verbic about meeting with other government bodies, but direction is needed first. She suggested that Council go through each of the HRC's recommendations for a "thumbs up" or "thumbs down" vote. While she appreciates the symbolism of shared principles, they're just that; how are they going to change how the police department functions moving forward.

Alderman Smith thanked BLM for bringing this discussion forward and the HRC for bringing everything together. Alderman Smith also inquired how citizens can file complaints with the HRC, suggesting that process be streamlined.

Alderman Morris agreed with Alderman Smith's comments, noting that citizens should be provided with a way to contact those who volunteer their time to the City's boards, commissions, and committees.

Alderman Perkins also thanked BLM and the HRC for bringing this discussion forward. He also thanked the police department, noting that we're at an interesting point in history of evolving our policing practices. Alderman Perkins further noted that a lot of the points raised are huge with some than can just be put in place, while others are more strategically involved.

Alderman Morris stated she feels the direction to go in is performance-based budgeting and strategic planning with clear outputs and outcomes.

Alderman Verbic stated discussions need to be had on what we can and cannot do so that our plans are realistic.

Alderman Morris stated its evident quickly what we can or cannot do. If there is something we can't do because of state or federal guidelines, we need to lobby for those changes. She encouraged setting a date for a strategic planning session to ensure discussion and implementation of the recommendations.

Mayor Smith stated that he believes the last thing the HRC wants is for Council to indicate at this meeting what can and cannot be done. Further dialog is needed.

Alderman Morris and Alderman Verbic noted that the suggested strategic planning would be for this effort only.

E. ADJOURNMENT

MOTION

Alderman Verbic moved to adjourn the meeting; seconded by Alderman McAdams.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed and adjourned the Committee of the Whole meeting at 6:28 p.m.

Respectfully submitted,

RUTH A. SCOTT, Executive Assistant

Approved by City Council: July 27, 2020.