MEMBERS PRESENT: Aldermen Bernstein, Holmes, Jean-Baptiste, Moran, and Tisdahl

STAFF PRESENT: Chief Richard Eddington, Commander Barbara Wiedlin, Sergeant Daniel Russell, Alisa Dean, Elke Purze, Vince Jones, Jay Terry, Audrey Trotsky

OTHERS PRESENT: Pat Vance, Rosemary Jean-Paul, (Evanston Township); Sharon Eckersall, (Township Assessor’s Office); Bennett Johnson, Judith Treadway, Patricia Gregory, Madelyn Ducre’, Albert Gibbs, (See Attached List of Attendees)

PRESIDING: Alderman Holmes

I. CALL TO ORDER
Alderman Holmes called the meeting to order at 7:20 p.m.

II. APPROVAL OF THE MINUTES OF THE MAY 7, 2007, MEETING
The minutes of the April 4, 2007 meeting were called and approved (4-0). (Aldermen Jean-Baptiste entered the meeting shortly after the approval of the minutes.)

III. CONSIDERATION OF THE MAY 2007 TOWNSHIP BILLS
Alderman Tisdahl Moran moved for acceptance of the Township May 2007 bills, seconded by Alderman Moran. Mr. Terry noted that Mr. Hill is still in conversation with Mr. Hoover regarding the Assessor’s $32,106.25 legal expenditures which for the past few months has not been approved by the Human Services Committee. Alderman Holmes questioned Mr. Hoover’s intent to charge the City 1% interest per month on the unpaid bills. Ms. Vance said a letter from Mr. Hoover indicated that he planned to assess a 1% a month late charge against the balance owed by the Township. Alderman Bernstein asked if that was stipulated in a contract with Mr. Hoover as this cannot be done without a contract. Ms. Eckersall was asked if she had a contract with Mr. Hoover to which she responded, she had no idea whether there was a contract as Mr. Hoover was hired 3 or 4 years ago but will get that information for the committee. Committee members indicated Mr. Hoover’s bills should be held pending the outcome of the discussions with the Law Department. Ms. Eckersall added the $1,100 Office Depot charge is for a printer and they will receive a $500 rebate from their warranty.

Hearing no further questions Alderman Holmes recalled the motion to accept the Township May 2007 bills in the amount of $33,106.25. Motion unanimously approved (5-0).

IV. CONSIDERATION OF DISPOSITION OF CITIZEN COMPLAINTS AGAINST POLICE OFFICERS
Alderman Jean-Baptiste agreed with the findings of complaint #06-07. No one except the complainant heard the threat to kill someone and there were no witnesses to corroborate the complaint. The committee unanimously agreed (05-0) with the disposition of SOL for complaint #06-07.

Alderman Bernstein noted complaint #06-06 was the group violence complaint where people stood in the policeman’s way and asked if that type of action is common place. Chief Eddington said he would not say that is a frequent occurrence although it does happen from time to time. This was a bit more volatile because of the proximity to the high school dismissal time and a significant large number of youths at the scene that were friends with the people who came to the attention of the police. Alderman Bernstein’s concern was people not adhering to a valid policeman’s order, something that should not happen. The plea was eventually guilty to aggravated battery which negates the complaint. Alderman Bernstein moved to accept this finding. Alderman Holmes said the complaint was sustained because the complainant did not follow through. This happened in her ward and on the day it happened she received an inquiry about this complaint. The complaint was from the mother not the juvenile. The mother’s concern was there was supposed to be a lot of witnesses that this child had actually been thrown to the ground. The events leading up to this incident was similar to what was contained in the report. The complainant was trying to defend her brother. Alderman Holmes tried to call the mother to find out why she didn’t follow up if this was a concern, but did not get a phone call back from her.

Alderman Jean-Baptiste noted the Chief says to follow up the decision and make a complaint and asked when you come in do you submit something in writing, to which the Chief responded, yes. Alderman Jean-Baptiste then asked if the process is to invite people back for further discussions and interview with them and if the person or corroborating witnesses do not show back up your summation is then more likely to find the complaint unfounded. Chief Eddington explained the category used for that is SOL, which means if in fact the witnesses do appear the case is still open. For example, in this case if Alderman Holmes was able to contact the mother and let her know she has to go and talk to the
police the case will be opened up and the interview will be held. Alderman Jean-Baptiste asked how many attempts are made to invite that person back, to which Chief Eddington responded, three to five, both by telephone and in writing. Alderman Jean-Baptiste asked if the disposition of this case was SOL because there was no response. Alderman Holmes said there was some response and interaction between the OPS and the mother; she missed one appointment then another two appointments and came in for another, at one time the cousin came in. Alderman Jean-Baptiste asked if in this instance the case is SOL to be followed up and to try to bring some type of closure to this case. Chief Eddington remarked that is why the investigators recommended the disposition of cases #06-06 and #06-07 were SOL. Alderman Jean-Baptiste noted case #07-03 was Withdrawn.

Alderman Bernstein referred to the case of disabled parking at the Northwestern football game. He asked if the reason for the oral reprimand was because the officer was found to have done what the complainant said. Chief Eddington responded, no, we were concerned about the corroborating police officer’s witness testimony that the driver and the officer had engaged in a screaming match and we felt that was inappropriate on the part of the officer as we can make our point without screaming and engaging in that kind of conduct. That was what the reprimand was for. We did not threaten the complainant with jail, the raised voices was the issue that we could prove. Alderman Bernstein said his concern was you found that didn’t necessarily happen the way it was presented but found there was screaming which is inappropriate and what the officer was reprimanded for.

Alderman Jean-Baptiste asked whether an oral reprimand goes into the officer’s record. Chief Eddington responded if there is justified discipline or reason for the OPS or the Chief of Police to review the disciplinary file we would file an oral reprimand and file them for six months. Alderman Jean-Baptiste suggestion was to add an additional step in the process of those situations to restore any level of confidence there should be some communication with that individual.

Alderman Bernstein noted case #06-09 dealt with a bad stop and included a statement about gang cautions, which means there is a different process used with “known gang members” than used with ordinary citizens. Chief Eddington said it depends on what we’re using the gang caution for and in this particular instance the officer read too much into the gang caution and took it a little further than he should have without some additional corroborating evidence. In law enforcement it will pop up on the computer that there is gang contact gang caution for certain individuals. Alderman Bernstein asked if you’re differentiating between people who are alleged to be gang members and non gang members because of this label as alleged gang members. Chief Eddington said the gang caution comes with other issues than just gang affiliation, gang affiliation of itself is not a crime, however, the cautions come with other activities. Alderman Bernstein said that gives the policeman probable cause to approach the vehicle and make an arrest. His concern is if there is distinction between how you approach somebody who you believe to be a gang member and somebody who may not be a gang member. Chief Eddington noted just because there is a gang caution it does not give us probable cause to arrest. Alderman Bernstein said it’s not against the law to be in a gang and is concerned that we articulate some distinction; if we did then there would be a chance to stretch it more. Because this person had a prior DUW it gave the officer reason to believe he had another one which the law does not allow, you take somebody based on the circumstances you find. He was glad it was upheld that this was not a good stop. Today we have a number of young policemen and he realizes how difficult it is to be a police officer and how important it is to get the stability and the sense of calm a veteran has that a rookie may not have. He would like to say, especially to the new officers, people are to be judged basically on the merits of a particular view and not with any extraneous information.

Alderman Jean-Baptiste thought that was an important point. When he was on the Civil Service Commission the process stressed to the candidates if an officer knows an individual committed a crime before does that mean that officer has sanctions to go ahead and abuse this individual and treat the individual differently for violating the law. We have to be cautious as in trying to enforce the law there are certain communities where some people perceive any group of young men as being gang members and therefore approach them in a different way. We have to be extra cautious that we do not abuse any of the privileges we have just because we have authority. He does not know if Commissioner William Smith has anything to share in terms of the approach to the discussions with the new officers.

Civil Service Commissioner William Smith said part of the process that they go through and continue throughout the interviewing process. We do roll play and his favorite is to make sure our candidates understand that to be a policeman in this community and how we approach people is very important, everyone is watching and we’re going to be held accountable for that. There are instances where we suspect that a potential candidate does not fit that profile, the model we’re looking for. Some of the other things talked about in the interview process is the information we get back from people. There are questions about cameras, and what he is trying to find out is what he can do in terms of the Civil Service Commission as well as ECDC because we get a lot of complaints about them and people are asking whether it’s possible to make sure we do get cameras on all the police corners. He’s trying to find out how he can support that, what he needs to do and who he needs to talk to do that. We absolutely do have a profile we’re trying to get but unfortunately we can’t just hire older people.

Alderman Tisdahl agreed that case #06-09 was well resolved and completely understood witness #1 who should be asked to serve on some commission or board as he/she was pretty correct in their analysis.
Alderman Jean-Baptiste was unclear as to what the next step is once a particular officer is reprimanded. He was interested in the feedback as he did not know if there is something done to have that officer correct his/her behavior going forward. Chief Eddington said one of the things they do is additional training. One of the issues is in a complex situation of search and seizure the more training provided to the new officers the closer they will come to hitting the mark. You can go through the basic training but need time out on the street to understand these rapidly revolving situations and an additional training cycle to apply those lessons to understand where the guidelines are to apply them correctly.

Alderman Holmes called for committee approval of the completed C.R.’s; the committee unanimously approved the C.R.’s. Alderman Bernstein wanted to point out that we have 4 complaints but have numerous commendations written for and on behalf of our police officers in the way they dealt with different situations which the public never hears.

V. DISCUSSION OF CITIZEN REVIEW OF POLICE COMPLAINTS

Alderman Holmes gave some background of the last Human Services Committee meeting discussion when Chief Eddington was asked to review and report to the committee on a Citizen Review Board process, the possibility of moving the OPS outside of the Police Department, and the way complaints are reviewed.

Chief Eddington appreciated the opportunity to comment and report on the Human Services Committee’s inquiries. The Chief introduced Commander Wiedlin and Sergeant Russell investigators currently assigned to OPS and responsible for the significant amount of material presented to the committee this evening. They are here and available to the committee and the public to answer questions on any specific issues. The Chief referred to his memorandum that asks for a dialogue as he has proposed a number of ways to do a Citizen Review. The positions of OPS investigators are rotated assignments. Alderman Holmes interjected at the last meeting the Committee asked the Chief if he could comment on his previous community, what they did and other experiences he had with citizen complaints. Chief Eddington said his previous department dealt stringently with citizen complaints, they were under the Department of Justice Memorandum and Understanding and it was very formulated how we handled citizen complaints. Evanston has all of those components, the only thing we don’t have that the Department of Justice mandated was a remote site where you could pick up the complaint forms. In his memorandum he invites the dialogue because he can build a citizen review system with the approval of the Aldermen and the City Manager. However, if that system misses the concerns of the community that is not where we need to be as apparently there are concerns about how this is now being done. He has attempted to show how we’re doing this with the backup material and show how some of the roles that escape the police and OPS have to play by via the Illinois Police Officer Bill of Rights. There is a balance of interest here and we should stick to the issues. One of the issues brought to his attention was the concern about making complaints at the Police Station. He would like to know where people would feel comfortable making the complaints which part of this dialogue is for us to listen to these concerns. There are several citizen review comprehensive report models in our files from which we can pick and choose what we want. It is most important that we get to the bottom line to see what some of the unaddressed issues and community concerns are to see how we can more efficiently deal with these complaints. He wants to be as transparent as we can and have this open discussion regarding discipline that occurred, which is a form of citizen review. Our citizen volunteers participate in this process and the reports received this evening where there is a breakdown between the Citizen Review and our final disposition show that we have some barometer from the community on how we’re doing. He is again eager to hear the community’s concerns and in reviewing the transcripts from the last meeting saw some of those concerns. Unless there are specific questions about the information he provided he is looking forward to what the community has to say.

Alderman Holmes commented that it was an education for her going through all the information the Chief presented to the committee especially in terms of the investigation piece through the OPS when the investigation starts and the number of people it has to go through before it gets to the Chief. The current Citizens Review Board, that Chief Kaminski instituted before he left, does not see the complaint until it has gone through all of that processing and all the offices have made their comments. She wondered what would be wrong with having them get it as soon as the investigation was done, before it even goes to the Sergeant to make his comments. Chief Eddington said one of the issues with being citizen volunteers is we like to give them a package and have them look at everything that has been included and then make a decision. If they had seen it up front without our investigation or any discipline tied to it he is not sure what they are reviewing. He is flexible but wants to focus on what we want them to do when they look at the complaint. Alderman Holmes thought was why they couldn’t get the information just after the initial investigation after all of the information of the investigation has been done and the interviews have been done. Couldn’t they look at it before they get the input from the rest of the offices?

Alderman Jean-Baptiste thought part of the conflict between the community and the police, in terms of review of complaints, was when the Police Department reviews itself the tendency is they would not be objective. The last Chief and also the current Chief would also say we have a process and our people are fair and impartial and neutral, etc., etc., but the perception to the community is very important and if we bring citizens into the process of reviewing they should get a copy of the complaint when the complaint is initially filed. They should be part of the process discussing how to investigate the case. When you come to this committee you give us a report and with the summaries of what happened and the recommendations made. By the time we get the report we don’t have anything further to discuss as we may have different opinions as to methodology nor, most of the time, do we have access to the complainant which in his opinion means there is no objectivity. Let the Citizen Review Board begin to look at the process and have the opportunity to
Madelyn Ducre’, wanted to reiterate what was discussed at the last Human Services Committee meeting. She has been listening to Chief Eddington but needs to hear more precise things about what we’re going to do. She assumed that tonight we would be talking about explicit things or how we’re going to handle the review board, what things we should be looking for when you make your decisions on what you are going to do or present, and after talking to the Chief, we as citizens will come and address that. Alderman Holmes explained the report the Chief proposed to the Committee is to have this dialogue with the Human Services Committee members, members of the Citizens Review Board presently working with the Chief, the Evanston Police Department Command personnel and interested stakeholders. They will sit down together with the community to try to come up with the goals of a citizen’s oversight committee. He has examples of models all over the country but rather than just give a model wants to hear exactly what this community would like to see happen with this and to work from there. Ms. Ducre’ did not think that was good enough. Many citizens are saying we’re tired of talking; we want to see some specific issues this committee will address. We’ve been talking about this for over 50 years; we need to see some action from this committee. She would like the Chief to know that some of the younger as well older people feel uncomfortable as they don’t know if they should write, or tell, their complaint. Also, when they go to the Police Station they direct them somewhere else when asking for a complaint form, or say they don’t have any forms and they don’t get the forms. We need to be clearer on what happens when someone makes a complaint, does it go to the Chief, does the committee see it. When young people or older people go into the Police Department they’re harassed for going there because someone will say they saw them going there and asked why they went there. Another issue is the time, when she made her complaint it was 4:00 p.m. Have things changed, does everybody go home at 4:00 p.m., where do you go to make the complaint. Chief Eddington responded they have supervisors on duty 24 hours a day 7 days a week and you can see a supervisor to make a complaint. They will provide the form to write it up and one of the reasons why the background information was provided is for more serious matters we need a signed complaint for us to precede under state law, not the decision of the Aldermen, not the decision of the police. Chief Eddington offered to give Ms. Ducre’ the material discussed this evening to be aware of the rules that he has to function under which is part of the miscommunication he is trying to avoid. Ms. Ducre’ wanted to know whether OPS can be objective enough, as most people she has talked to say no. They want to know what happens to the officer if there is a complaint and it’s followed through. When she made her complaint she did not know how it went until later on when something else happened. She
thoughts what she and a lot of other people in this community are looking for is something specific we can work on to see some action on and before this night is over asked if we can set a date to get this done.

**Pat Gregory**, said she came tonight to appeal to you about adding another entity to OPS as far as not just the police doing the investigations. Her personal experience with them is horrible. She filed a complaint and followed through every step she was supposed to do and about a month after filing her complaint received a call from the investigating officer asking her to come in. She went in and was told the officer talked with the Chief about this and who wants to know what we can do to make this go away. She wanted to continue with the process to see exactly what they came up with. They said they’d get back to and asked if she was sure that was what she wanted. When she initially filed the complaint she got a number of calls from the officer asking different questions about what her son as he did not understand what happened because it didn’t sound like her son anything. She then got calls from the Chief asking why don’t we just squash this or do this. The letter she got from OPS said one of the four officers was found guilty and the other officers were unfounded. She called the investigation officer who just gave her a big run around what went on for a couple days until she said somebody needs to give her the correct information of what she needs to do next. She missed the meeting she was supposed to attend because of all the back and forth running around. She then called her Alderperson about what was going on. When she finally went to the meeting the committee said they wanted the Chief to reinvestigate, open and look into the case and she would be hearing something. To this day she has heard nothing. This happened in February, in July she filed a lawsuit because she hadn’t heard anything. This same officer continued to harass her son. Even with this the lawsuit in place, it got worse. If there is a problem and this is the process and you follow the process then there’s retaliation. OPS needs to be formatted a different way. She knows beyond a shadow of doubt that Evanston has some great police officers because she has interacted with them. They are very nice and kind and about community policing. On the other hand there a few out there that are not and if they think you’re nobody, that’s exactly how they treat you. She’s not sure what needs but something definitely needs to be done.

**Albert Gibbs**, born and raised in Evanston, said he has spoken before. He’s all for a citizen’s complaint review board. There are good and bad police officers, in particular neighborhoods and wards they act differently. In 5th Ward they seem to be unruly more often then what is necessary. He is not saying all the officers are bad but when he constantly sees officers in his ward compared to another ward conducting themselves almost like the gang members they’re supposed to be after, he thinks he’s looking at thugs dressed in police uniforms. An Alderman made a remark about people responding to police and if not the possibility may lead to anarchy. He asked if he would feel the same if an officer was rude, insulting and maybe confrontational to him. If you’re standing and watching something they will give you an order to leave or you will be accused of obstructing justice even if you’re not near where this is going on. A Citizen Review Board is very necessary for the reason that the foundation is to protect us and serve us which at times seems to be more important than the people they are to protect and serve. He wonders if that’s only because it’s the ward where it may be perceived may have the most problems with crime. Saying Evanston is a diverse community is as much fried ice cream as a rat being democratic. He’s all for the citizens review board.

Alderman Bernstein responded, in his estimation officers that are abusive are worse than a person who won’t move away. We don’t need police officers to become gang members or thugs; we need police officers to uphold the law. He does not condone any bad police officers but unfortunately the reality and the way our laws are created and written, the citizen has to take it. Subsequently we have a transparent, open process to address this; we can’t have people on the street making the decision who is right or wrong. Yes, he is concerned about anarchy, he’s concerned about a good police officer who comes in without an attitude who is not given the respect to which he is entitled as a police officer, it’s a two way street. He does not want any bad police and if he gave you that impression it was a misimpression as he does not condone any bad police activities. We’re here discussing this so there is transparency and the perception that you can’t get a fair shake by going to the Police Department is expelled. The Police Chief is new, he’s giving him ultimate confidence and faith because he means well and is going to do the best he can with your input and everyone else’s input. There’s no place on the street for bad guys or bad police.

**Bennett Johnson**, every person in this room wants a police force that preserves and enforces the law for personal reasons as well as for the good of society. We are fortunate to have a structure of City government where this committee has oversight. Unfortunately the oversight is not close or strict enough to make sure we have fewer complaints and fewer suits than we have at the present and we may have in the future unless we change. The reason for police is protection of its citizenry and property to the financial liability to the City because when we’re sued it costs and also damages the City when there are inferences of police misconduct and there have been many that he has been personally privy to. A few brief suggestions are, one, the law currently written by the Fraternal Order of the Police was not a law interested in protecting the citizenry of the community but interested in protecting the rights of officers. He’s not sure whether Evanston has a Home Rule Committee or how much latitude we have in that situation. There’s a rule where a Civilian Review Board can be set in place but does not how much power it can assume or can delegate, but is something that should be very closely looked into by the Law Department. The common issue in this is a matter of power, the police officer has total control of life and death over any citizen and may sometimes use deadly force in error and sometimes may use deadly force capriciously with malice of forethought. That happens, not to say it happens too often, but it happens. Unless we do something to make sure that power has some kind of control and oversight and monitoring it may lead to a worse situation than we have now. For many years he has studied the laws of arrest, search and seizure. What has happened in this country is at one time the rule of presumption of innocence was paramount in the way of police approach
and how court rule in violations of arrest and search, etc. Its been modified where there’s less citizen rights then there used to be and does not think providing the police with an excuse to be arbitrary and permanence. They have given themselves the right to arrest and adjudicate and punish on the spot which happens very often. The problem is the courts deal with criminals and people who violate the law on a constant basis and image wise is also a fact as a lot of these are people of color and people of low income. They make the assumption that every person who is of color and low income is a high potent criminal which happens very often in the way they approach as Alderman Bernstein cited earlier they approach a person who is considered a potential threat the reason he is concerned about loitering. Black kids stand on a corner and a normal reaction to people is to move away because any group of kids can be threatening. The point is race plays a great part in this because of the culture, the customs, the laws that say people who are Africans have fewer rights than anyone else. The facts prove that that’s the case, therefore a Civilian Review Board must have citizens on it who are sensitive to matters of race, who are fair minded, who are not interested in supporting the police because you’re supposed to support your local police. They should be interested in supporting the citizen and the law of the land rather a group of people who have delegated themselves the power to control people. Chief Eddington approached him earlier about having a meeting on this matter and he will set a time to discuss this with him. This matter should be stopped before it becomes a more serious problem than it is today.

Alderman Jean-Baptiste noted things have been moving slowly and what the Chief has suggested having some discussions. He would ask the committee that we have a special meeting to focus on the creation of this Citizen Review Board where there should be some very rigorous discussion. The Chief has some sort of process in mind and has to legitimately represent the interests of his department. Others in the City will have some suggestions and we need to have a working session to try to put together a structure that we can live with. He would suggest moving to a special meeting of the Human Services Committee to work and try putting something together in place. Ms. Treadway very clearly articulated some of the issues a lot of people are thinking and if she can structure it in a different way it would help give us some guidance. Also, it would help if we could have the benefit some of the proposed models, but not too many models where we can caught up in discussions that came out of some discussions a few years ago. If any of the Civil Service Commission would like to sit down with us that would be help in looking at the process in totality. That would be his motion for this process, The Human Services Committee unanimously approved Alderman Jean-Baptist’s motion (5-0) for a special meeting to put together a structure to institute Citizen Review and Police Complaints.

A date for the special meeting was set for Tuesday, June 19th at 7:00 p.m. This will be the only item on the agenda. Alderman Bernstein asked if the Disciplinary Act that determines what you can and can’t do is something the public should be aware of, copies of which were distributed. Mr. Terry wanted to clarify in the event any citizen did not know that Human Services Committee packets are available the same way City Council packets are available. Once the material has gone out to members of the committee we have packets that can be given out to the public.

VII. CONSIDERATION OF ORDINANCE 52-O-07 AMENDING THE NUISANCE PREMISES SECTION OF THE CITY CODE

Alderman Bernstein inquired about Section 1: 9-5-4: under definitions, 1., eliminating “Any Felony” and wondered if that was done because it was redundant or was there a reason for that. Ms. Purze responded Ken Cox City Attorney, who wrote the ordinance is not present tonight, and might have done that because it was a catch all used by property standards. She was told this ordinance was modeled after Chicago’s and if Mr. Cox took it out in one section he probably put it into another. It occurred to Alderman Bernstein that maybe it was repetitious.

Alderman Jean Baptiste needed some clarification in the NUISANCE PREMISES paragraph “no public nuisance or violation of this Section shall be deemed to exist unless; the premises are used for two (2) or more such offenses within any 6 month period. When we say two (2) or more such offenses do you affirm that defense is punishable by imprisonment by one (1) or more years?” In view of the fact that Ms. Purze did not write this ordinance and Mr. Cox did it was the decision of the committee to hold this ordinance for further clarification until Mr. Cox can attend a meeting.

Alderman Bernstein also wanted the Order of Abatement addressed: “the City Manager or his/her designee reasonably believes that any premises constitutes a public nuisance as described in this Section……..” Not knowing what “reasonably believes” means there have some standards for that to be enforced.

Alderman Bernstein moved to hold this ordinance for further clarification. Motion to hold Ordinance 52-0-07 amending the Nuisance Premises Section of the City Code Ordinance was unanimous approved (5-0).

Alderman Moran wanted to urge the committee to pass this ordinance next time in the proper form because he has some nuisance premises in his ward and without this ordinance these people cannot be successfully prosecuted. Administrative Law Judges are viewing our old nuisance premises ordinance as not being of a nature to make entry by means and enforce it and while that’s happening people who don’t behave well are going to continue to behave badly. This is an issue in a particular neighborhood in the 6th Ward and he hopes we will do something to which Alderman
Holmes added this is an issue in a lot of wards. Alderman Moran asked that this ordinance be reviewed as quickly as possible because it is needed for all our sake. Mr. Terry wanted to clarify Mr. Cox is on vacation but given there is an urgency on more than one City Council member’s part to go with this we thought we’d put it tonight’s agenda, get your questions, and see what the issues are. Also by way of background the State’s Attorney’s Nuisance Premise was the victim of a budget cut, there is no more State’s Attorney work relative to nuisance premises and the burden to eradicate nuisance premises falls on the municipality to add an even more urgency why we wanted to move this forward this month.

VIII. CONSIDERATION OF ORDINANCE 59-0-07 AMENDING THE CITY CODE TO CREATE A NEW SECTION ENTITLED “GANG LOITERING”

Alderman Bernstein questioned the term “hot spot”. Chief Eddington responded there’s a formula the District Commanders go through for criminal activities in a specific geographic area which is a hot spot. Once that’s defined by internal procedures then the position in the ordinance follow one.

Alderman Tisdahl inquired if an area is defined as a hot spot does is stay one forever, or does that have to be reviewed periodically. Chief Eddington responded, it has to be reviewed periodically, there has to be an articulated reason why it’s a hot spot, every district is going to have one whose criteria and the victim needs to explain why you’re doing it. Loitering in and of itself doesn’t get you a hot spot, it’s a combination of gang and drug activity that defines that. Alderman Bernstein noted to the extent there is a formula we probably should put that out so that everybody knows exactly how you delineate a hot spot. Chief Eddington said we can forward Chicago’s formula if you prefer, he prefers not to do the work on the hot spots if you are not interested in having an ordinance.

Alderman Jean-Baptiste inquired about the need for this ordinance. Chief Eddington said his impression from City Council was this was being worked on long before he came to Evanston. Alderman Holmes said she made the reference for this to come back to this committee to be discussed because of the complaints about loitering and the difference between kids just hanging out on corners and gang loitering. We wanted to make sure there was a real designation of the differences between the two which is why this item is on our agenda tonight.

Alderman Jean-Baptiste read the distinction of gang loitering, and asked what is the difference understood by the Police Department. Chief Eddington said they currently don’t have a gang ordinance and this language was added. The Chicago model is built on Supreme Court cases and we have engaged the training and dispositions from that model. If we can produce those things there would be a standard definition for gangs, loitering, and hot spots which would all be provided to you for the review of this ordinance.

Alderman Holmes had additional background information from last year before Chief Eddington came here. Certain neighborhoods came together for walks and other group gatherings. A lot of calls were received about kids in areas where there was nothing for them to do, just standing and talking that were identified as gang members or being there to sell and deliver. She wanted to make it very clear; this was not necessarily in the 5th Ward. Something we were very concerned about was making sure that good, regular kids were not being singled out. If they were kids who doing unfavorable things they need to be dealt with.

Alderman Bernstein called attention to the definition of gang loitering, which to him is very ambiguous. It says, “Remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to take over that area.” Any group of kids will be intimidating to some people. If we can identify what is perceived as drug trafficking, that is something illegal. This is criminalizing an intent which is hard for him to understand. We don’t want gangs to take over our neighborhood but at the same time until we get places for our children to hang out the street corners may be the only place for them to hang out.

Ms. Purze said this was done close to Chicago’s ordinance and what can be flushed out in the previous ordinance is developing some standards. There are four elements the Chief uses to designate hot spots, if the police officer is in a hot spot and sees a known gang member who is loitering, under this definition and there is one or more persons present and the officer has reason to believe that they are doing something wrong, illegal, or bad then this applies. Alderman Bernstein asked if you would have probable cause to make an arrest, to which Ms. Purze responded, yes, first the officer has to order them to disburse. Alderman Bernstein did not want to just disburse them nor does he want to bust a group of kids for being a group of kids. If there is reasonable belief a crime is being committed, arrest these people. This concerned him and he would suggest holding this ordinance.

Alderman Moran has talked to a lot of kids in Evanston who say they are afraid to go into certain neighborhoods and they don’t go there. There is a potential where gangs can literally stake out territories by being there. They’re not necessarily committing a criminal offense but they are shutting an area down, which he does not think anybody has a right to do that. About 3 or 4 years ago, in Chicago, Mayor Daley sponsored an anti-loitering ordinance that was challenged and went to the Supreme Court. The Supreme Court invalidated it because they said it wasn’t specific enough and this is Daley’s second effort to try to get something that will stick by developing more objective criteria to determine if what they are calling gang loitering is really a technique for intimidation. It’s a difficult task to define this but it’s a very real threat and a problem in the City.
Alderman Bernstein acknowledges this is a problem and why former Alderman Dennis Drummer started Coe- Moms/Coe-Pops, and why community policing is so important. Neighborhoods have come together numerous times along with the Police Department, not as vigilantes but as a community acting to disburse kids from gathering. His concern is codifying some legislation that can be used to keep kids from gathering. There are people concerned about harassing any group and the effect of this ordinance would be to establish control over an identifiable area. His concern is about making laws that can be abused. He does want to dissipate gangs but there are ways to address it that must come from the neighbors and the community. They have to take back their community; they can do it in large numbers with the Police Department. This is done by establishing a presence.

Alderman Jean-Baptiste stated one non gang member selling drugs on any corner is illegal as well as any large group is threatening. When we turned our attention to what was happening in Northwestern’s neighborhoods some work was done in educating the neighborhood about this issue and we were able to work with the University to help change the behavior pattern. We can’t criminalize the young people in this community and label all of them as being gang members because they get together. He agrees with intervening to disburse, move forward, do something different, or joining them to try to figure out what’s going to work and try to help maintain order. Some of the young people are being labeled are criminals but he can’t move to the position of beginning to judge what’s going on by reasonable person standard that they’re there for the purpose of dealing drugs. If they’re dealing drugs they should be arrested. This is an enforcement issue, its trying to make our neighborhoods better. We can’t just charge kids with a crime because they have gathered in a group. He’s for trying to maintain the peace and not allowing a threatening presence to be created but not with a response and then charge them with a crime. Alderman Moran said this isn’t charging them with a crime it’s an ordinance violation. The penalty is a fine between $100 and $500; it’s like a speeding ticket. Alderman Jean-Baptiste was afraid we are tipping to the other side instead of doing the hard work and trying to pull these young people together and moving them forward.

Bennett Johnson, remarked this is definitely unconstitutional. Those of us who believe in the Bill of Rights land the Right to Assemble know this is illegal. There are children in Evanston who are wannabe gang members, they’re not gang members, they think they’re gang members. They’re also not aliens, these are our children that have parents that live with them and know them. These kids are not monsters, they’re just a bunch of kids who are bored and want a find a way to get some kind of recreation. This is really a matter of the police and the community sitting down and working together.

Judith Treadway, felt this is a very ambiguous ordinance and may lead to abuse of it. According to the Chief the hot spot is the spot to be identified by a formula process by the calls to that geographic area. The legitimizing of this ordinance is in putting the word “gang image” because the hot spot must be a place where some kind of activity has been occurring that the police are monitoring and this hot spot must be a place where they identify gang members. If you’re using the term gang members you’re actually targeting people being identified as gang members whether you know them to be gang members or not. That can be an abuse of police authority to start harassing these “gang members” even though they may not be doing anything but standing on the street corner. That’s something that will precipitate or create probable cause for further harassment of youth who may be gathering on a corner. We already have the cameras which do exactly what you said they would do; the kids go from one corner to the next corner without cameras. Another concern she has with this law imitating, replicating, or copying what is in Chicago, is Chicago has over 3,000,000 people; Evanston doesn’t even have 90,000 people. Why would we want to create an ordinance with such a strong perceptual like gang loitering in this little community? This law may not equate to the amount of activity in a large city versus the amount of activity in our small community. We should work toward avoiding the abuse of our youth by having this law as it will make it more optimistic for an officer to arrest a kid who may not be doing nothing but just standing with a group on a street corner and maybe using foul language. She does not like this ordinance nor the word gang loitering and hopes this committee will look it over again. We should not be slapping ourselves on the back for having gang members in our community. We should have corrected the problem 20 years ago when nobody wanted to recognize that we had gang members in Evanston. That’s when the prevention and intervention should have begun, we’re now on the tail end of all the real gang members being old and gone and we’re calling our little wanabes gang members. Let’s work on the intervention for youth and get rid of the word gang and stop trying to target it. The police can move the real criminals out of the community appropriately. We do not need to be targeting our youth by putting out this ordinance that they might fall under the guise of the police officers for being abused or harassed.

Alderman Holmes wanted to note it is not just police officers driving this, a lot of our citizens are calling the police when they see kids on the corners or in the neighborhoods giving the appearance the kids are doing something. She cannot say how many times last year police officers said to her these kids have no where to go, they’re not doing anything but we’re being called. We have to distinguish between these groups of kids. Ms. Treadway agreed with Alderman Holmes but using the word gang is an inappropriate term and should not be a term that will allow for the police to harass youths who might be giving those citizens cause to call the police, as she also calls the police. She doesn’t tell the police when she calls that they’re gang members but a group of kids causing a disturbance. If we start using gang in everything then we will be presupposing that any kid gathered in a group getting into a little fracas on the street is going to be a gang member. She’s not against citizens calling but doesn’t like the word gang and thinks this ordinance is too ambiguous for our community of less than 90,000 people.

Alderman Bernstein did not want the pendulum to swing the wrong way. There are gang members in this community and to him a wanabe is as dangerous as a potential gang member. He does not want to condone gangs; we have gangs and
Chief Eddington pointed out that part of the background of the law enforcement definition for gangs was very specific. Also you will find there is a tag called "self admitted" for most of the gang members in those law enforcement hits. This is not a label put on a group of unruly kids. This ability to arrest gang members through the use of our neighborhood enforcement team is extremely labor intensive and frightening versus the beat officer telling them to move along when not a label put on a group of unruly kids. This ability to arrest gang members through the use of our neighborhood enforcement team is extremely labor intensive and frightening versus the beat officer telling them to move along when there are crowds. What's being brought to the City Council is this balancing act that involves dollars and cents and public policy and this is one option that has been utilized in Chicago that you can look at and accept or reject, yet all those strains run through this very specific definition of gang members and the cost to put together a drug promotion conspiracy versus move along. That's the decision of the State Law Enforcement, the Legal Department and the Police Department.

**It was the Committee's unanimous decision (5-0) to hold this ordinance for further consideration.**

**Ms. Ducre'** commented that the discussion of the Nuisance Law and attaching things to it scared her. It can be a technical way of the law obstructing things and then attaching something else. Ms. Ducre' described an incident involving a young member of her family and other youths that were using foul language, at the basketball courts at one of the City parks. The incident led to someone calling the police. An officer came and talked to the person who called him then talked to the youths. The officer went back to again talk to the person that made the call at which time two more officers arrived and the first officer said to arrest all of the youths who were all taken into the station. Ms. Ducre' would like to know what happened to talking to children. Why arrest these young men, swearing is all over the community and on television every day. Her concern is when her relative's mother went to the Police Station she could not take the youth home without signing a paper. This wasn't the type of arrest where there is a court date, the officer said the paper would be put in their file and if they ever caused any kind of problems they will look at that, they called it a nuisance, but it's a form of a record. The youths were 14 to 16 years old. Her concern is why isn't there some policy in place, and if there is a policy she would like to see it changed because we are destroying young people's lives.

Alderman Jean-Baptiste thought Ms. Ducre's point was there should be more dialogue and communication. He told she could follow up on that incident to find out what is going on. There is a perception here that basketball courts have closed down because they only want a certain group of kids coming there to play as they see them in the context of gangs and negatives. That is something that should be followed up on. He does not know if there were any complaints or formal discussion with the Chief about this. Alderman Holmes said Ms. Ducre' did call her and she sent a letter to Chief, but as of today he had not received it, she gave him copies tonight. Ms. Ducre' called her lawyer who said if those things were said it sounded unconstitutional and he would have to look further into this. Ms. Ducre' would like to know what happened with the record, why can't the parents get a copy of the statement. Alderman Holmes said if the complainant filed a formal complaint a copy of that should be available. Chief Eddington said this is the first time this has come to his attention and he will consider the letter of complaint and will initiate our Internal Investigations to see what happened and what questions we can answer.

**IX. CONSIDERATION OF AN INTERGOVERNMENTAL AGREEMENT WITH EVANSTON TOWNSHIP FOR THE PROVISION OF EMERGENCY ASSISTANCE**

Alderman Moran motioned for approval, seconded by Alderman Bernstein and unanimously approved (5-0).

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There were some proposals in Springfield that would lose money for the Evanston schools, school funding has all the provisions but you can end up supporting a bill that you don’t agree with at all by the time it reaches the final vote. There were some proposals in Springfield that would lose money for the Evanston schools, school funding proposals that would cost us millions and there are some that are good for us. What final form it will be in nobody knows.

The Joint Legislative Task Force of School District 65 and 202 has worked long and hard and the way bills work in Springfield you say you support a certain bill that only things that are going to get it done. That’s his position.

Alderman Tisdahl said she spent five years in Springfield working on school funding reform with getting a bill passed for a billion more dollars in school funding, so she does not think it’s true that nobody wants to do it. A lot of us have worked awfully hard and awfully long. This reason this is this way is very specific, the Joint Legislative Task Force of School District 65 and 202 has worked long and hard and the way bills work in Springfield you say you support a certain bill that has all the provisions but you can end up supporting a bill that you don’t agree with at all by the time it reaches the final vote.

Alderman Jean Baptiste asked whether Alderman Moran if he could see his way to add a paragraph to urge some alternative. Alderman Moran proposed the following paragraph to be added to the ordinance:

We should urge our legislators to engage their colleagues in Springfield both in the House and the Senate to come up with meaningful statewide education funding and to consider all affordable elements in doing that including adjustments to state income tax and sales tax and come up with a better formula.

Alderman Jean Baptiste moved approval of Resolution 28-R-07 as amended by Alderman Moran, motion seconded by Alderman Bernstein and unanimously approved (5-0).

Alderman Tisdahl moved approval, seconded by Alderman Bernstein.

Alderman Holmes did not have an issue with donating the material but did have an issue that we have given up on using our own Health Department and our families will have to go to Skokie to the Court House for services. One of things she thought we were very clear about during our budget hearings was as long as the services were available in the community that people were okay with it. The Skokie Court House is not our community and she wants to go on record as saying she’s very, very disappointed that the services have been taken out of our community. The City was in conversations with Access for Care at Howard, which is a little different than the Skokie Court House. She can deal with Howard Street but taking this to the Skokie Court House is different and thinks this is bad for us in terms of having removed these services from our Health Department and now having them out of our community, something she did not bargain for.
Alderman Bernstein thought we were going to make certain the services were available before we gave up on ours. He recalled the budget considered continuing on through July and there were conversations about the backlog in Cook County. Mr. Terry said the process after the budget involved the elimination of a number of state grants. The clinic is being proposed by the County is for Family Planning and Sexually Transmitted Diseases. Once we informed the State of Illinois of our decision relative to the grant funded services an entire bureaucratic process started that didn’t involve us and which the State of Illinois began to look for alternative service locations for the state funded services. Through a series of conversations, which he and no one in our department was involved with, the Cook County Department of Public Health, the Illinois Department of Human Services, and the Illinois Department of Public Health decided that the Skokie Court House was the best service location for our region, at least in terms of Family Planning and Sexually Transmitted Diseases. Once our decision was made it started a lot of processes that would be extremely difficult to stop at this point. Alderman Tisdahl asked if we could try to stop them. Mr. Terry said we laid off 13 staff, 6 or 7 of which have found other positions, and we are 3 weeks away from the total closure. It would involve reversal of policy from everything you’ve articulated thus far this year. Alderman Tisdahl said we did articulate that we would provide the services if we couldn’t find another way of providing them. Alderman Holmes asked about our negotiations with Carepoint and others. Mr. Terry said we did not have negotiations per se with Carepoint. About 3 or 4 weeks ago he did receive, what he hesitates to call a proposal, which did not present him any kind of data in terms of who would be served and where those individuals would come from. Every health provider we talked to indicated to us that the notion of an Evanston only anything was not economically feasible, health is now a regional service to be provided whether its by the hospitals, the County, Planned Parenthood, or Access Healthcare, any partner we spoke to indicated the numbers just weren’t there for an Evanston only operation to be viable. If we were to try to reverse field now it would end up being virtually and exclusively a general fund operation and would be an additional burden to the budget above and beyond what was budgeted for in the last fiscal year. At this point there are any number of state officials and state action that are all moving forward under a certain set of assumptions which flowed from our decision not to provide the clinical services any more.

Alderman Jean-Baptiste asked if Carepoint submitted a non proposal because as he recalls we were to negotiate with them which was one of the options we were going to explore. He can see that as something we would proactively pursue as opposed to waiting to respond to a proposal that they may submit. People will now be going to the Skokie Court House for STD and Family Planning services. Mr. Terry added or go to Access Health Care or the outpatient clinics at the hospitals. There is no one size fits all answer to where people are going to go. Alderman Jean-Baptiste said they have not received a real update to what we’re doing. Mr. Terry responded we gave the update to you a week ago in your Friday packet it was quite detailed as to where we were on every service transition. Alderman Jean-Baptiste said when a document is given to us without discussion or interaction then we can’t question or get further explanation on the subject matter. Mr. Terry wanted to respond to the discussion of Carepoint and said in January and February it first came up as a potential part of the budget consideration because it would have required an additional budget allocation. He had not received anything from Carepoint until mid to late April, well after the budget had been passed. At the time it was proposed he did ask them, and for whatever reasons did not receive any response from them until after the budget passed. Again, he did not consider it in quality or in detail that it was worth going forward with particularly if it meant going forward and asking for a special budget allocation to fund something. He does not know how many Evanston residents they serve. He does not deny that they provide a good service, but given their location if he asked to justify an allocation in the Evanston budget he’d like to have some sense of how many Evanston residents they serve. He would also add to that both the City’s CDBG Process and the Emergency Shelter Grant Process, are funding Carepoint for the first time. His staff, Alisa Dean, has been working very closely with Sara Flax and CDBG because there has been uncertainty as to what Carepoint does and does not do. Both departments have been working together for the first time to have a set of contract objectives so that everybody is on the same page of understanding what the expectations are of Carepoint in terms of what they do and how we’re going to be measuring them in terms of the success and objectives they’ve achieved. It was in that atmosphere that he thought adding another layer of something, which he could not define beyond something, on Carepoint didn’t seem to be the prudent course at this time.

Alderman Holmes said she asked the City Manager a couple of times for an update on where we were with these services as she was concerned. The update she received a week ago did not click in until today when going over her final notes. This did not say what we said we were going to do, and thought take this back to the Council in terms of what we said about dismantling the Health Department especially the clinical services as that takes away their credibility. Alderman Bernstein’s recollection is the City Manager said that we would find accommodations for all these people and we would not put them in the street. She thought we needed to get everything in place and we’d be out in June and July. Mr. Terry said that was because of the state funding we wanted there to be an orderly transition of the State funded services and the State of Illinois through its departments decided that the appropriate agency to pick up at least our Family Case Management Program and our Family Planning Services is the Cook County Department of Public Health. Alderman Bernstein asked if we’re going to bus people out there to which Alderman Holmes added especially the young folks. They used to be able to walk to the Civic Center but it’s a long way to the Court House and she’s not sure about how the buses run there and was informed there are buses going there.

Ms. Ducre’ said she was against getting rid of the Health Department and asked the committee if they are saying that these services are going to be out of reach for a lot of people that will have to go to Skokie. What is going to be left of these people who want health care and it’s not available to them. Alderman Holmes responded this discussion just
concerns STD and Family Planning services and does not have anything to do with the well babies or school physical that is all taken care of at the hospitals.

Alderman Holmes did not know what we can do about this, to which Alderman Bernstein added we don’t have any people left so the traffic that was there, is of no consequences. The question is can we generate some revenue if we sell the furniture and equipment. Mr. Terry said equipment is old and of dubious value so the only alternative would be Ebay. Alderman Jean-Baptiste suggested donating the equipment to Belize. Mr. Terry commented we thought our equipment was not in great shape, but when the County staff went through our stuff they said they didn’t have anything that good in their system.

Alderman Holmes recalled the motion to consider Resolution 27-R-07 authorizing the donation of surplus medical furniture and equipment to the Cook County Department of Public Health, motion unanimously passed (4-0). (Alderman Moran left the meeting before the vote was taken.)

XII. ADJOURNMENT
The meeting was unanimously adjourned at 10:15 p.m.

Respectfully submitted,

Audrey Trotsky, Department of Health and Human Services