

**CITY COUNCIL  
HUMAN SERVICES COMMITTEE  
Monday, February 18, 2008  
Civic Center - Council Chambers  
7:00 P.M.**

**ROLL CALL- PRESENT:** Alderman Bernstein, Alderman Holmes  
Alderman Jean-Baptiste Alderman Moran

A Quorum was present.

**NOT PRESENT:** Alderman Tisdahl

**STAFF PRESENT:** Evonda Thomas, Nicola Whyte, Herb Hill, Lisa Woods, Adelita Hernandez

**OTHERS PRESENT:** See attached list of attendees

**PRESIDING:** Alderman Bernstein

**I. CALL TO ORDER**

Alderman Bernstein called the meeting to order at 7:10 p.m.

**II. APPROVAL OF THE MINUTES OF THE JANUARY 7, 2008, MEETING**

**Alderman Moran moved for approval of the minutes of the January 7, 2008 meeting; Alderman Holmes seconded. Motion unanimously approved 4-0**

**III. CONSIDERATION OF DECEMBER 2007 EVANSTON TOWNSHIP MONTHLY BILLS**

**Alderman Jean-Baptiste moved for Approval: Alderman Holmes seconded. Motion unanimously approved 4-0**

**IV. CONSIDERATION JANUARY 2008 EVANSTON TOWNSHIP MONTHLY BILLS**

**Alderman Jean-Baptiste called for a motion to approve the Township Assessors bills. Alderman Moran seconded. Motion unanimously approved 4-0**

Alderman Bernstein had a few questions 1) regarding the list for the Payroll processing report Township and Assessor Payroll there was a coversheet but no report 2) clarification on the name of an education organization.

**V. UPDATE ON DISCUSSIONS OF POSSIBLE CITIZEN REVIEW OF POLICE COMPLAINTS**

**Alderman Bernstein called for a motion to accept as presented; Alderman Jean-Baptiste seconded. Motion unanimously approved 4-0**

Alderman Jean-Baptiste asked the Chief of Police about CR#07-01. What procedures the officers are following regarding that context? A reprimand was issued to the officer involved. The Chief replied that the reprimand was for the Juvenile investigator who was the lead officer on the investigation. He failed to provide a second juvenile officer while interviewing a juvenile which is required by state law. The second officer does not interrogate they are there to safeguard the rights of the youth. Due to the officers inexperience the Chief felt the reprimand was appropriate in a progressive discipline setting. One change that has occurred in the department due to this situation is a redistribution of supervision to ensure proper coverage on each shift.

Alderman Holmes wanted to know if it was the lead officer's duty to inform the family that the juvenile would be interrogated. The Chief replied that the environment at the time was confusing and that is why a supervisor is needed to calmly sit and discuss the situation, there was a miscommunication between the youth and his parents and the parents and juvenile officer. The officer who interviewed the youth was not there when the parents told him not to speak. The miscommunication led to the confusing and mislaid information and that is why a supervisor is needed to be the central information point to prevent anything like this happening in the future.

Alderman Holmes asked if it is common practice for the youth parents to be notified so they can be present when the youth is being questioned. The Chief responded yes, the parents are given a chance to be with the youth when they are being interrogated and if they are not present a second officer is present.

Alderman Bernstein asked the outcome of the robbery charge. The Chief said the victim did not identify the offender and the charges were dropped. He further stated because of the budget cut at the county level the information on case status

is not going to the community quickly and he has asked the court officer to check if we need to assume that burden to reduce the confusion in the community as to the case status of their kids.

#### **VI. UPDATE OF CITIZENS POLICE ADVISORY COMMITTEE INTERNAL MEMORANDUM**

Judy Treadway a member of the Citizen Police Advisory Committee said they are in the second review of the proposal and the committee hopes to have a final proposal by at the April 7, 2007 Human Services Committee Meeting. Alderman Bernstein thanked her for working on the proposal, its going to be very beneficial.

#### **VII. CONSIDERATION OF A PROPOSED RESOLUTION CALLING FOR HUMANE AND JUST TREATMENT FOR IMMIGRANTS AND THEIR FAMILIES**

At the January 7, 2008 meeting a Resolution was proposed and it was kept in committee to broaden the group that spoke on the Resolution. An alternative Resolution was submitted by the people who submitted the first Resolution, Alderman Jean-Baptiste submitted an amendment, so there are three copies of the Resolution. The third Resolution submitted by the Resolution group is a combination of Resolution 11-R-08 (approved January 7, 2008) and Alderman Jean-Baptiste amendment.

#### **Alderman Jean Baptiste move to substitute the Resolution calling for Comprehensive Immigration Reform as the Resolution. Alderman Holmes seconded.**

Alderman Moran suggested that the meeting should focus on resolutions related on the issue and he reminded the committee that they unanimously vote in favor of the original resolution. He suggested that they hear what the speakers had to say and then take it to Committee discussion. Alderman Jean-Baptiste clarified the difference between the three Resolutions; 1) called for the City of Evanston not to discriminate against immigrants documented or non-documented in providing services and the Police Department not to investigate immigration status when someone is being charged. We do not discriminate in Evanston and the Police Department does not go out of their way to investigate immigration status 2) this Resolution calls for temporary protective status; protection of family separation due to deportations of undocumented parents to separate them from their American children. It asks for a faster process to extraditing qualifying applicants who are eligible to receive their legal papers. Redirect public resources from deportation to providing safe entry, end to discriminatory treatment of applicants for immigrations relief on the bases of race, national origin, gender, and economical class status 3) integrates the first by calling for Evanston not to discriminate with the comprehensive reforms that is in the second proposed resolution. Alderman Moran reiterated the importance of the resolution and putting it on record to eliminate confusion as to what the practices would be there will be a formal policy and procedure on record. Alderman Jean-Baptiste voiced a warning as to advertising Evanston as a sanctuary city; the residents would be subjected to greater danger, it would be safer to keep it under the radar keeping under the radar it would be safer. Alderman Moran disclaimed the term sanctuary city; it is not or ever was the intent. It is a resolution calling for Humane and just treatment of immigrants, all immigrants in Evanston.

Loretta Line, 1425 Howard speaking on behalf of the YWCA please see Attachment A.

John Drennan, 400 Main St.: Mr. Drennan thanked Alderman Moran on his availability; he was concerned about the original resolution stating it could potentially put the City at risk for litigation and jeopardize the safety of some citizens. He felt when efforts to protect one group of people could potentially put the City and its citizens at risk for harm it losses its purpose. Mr. Drennan received a statement from the Immigration Law Institute which stated the Resolution is unlawful, he also went on to say that a matricula consular (consular registration document) could be obtained fraudulently and does not satisfy as form of identity. He urged the Committee to keep the Resolution in Committee until these four things are met: 1) the Resolution should support, compliment and cooperate existing law 2) remove the hate language 3) define the group of people the Resolution is to protect 4) consider removing any inferences that the City supports any specific immigration platform . He offered his time to reshape the Resolution if needed.

Linda LaFianza, 1616 Thelin Ct.: Ms. LaFianza highlighted the fourth paragraph on the approved Resolution and felt the Committee should reexamine it. She urged the Committee not to rush ahead on the Resolution and also suggested to put the Resolution up as a referendum to truly get the voice of the people.

Fr. Bob Oldershaw, St. Nicholas Church: Agrees with Ms. Line, he believes a public statement on what position Evanston will take on immigration status is needed. He "believes that all immigrants documented or undocumented need to know Evanston is a place that respects them as human beings, a place where they can get services and assistance without placing themselves or their families in jeopardy."

Dawn Marie Mueller, resident of Oak Park representing Illinois Citizen Security Network; Ms. Mueller read a paper published by the Center for Gender and Refugee Studies at the University of California, Hastings College of Law and its entitled *Justice for Pepe, Justice for Guatemala Campaign*, October 15, 2007. Signatures also on the documents were two Evanston Residents Rachael Heuman and Martha Pierce. Ms. Mueller felt we need to respect the rule of law; she is a

poverty advocate working with sexual assault and domestic violence. As a survivor herself she felt that it was harder on her at times because she was turned away from shelters due to immigrants filling them up.

Rosanna Pulito, Federation for American Immigration Reform (FAIR) out of Washington DC; Ms. Pulito is of Mexican decent and is very offended by the language regarding increasing anti-immigrant and racist atmosphere. She felt the media ignores the people of Mexican decent who want to see the law enforced. She differs from Alderman Jean-Baptiste where he wants comprehensive immigration reform and Hispanics from You Don't Speak for Me are calling for comprehensive immigration enforcement. Ms. Pulito hopes that to ensure the security of the citizens here the laws should be enforced. Lastly, she felt that Mexico is exporting their poverty into the U.S. and allowing the American tax payers to foot the bill.

Judith Treadway, 226 Callan Ave, Member of NAACP of Evanston/Citizen; Ms. Treadway has handled the legal redress for seven years for the NAACP and has not gotten any complaints from a person with a Spanish last name regarding any discriminatory practices in Evanston, however 5 African American have complained about termination of their jobs due to hiring of Hispanics. Evanston has made every attempt to accommodate anyone who needs services. She felt the population is diverse and the Resolution should support the immigration reform that would help with some of the problems we are having regarding illegal immigrants making the U.S. their home. The proposed Resolution may give the perception of preferential treatment to one group of people in the community. That would be harmful to the overall diverse efforts of the community to be open arms to everyone who becomes a resident. Ms Treadway has not noticed any profiling of people with Spanish names by the police department and law enforcement practices. We have harassment across the board that could happen to any citizen in particular citizens of color. She urged support of the legislators to change the immigration laws to be able to accommodate people coming to the U.S. She further stated that we need to be fair to all citizens and there is no need to legislate it, we don't need a Resolution.

Margaret Feit Clarke, member of St. Nicholas Church. Spoke on behalf of the immigrants in her church, there are kids who come here as a babies and they are forced to return to their country of origin at 18; or paperwork that is still being process for 17 years, they want to do the right thing they want to be legal; A father refused a promotion because he did not want to bring attention to himself. Ms. Feit Clarke agrees with a lot of the comments already said especially Loretta Line and Fr. Oldershaw. She supports the Resolution and urges the community to also support it.

Madelyn Ducre, Evanston resident; Ms Ducre believes we do not need to pass a Resolution because people should be treated like human beings. There is a law that is against illegal immigrants in America, and Arizona is passing a law that is really inhumane. Ms. Ducre believes we do not need a Resolution like this in Evanston, and immigration issues should be left to the U.S. government. Citizens should push their legislator to make laws for each state to follow and enforce those laws.

Betty Ester, 2114 Darrow Ave; Ms. Ester wanted to know if the Resolution is going to be a law in Evanston. If its passed are we going to change the ordinances to reflect how the police department should conduct there duties? In her voluntary work one of the requirements of assisting people is to ask their immigration status and if they are undocumented then she has to refuse assisting them due to the requirements. Ms. Ester does not want the Resolution to cause confusion in the case of refusing a client; she doesn't want the client to say a law was passing in Evanston but really it was a resolution. If it's not a law but a wish list she would like it to be clear to the community that it is not a law but a statement. She is not in favor or against the Resolution just want clarify for the community.

Manuel Castor, 431 Callan Ave; Mr. Castor feels that the community has many productive immigrants and the Resolution would build trust and build bridges. If a decision can be made right now then we can move forward to make a better Evanston.

Kathy Chiwah, 942 Ridge Ct a member of St. Nicholas; She moved to Evanston because of the justice, diversity, human rights and its safe. If the police are redirected to checking on immigration status then that will take away from providing safety to the citizens; in communities were police are checking immigration status, citizens are afraid to participate in assisting or seeking help from the police. The Resolution is about standing up for what Evanston believes. It's a human rights issue, human rights to immigrants does not preclude it for others because we give human rights to all groups. Let the federal government handle the immigration issues and let Evanston continue to build a just and safe community.

Rick Jones, 1717 W. Wallen; Mr. Jones was attacked on by two illegal aliens some years ago and he felt if the Evanston City Council passes a Resolution or law that prevents the police department from identifying illegal aliens that is a violation of federal law.

Arizona Tuckwell, 739 Madison Ave, member St. Nicholas; Ms. Tuckwell agrees with some of the things said tonight. She read a story about an immigrant trying to achieve asylum in the U.S. and contributing while her papers are being processed.

Diego Bonesatti, Illinois Coalition Immigrants Refuge Rights; Mr. Bonesatti was invited by St Nicholas and he supports the third version of the Resolutions. He addressed two items 1) the need for change to the immigration laws, resolutions are a way to speak to the Federal Government 2) public safety, and "the resolution as stated does not require anybody where state and Federal law mandates that citizenship status or immigration be requested does not change it is where it is not required that it is not to be listed". He brought up the statement made by Ms. Line about the activities happening in Waukegan and he clarified by saying they have taken an optional provision and further stated that municipalities may engage in a Memorandum of Understanding under section 287G. Regarding Matricula Consular the State passed a law making it an acceptable document unless a provision of law requires a different document. He also address the issue violence and stated that there is a Violence Against Women Act that permits victims of domestic violence at the hands of U.S. citizens or permanent residents to apply for a Visa. There are numerous examples within the law that deals with the ambiguity of people being here without status and being victims. He hopes the Evanston will go the right way and to protect its residents.

Fortino Leon, 1217 Dodge, Mr. Leon stated Evanston benefited from immigration by new initiative, cooperation, ownerships that benefit a lot of citizens. The Mexicans have tried to live a good life for their families and he was asked "what do Mexicans really want" and his reply was "hopefully the same as you do, a place to live to raise my family". He is afraid that Evanston might break the law because of the government. He reflected on a comment made by a presidential candidate; the welfare should not be subjected by one person but from all of us working together. He felt the Resolution would give immigrants a chance to participate more. Mr. Leon wants to work together for the better of Evanston.

Benett Johnson, 708 Washington: Mr. Johnson feels that the immigration laws should be looked at. They were passed to primarily exclude racial groups. Its economics that drive immigration and the reason that the Hispanics and other immigrants were brought here was for cheap labor. We as a community need to stick together. It's a moral law and we should treat people as human beings.

Jose Choco, 2104 Cleveland Ave; Mr. Choco felt Evanston needs to decide what happens here not others who are promoting against immigration in the country. He pointed out that immigrants are from all over the world not just from Mexico, and criminals are not just immigrants but also people that were born here.

Willis Francis agrees with Mr. Johnson and felt he summarized what he wanted to say. He felt that we need to do a better job supporting each other struggles.

J. Lewis, 740 Mulford Ave; Ms. Lewis is an immigrant and felt a person doesn't know about what it is like unless you have experienced it. She asked the Committee to pass the Resolution.

Mario Vanegas, 330 Ridge Ave; Mr. Vanegas is in favor of the Resolution and did not think that Evanston could function without immigrants because they are contributors. He asked "do we not have a responsibility to the people of other countries because of the American government involvement?" Mr. Vanegas stated immigrants are here to contribute to society and they come here because the situations in their own country make it unsafe.

Nicholas Miles, 2306 Colfax St: Mr. Miles stated that Evanston is a community that is not afraid to take action and sticks its neck out to make a statement. Evanston set and raises the bar for other communities and feels the Committee should pass the Resolution for fair treatment and send a message to the Federal government.

Alderman Bernstein stated that the Resolution approved at the last meeting was modified and there were several amendments made to it. Someone questioned why an Alderman gets to submit a version of the Resolution without attributions to other groups that are in favor of it. The alderman has the opportunity to accept, reject or modify and Alderman Jean-Baptiste did just that. He asked Herb Hill (City Counsel) is the City violating any statute of the U.S? Mr. Hill replied that it depends what resolution and the contents passed. With respect to the Resolution Alderman Jean-Baptiste or the second version it is most consistent with federal and state law and meets all legal requirements. The law department did locate two federal statutes which preempts local or state action and prohibits the municipality from directing its employees not to comply with federal legislation; that is 1996 legislation. Mr. Hill felt the Committee needs to take the Resolution that is developed by the Committee and analyze each provision and how it impacts with the 1996 legislation. He further gave history on Sanctuary City and explained that the City is a "Sanctuary City" for refugees; the Resolution was passed ten years ago and applies to a different category of individual. The resolution under consideration now pertains to illegal immigrant or alien in this country and so the resolution that was passed in the 1980's is not applicable. The City when it enacted its actions in the 1990's did take a position contrary to the federal government. The research shows that the federal government did not take any action against a municipality that became a sanctuary area.

Alderman Bernstein asked with respect to the first and third resolution that contains the same language with regard to Evanston action or inaction does the fact that it indicates that the Police and other agencies shall not violate any laws? Mr.

Hill responded that the phrase was wonderful but not violating a law is not the same as providing assistance of cooperation as needed by the federal agencies, there is a policy perspective and the law department tries to cooperate with the county and state official to accomplish goals. By asking the police department to abide by or not act is not consistent with the laws and is not the same thing as asking them to take an affirmation action not to take an action.

Alderman Bernstein explained to the audience that the Committee is a recommending body to the City Council and any action taken will be passed onto the Council and as it stands right now it's not going until the second meeting in March due to the budget.

Alderman Moran spoke about the third proposal and felt that it does not contain any wording that any individual should not comply with federal laws. There are provisions in the Resolution that explicitly state it is not advocating disregard of compliance to federal laws but it is suggesting that federal law would preempt any suggested activity if outside of the law. He spoke to the Police Chief and understood his point that it would be reckless of the City to adopt a resolution that suggested that our police department would not act in a way that would be supportive or consistent with other law enforcement agencies including federal. Because of that discussion Alderman Moran refrained from going in the direction that would suggest that the police should not comply with request by other agencies in a supportive manner. He addressed concerns that the Resolution would give the police department direction not to carry out their normal law enforcement duties and he reaffirmed that the resolution contradicts that; it would not restrict the officers in their duties. He strongly enforced his advocating for this Resolution. He felt that if Cook County is not retaliated against with the passing of their resolution then he doesn't feel Evanston will be retaliated against if the Resolution is passed. A mistake would be made if we made a statement without incorporating Evanston's own personal formal commitment. He advocates that we give just and humane treatment to everyone be kind to each other.

Alderman Jean-Baptiste said if Evanston tells the world that the police do not investigate anyone on the basis of immigration status and that various departments in our City do not discriminate against giving services, he felt that was too much spotlight on this "underground railroad stop". The Immigration Custom Enforcement (ICE) did not target Cook County probably because of their vast population. ICE does not have the capacity to round up the County but within the City of Evanston he felt the right situation was being created for immigration to come to Evanston seeking to arrest individuals. Evanston does not discriminate so why put it on the map to become a target. Reform is needed so that American children with immigrant parents can have protection. He felt we should not use the resources to deport immigrants who have committed no crime but instead uses those resources to assist individuals whose paperwork is tied up so they can be with their children. Evanston can let individuals know that they have access to services, they will not be investigated, they can come out of the shadows but we do not have to declare it because the more we declare it the more we insight opposition and demand that we do otherwise. He advocates for the second Resolution because Evanston cannot protect individuals against the federal government if they come to investigate the undocumented immigrants.

Alderman Bernstein wanted to know if we+ pass the resolution confirming that Evanston does not prosecute on status is that really going to impact the immigrants who are afraid to come forward. Will they understand the degrees of what is being said? He does not believe that if Evanston becomes a "Sanctuary City" that the City will be inundated because nothing happens in a vacuum and Evanston does not have affordable housing to bring poor people into Evanston. If we did and there was a pool then immigration would come to fish. He gave his email address for anyone who has an answer [ald14@aol.com](mailto:ald14@aol.com), and felt Evanston should not created a target on its back because that is not going to be beneficial in the long term.

Alderman Moran took a stab at answering Alderman Bernstein question; he felt that what the Committee does will send a message out.

**Alderman Holmes motioned for the committee to hold the Resolution until the information is received from the legal department, Alderman Bernstein seconded.**

## **VIII. ADJOURNMENT**

The meeting unanimously adjourned at 10:00 p.m.

Respectfully submitted,

Nicola Whyte  
Department of Health and Human Services