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**DATE:** Monday, January 11, 2021  
**TIME:** 7:00 P.M.  
**PLACE:** \*Held virtually due to Governor's and Mayoral Emergency Declarations

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The City Council of the City of Urbana, Illinois, met in regular session Monday, January 11, 2021, at 7:00 p.m. via Zoom. Urbana City Council Chambers, 400 South Vine Street, Urbana, IL 61801

**ELECTED OFFICIALS PHYSICALLY PRESENT:** Diane Wolfe Marlin, Mayor; Phyllis D. Clark, City Clerk

**ELECTED OFFICIALS PRESENT VIA ZOOM:** City Council Members (CM) Bill Brown, Bill Colbrook, Shirese Hursey, Jared Miller, Dennis Roberts, Erik Sacks, Maryalice Wu

**ELECTED OFFICIALS ABSENT:** None

**STAFF PRESENT VIRTUALLY:** Wendy Hundley, Jason Liggett, Carol Mitten, Andrea Ruedi, Bryant Seraphin

**OTHERS PRESENT VIA ZOOM:** Allan Axelrod, Tracy Chong, Danielle Chynoweth, Rita Conerly, James Corbin, Brian Dunn, Christopher Evans, Christopher Hansen, Justin Hendrix, Jaya Kolisetty, Drake Materre, Meghan McDonald, Sarah Nixon, Minnie Pearson, Eddie Pratt Jr., Peter Resnick, Frances Rigberg, Carol Spindel, David Wesner, Grace Wilken

#### **A. CALL TO ORDER AND ROLL CALL**

There being a quorum virtually present, Mayor Marlin called the meeting of the Urbana City Council to order at 7:06pm, following a Cunningham Township Board meeting.

#### **B. APPROVAL OF MINUTES OF PREVIOUS MEETING**

CM Miller made a motion to approve minutes from the January 4, 2021 (Rescheduled Meeting). Seconded by CM Colbrook and carried by roll call vote as follows:

Aye: Brown, Colbrook, Hursey, Miller, Roberts, Sacks, Wu

Nay: None

#### **C. ADDITIONS TO THE AGENDA**

Mayor Marlin asked for a motion to move the appointments under New Business after additions to the agenda and before presentations and public input. CM Roberts moved to accept the changes to the agenda as mentioned, seconded by CM Colbrook and carried by roll call vote as follows:

Aye: Brown, Colbrook, Hursey, Miller, Roberts, Sacks, Wu

Nay: None

#### **D. PRESENTATIONS AND PUBLIC INPUT**

##### 1. Presentation

##### a. [Use of Force Policy](#)

City Administrator Carol Mitten began with a PowerPoint presentation illustrating background information. She said that following the Aleyah Lewis incident the City hired Hillard Heintz to conduct an independent review of the incident, and one of the outcomes of that review was to revisit the use of force policy and make changes. The policy needs to be in alignment with the recently adopted Ten Shared Principles. The City conducted listening sessions to receive feedback from the community. She acknowledged the efforts of the public and the following staff members: Lemond Peppers for facilitating the listening sessions; Willie Wilcock for scribing the listening sessions; Will Kolschowsky for developing the comment matrix; Police Chief

Bryant Seraphin and Police Deputy Chief Rich Surles. The time and investment was warranted, because of the local and national concerns regarding the use of force by police. This revised policy reflects not only what was heard from the local community, but reflects model policies and best practices of other communities.

Police Chief Bryant Seraphin provided additional context about the changes made to the use of force policy. The following items were provided with the most changes and clear guidelines.

- Duty to intercede and report clarified and expanded – section 300.2.1
- De-escalation section – greatly expanded – section 300.3.5
- Termination of use of force – section 300.5
- Medical consideration – section 300.6
- Supervisor use of force field investigations – section 300.8
- Use of force review procedural changes – section 300.10

After presentation, Chief Seraphin addressed questions from council. Some of the questions addressed were: the importance of emphasizing de-escalation in section 300.3 Use of Force; disciplinary policy correlation in regards to the misuse of force: when is it reasonable to put someone on administrative leave; maintaining open lines of communication; de-escalation definition should be added to section 300.1.1; provide example scenarios for each section related to the policy; what does the de-escalation training entails; can the policy be amended later; clarify the intention of paragraph three in section 300.3 Use of Force; add complete statute to section 300.3.1 Use of Force to Effect an Arrest; was the policy review by officers; what type of feedback was received.

2. Public input via zoom from the following people: Allan Axelrod, Tracy Chong, Danielle Chynoweth, Rita Conerly, James Corbin, Brian Dunn, Christopher Evans, Christopher Hansen, Justin Hendrix, Jaya Kolisetty, Drake Materre, Meghan McDonald, Sarah Nixon, Minnie Pearson, Eddie Pratt Jr., Carol Spindel, Grace Wilken, some of the comments included: Use of Force Policy failed to provide clear definitions for force, deadly force; the use of force policy must go beyond shielding the city and police for litigation; the policy must mandate de-escalation in all cases where it can safely be done, which is the vast majority of interactions; the policy must include a prohibition on use of force when resistance is passive (verbal, walking away); officers using deadly force shall shield the impact on bystanders; the policy should clearly prohibit blind shooting into houses or cars; the policy must include “pain compliance is strictly prohibited to be used as punishment or retaliation.”; the policy should clearly state that brandishing of a weapon is a use of force and prohibit sexist, racist, or disrespectful language; provide racial bias training; police accountability and consequences need to be made explicit; this draft needs more work to align with the community’s wants; comprehensive plan needs to be presented prior to final approval; drop the charges and apologize to Aleyah Lewis; freedom of information act (FOIA) issues and denying access to records; continuous issues with open meetings act violations (OMA); water shutoffs; defund police.

Champaign ACLU and NAACP Champaign County Branch are deeply disappointed in the City of Urbana Police Department’s draft for a new use of force of policy, because it failed to accomplish the purpose of protecting the public from excessive use of force or other misconduct by police officers. Nor it is designed to substantially diminish the number of incidents in which force is used.

Public Input via email from Anne Marie Esposito asked City Council push for the UPD to prioritize de-escalation in their use of force police.

## **E. UNFINISHED BUSINESS**

There was none

## F. REPORTS OF STANDING COMMITTEES

### Committee Of The Whole

#### 1. CONSENT AGENDA

#### 2. REGULAR AGENDA

## G. REPORTS OF SPECIAL COMMITTEES

There were none

## H. REPORTS OF OFFICERS

Mayor Marlin made the following announcements:

- Martin Luther King (MLK) will be held virtually, Sunday, January 17, 2021 at 3pm. She announced that Ricardo Diaz is being presented with the James R. Burgess, Jr., Susan Freiburg Humanitarian Award.
- COVID-19 activities update about vaccination process, saliva test from the University of Illinois, and employees affected by COVID or related to COVID.
- Community Development staff will provide an update next week about the financial assistance program provided through block grants and CURES funds to local businesses.
- An Urbana bar had its health permit taken due to the lack of compliance during current mitigation restrictions.
- Restaurants and bar have been very supportive and compliant with mitigation changes and restriction during COVID.

## I. NEW BUSINESS

### 1. Mayoral Appointments to Boards and Commissions

#### a. Human Relations Commission – term to ending June 30, 2023

1. Julie Robinson Schaeffer
2. Megan McKissack

Mayor Marlin presented the appointment of Julie Robinson Schaeffer and Megan McKissack with the recommendation for approval. She read a brief summary of their qualifications, also noting the involvement of HRC Chairperson Frances Rigberg and board member Peter Resnick during the interview process.

There being no objections to the appointments, CM Roberts made a motion to approve both appointments as presented. Seconded by CM Hursey and carried by roll call vote as follows:

Aye: Brown, Colbrook, Hursey, Miller, Roberts, Sacks, Wu  
Nay: None

#### b. Sustainability Advisory Commission – term to ending June 30, 2023

1. James E. Corbin II

Mayor Marlin presented the appointment of James E. Corbin II and read a brief summary of his qualifications.

CM Wu made a motion to approve the appointment as presented, seconded by CM Hursey and carried by roll call vote as follows:

Aye: Brown, Colbrook, Hursey, Miller, Roberts, Sacks, Wu  
Nay: None

## J. ADJOURNMENT

With no further business to come before the council, Mayor Marlin adjourned the virtual rescheduled meeting at 10:01 p.m.

Wendy M. Hundley  
Deputy City Clerk

This meeting was video recorded and is viewable [on-demand](#).

**Minutes Approved: January 25, 2021**

**From:** [Esposito, Anne Marie](#)  
**To:** [!City Council](#)  
**Subject:** PUBLIC INPUT 1/11/21  
**Date:** Monday, January 11, 2021 5:27:01 PM

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\*\*\* Email From An External Source \*\*\*

Hello,

I am Anne Marie Esposito a resident of ward 7. I ask that the city council push for the police department to prioritize deescalation in their use of force policy. Please ask questions about why this is not the priority.

Thank you

Anne Marie Esposito

**From:** [Carol Spindel](#)  
**To:** [City Council](#)  
**Subject:** PUBLIC INPUT  
**Date:** Monday, January 11, 2021 8:42:19 PM  
**Attachments:** [ACLU NAACP use of force statement to Urbana city council.pdf](#)

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\*\*\* Email From An External Source \*\*\*

Dear Mayor and Council Members,

The joint statement from the NAACP and ACLU is attached below.

Thanks so very much for listening to the public. We hope this process will result in a more relevant use-of-force policy and we look forward to continuing to engage with you on this very important topic.

Best,  
Carol Spindel  
Point person on police reform  
Champaign County ACLU





**NAACP** CHAMPAIGN  
COUNTY



**ACLU**

AMERICAN CIVIL LIBERTIES UNION  
of CHAMPAIGN COUNTY

January 11, 2021

Dear Mayor Marlin and Council Members,

Champaign County ACLU and NAACP Champaign County Branch are deeply disappointed in the Urbana Police Department's draft for a new use of force policy. The new policy does have one significant addition which is an improvement: it now contains a section on de-escalation. This is an important policy update. Nevertheless, overall, this policy fails to accomplish the purpose of protecting the public from excessive use of force or other misconduct by police officers. Nor is it designed to substantially diminish the number of incidents in which force is used.

This is a policy for the 20th century, not the 21st. The criteria used to decide whether police use of force was reasonable is whether it was "reasonable from the perspective of a reasonable officer on the scene at the time of the incident." This is policing stuck in an old conception of public safety built on structural racism and the premise that the police are always right. This policy does not fit Urbana, Illinois, in 2021.

We cannot go into every concern about the new policy here, especially since we have had only one weekend to examine it. But let's start with the definition of "force" and "deadly force."

The new policy defines "force" as "the application of physical techniques or tactics, chemical agents, or weapons to another person." First, it is unclear what "application" means in this context.

Second, we believe force should be defined as: "any effort to control, restrain, compel, or overcome the resistance of another person, including the use of physical force and suggested use of force such as unholstering or brandishing a weapon at another person."

The new policy defines "deadly force" as "Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury."

The definition of deadly force should not include intent. Deadly force can turn out to be deadly whether intended to be or not.

We believe "deadly force" should be defined as "any use of force that creates a substantial risk of causing death or serious bodily injury to another, including, but not limited to the discharge of a firearm or any weapon that, in the manner of its use, is capable of causing death or serious bodily injury."

Section 300.2.1 addresses the duty to intercede and report when one officer observes another using disproportionate force for the circumstances. The new UPD policy establishes that

an officer shall intervene " when in a position to do so" and when they observe another officer "using force that is clearly beyond that which is objectively reasonable..."

We disagree. Any new policy should "require a duty to intercede and report force that is not objectively reasonable, necessary, and proportional under the circumstances." It should also establish accountability for officers who fail to intercede or report excessive force.

Section 300.3 states that tactical de-escalation should be used whenever feasible. The use of "whenever feasible" is too restrictive.

Instead, officers should be required "to continue to use de-escalation techniques after they have initiated a use of force, including by continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with the officer's and person's safety." Also, officers should "immediately reduce the level of force as the threat diminishes, including by stopping force altogether."

Section 300.3 does note that "the ultimate objective of every law enforcement encounter is to avoid or minimize injury" but it puts this idea in a dependent clause rather than requiring it or making clear that this is an important Urbana Police Department value and policy. It would be better to explicitly state that "officers shall ensure that force is used in a way that minimizes injury to others, including the person against whom force is used and bystanders."

Most importantly, the new policy relies throughout on the standard of what an officer believes is "reasonable" rather than ensuring that force is used only when "necessary." Of course every officer must use their own judgment in difficult situations. But they need consistent guidelines and we recommend that the policy guidelines stress that force must always be "objectively reasonable, necessary, and proportional."

In addition, we suggest the following language:

- a. An officer, or any person whom the peace officer has summoned or directed to assist them, shall apply nonviolent means to resolve and de-escalate incidents before resorting to any use of force, and at all times shall limit the use of force in a manner consistent with the sanctity of human life.
- b. An officer may use force only if all other objectively reasonable non-violent means would be ineffective and there is a basis for a lawful arrest, or the use of force is necessary to prevent imminent threat of bodily injury to another person.
- c. In determining whether force should be used and, if necessary, the amount of force appropriate to use, an officer shall consider whether a person's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the person's control.

Section 300.3.4 should be entirely deleted because it suggests that force is appropriate to seize evidence. This suggests that force is appropriate in many incidents in which force is not necessary.

Finally, the new policy in the first paragraph of 300.3 does suggest that "use of force should be reasonable and proportional to the force/resistance encountered" and "that officers shall use only that amount of force that appears necessary given the facts and circumstances." These are criteria that we agree with. But the concepts of "objectively reasonable," "necessary" and "proportional" are not reiterated consistently every time the use-of-force standard is referenced. This can create confusion for the department and suggest that a less stringent standard is acceptable.

The local chapter of the ACLU and the local NAACP branch appreciate the way the Urbana Police Department has previously responded to our requests for information. Amid the pandemic, the city and the Police Department found a safe way to hold the "10 Principles" event the NAACP suggested and we congratulate them on that successful effort. However, they have not yet engaged with us in a serious dialogue about a new use of force policy.

The use of force policy could not be more important. It lays out the standards to which officers must adhere and the criteria by which their actions will be judged. It is also a statement about culture, values, and respect for human life. It should align with the values of Urbana.

Research shows that stricter use-of-force policies correlate with fewer civilian deaths and that officers in departments with restrictive policies are less likely to be killed or assaulted in the line of duty. In response to a survey conducted last week in Illinois, 80% of Illinois voters surveyed said establishing clear and consistent statewide limits around the use of force should be a major priority.

Mayor Marlin, we urge you to postpone approving this new policy and extend this process in order to develop a new use of force policy that clearly and consistently expresses the professional values and policies the Urbana community wants its police department to embrace and adhere to. The ACLU and NAACP leadership look forward to meeting with you for a more substantive exchange on the details. Thank you.

Carol Leff, President  
ACLU of Champaign County  
Minnie Pearson, President  
NAACP Champaign County Branch

**From:** [Danielle Chynoweth](#)  
**To:** [City Council](#)  
**Cc:** [Clark Phyllis](#)  
**Subject:** Chynoweth Comments on Police Use of Force Policy Jan. 11, 2021  
**Date:** Monday, January 11, 2021 8:54:13 PM

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\*\*\* Email From An External Source \*\*\*

Dear Council members, Mayor, and Clerk,

**Can you please clarify where written public comments are posted?** I would like my complete statement, which was edited for time, to be part of the written public input record.

I have been working on issues of police reform since 2004 when we created CU Citizens for Peace and Justice which organized for changes in the criminal justice system for the next 10 years.

**The Police Use of Force Policy is controlled by the residents of Urbana through a majority of their council members voting to direct the Chief of Police to produce a policy that meets community expectations, as well as through the annual appointment process of the Chief.** Please give this policy change the time it deserves and do not be fooled by the red herring that the policy must be fast-tracked past the public and council in the next two weeks.

**We want to see you VOTE to provide direction to the staff. Policy setting is *your* responsibility.**

To meet community expectations, the Use of Force Policy must do the following:

1. **The Use of Force Policy must go beyond shielding the city and police for litigation. It, along, with training, should be used to protect against racial bias and police escalation.**

Rather the policy should provide some clear boundaries and consequences for officer behavior. This policy as drafted does not read as a rule book, but as vague guidelines with the language of "may," "believe," and "discretion" that feed implicit bias.

2. **The policy must mandate de-escalation in ALL cases where it can safely be done, which is the vast majority of interactions.**

It is disturbing that, according to Chief Seraphin, de-escalation makes up 1.4% of the initial police training 8 or hours of de-escalation training out 560 hours.

3.

**The policy MUST include a prohibition on use of force when resistance is passive (verbal, walking away) rather than active (making or attempting to make harmful physical contact, displaying a weapon).**

In November 2011, when the police pulled behind his van, young Calvin Miller, Martel Miller's son, panicked and fled towards his mother's home, was pursued by police on foot, handcuffed, beaten and pepper-sprayed. The only thing he did was to flee, panicked and frightened by the police.

In June 2011 Brandon Ward was stopped when jaywalking in Campustown and pepper-sprayed at point-blank range in response to his verbal resistance. In watching the squad car footage leaked to the press, Officer Simmons was asked by the resident "why did you pepper spray me?" The officer responded: because you were 'jaw jacking.' Later Ward was choked while handcuffed in the back of a squad car when he refused to hand over his ID.

4.

**Officers using deadly force shall shield the impact on bystanders. The policy should clearly prohibit blind shooting into houses or cars.**

In 2007, Champaign police fired into the home of Ms. Mildred Davis, a 62-year-old grandmother, while she and her two-year-old great-grandson were in the line of fire. Police had chased a fleeing armed suspect who entered Ms. Davis' home located in Garden Hills. Despite being told that she and her children were inside, police fired some 30 bullets into the house over the heads of children.

On New Years' Eve 2014, University of Illinois police officers fired bullets into a carload of African American youth, wounding two people, with one of them shot twice in the back.

5.

**The policy must include: "Pain compliance is strictly prohibited to be used as punishment or retaliation."**

In 2004 and 2005 Sergeant William Myers tortured at least two people in our county jail we became aware of: Michael Rich, a student from the Chicago suburbs, and Ray Hsieh, a resident struggling with mental illness. In both cases, deputies put them in restraints and then tasered them with an electroshock stun gun as punishment.

In April 2020, Officer Cervantes initiated physical contact with Ms. Lewis leading to a violent skirmish that included Ms. Lewis being punched in the head, kned in the ribs,

and held by Officer Ruff who brandished a rifle in the “fire” position

6.

**The policy should clearly state that brandishing a weapon is a use of force.**

7.

**The policy should strictly prohibit sexist, racist, or disrespectful language.**

In 2016, while Toya Frasier was in the county jail appeared to be going through a withdrawal from drugs and cried out for help she was told repeatedly to “Shut the Fuck up” according to testimony by a person incarcerated in the same area. In 2020, Ms. Lewis was told she was not “acting like a lady” during her arrest.

Unfortunately, the current draft of the Use of Force does not pass the test. It does not provide the community what we want, need, and demand at this moment.

best,

Danielle Chynoweth  
412 W. Illinois St.

**From:** [Sharon Monday](#)  
**To:** [!City Council](#)  
**Subject:** Police Use of Force Policy  
**Date:** Monday, January 11, 2021 9:13:32 PM

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\*\*\* Email From An External Source \*\*\*

I appreciate the opportunity to attend the City Council meeting via zoom tonight and to listen to both the presentation and public comment.

I am encouraged by the de-escalation improvements in the policy.

I feel this policy draft needs to be improved in the following areas:

1. De-escalation needs to be a top and first priority especially in flight situations
2. Racial bias training needs to be a top consideration.
3. Police accountability and consequences need to be made explicit.
4. A need to review the role of the police and ways to more creatively and appropriately address community challenges such as mental illness and homelessness.

Glad to also hear Mr. Corbin has been appointed tonight!

Sincerely,

Sharon Monday