



VILLAGE BOARD
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POLICE PUBLIC SAFETY COMMITTEE

Westmont Village Hall - 31 West Quincy Street

Meeting Minutes - October 20, 2022

Draft to be Approved - January 26, 2023

- I. **CALL TO ORDER** - Trustee Simonovich called the meeting to order at 4:30 pm.
- II. **ROLL CALL**

<u>Committee</u> Trustee Simonovich (Chair) Mayor Gunter Clerk Szymiski Trustee Liddle Trustee Nero Trustee Brady Trustee Guzzo Trustee Barker	<u>Staff</u> Village Manager May Assistant Village Manager Parker Police Chief Gunther Fire Chief Riley HR Director Brainerd Finance Director Cunningham Deputy Chief Gruen Deputy Chief Thompson Interim PW Director Wucki-Rossbach Patti Mielcarski (via zoom) Assistant to the Police Chief Olsson Liquor Commissioner Mulhearn Sgt. Sean Ryan Communications Director McIntyre (via zoom) Admin Assistant Jenny Babyar
<u>Visitors</u> Chairman Bob Kovanda Commissioner Stella Qualizza Ms. Gina Parrilli arrived at 5:00pm Second Visitor arrived at 5:09pm	

- III. **PLEDGE OF ALLEGIANCE**
- IV. **PUBLIC COMMENTS** - None
- V. **APPROVAL OF MINUTES** - July 28, 2022 Police Public Safety Committee meeting minutes were approved by Motion Trustee Barker made and seconded by Trustee Liddle.
- VI. **NEW BUSINESS**

1. Department Awards

Chief Gunther presented 20 year service awards to Deputy Chief Thompson, Patrol Sergeant Ryan, and Patrol Officer Hausner, who was absent.

2. Annual Volleyball Competition (added to agenda)

Chief Gunther discussed the annual volleyball competition to raise funds for Illinois Special Olympics which was postponed for the past couple of years due to COVID. The Fire Department, Westmont School District 201 Teachers, and staff participated in the event which raised \$1,000. This year's champions were the Fire Department*.

3. Grants (agenda adjusted)

DC Thompson discussed the grants that have been awarded and the status of grants that are expected:

- a. Body Worn Camera (BWC) grant - \$82,000 awarded and waiting for disbursement. Payment has been requested and waiting for the final review. \$44,000 is expected this fiscal year.
- b. License Plate Recognition (LPR) grant - \$37,500 for the next two years awarded. Currently in the permitting phase. Application for grant reimbursement will be done after cameras are installed.
- c. Officer Wellness grant - \$7,500 grant application was submitted, but grant was awarded to Chicago PD.
- d. Department of Commerce and Economic Opportunity (DCEO) grant - \$250,000 awarded and the Village Attorney is currently reviewing the agreement.
- e. Firehouse Subs grant - \$40,000 grant application submitted but grant was awarded to Chicago agencies.

In total, approximately \$370,000 will be received from grants in the next couple of years. We will provide updates as the grant funds are received.

4. Side Street Patrol Data

DC Thompson provided additional data related to side street patrol based on Mayor Gunter's questions from the last meeting. So far this year, 42% of side street traffic stops are Westmont residents and 58% are non-residents. 27% of the residents receive a citation, and 29% non-residents receive a citation. There were 272 stops as of October 19, 2022 which were mostly for speeding violations. Stop sign violations are the second highest number of violations.

At the last meeting, Trustee Barker asked about traffic stops related to DUIs for alcohol versus drugs. DC Thompson stated that arrests for DUI drugs require specialized training. When cannabis was legalized in 2020, there were 52 DUIs of which 2 were drug related. In 2021, there were 68 DUIs of which 9 were drug related. So far in 2022, there have been 62 DUIs and 7 were drug related. Therefore the data has shown an increase in drug related DUIs since cannabis was legalized, as well as the pandemic.

Trustee Simonivich asked if a drug related DUI can be any drug. DC Thompson responded that it can be any drug, not just cannabis. Mayor Gunter asked if the Village Prosecutor is prosecuting all the DUI cases. DC Thompson replied that the Village Prosecutor is prosecuting for misdemeanor DUIs. If the cases are classified as a felony,

then the cases are sent to the State's Attorney's Office. Trustee Barker commented that there is a trend that young people are shifting from consuming alcohol to cannabis. DC Thompson stated that in 2019, there were 4 drug related DUIs. There were very few traffic stops in 2020 due to the pandemic, which skews the data. Mayor Gunter asked what constitutes a felony. DC Thompson gave some examples which include personal injury, multiple arrests for DUI, discovery of controlled substances in a vehicle search such as cocaine.

5. Staffing Update

DC Gruen provided an update on staff promotion and reassignments. Sergeant Kristina Dominguez will be sworn in at the Village Board meeting. Her promotion led to an opening in the DEA task force. Applications are being reviewed. Sergeant Rolando Padilla will be assigned to Detective Sergeant effective January 2023. Sergeant Anthony Rainaldi will be assigned to Operations Sergeant effective December.

Officers Alexander Erdmann and Lorraine Riley will be sworn in at the Village Board meeting. There is currently one officer in the academy that is scheduled to graduate in December. There was another officer in the academy that was injured and had to drop from the academy. She will hopefully attend the next academy. The department is still down two officers. Thanks to the Fire and Police Commission for all their efforts recruiting officers. Mayor Gunter asked if the Fire and Police Commission participated in the assignment of Sergeants. DC Gruen replied that the Sergeant assignments are decided within the department.

6. Events Update

DC Gruen recognized Sergeant Michael Weibler for the successful fundraising for Illinois Special Olympics this year. As previously mentioned, the volleyball game raised \$1,000. Other fundraising events included Cop on Top which raised over \$7,000 at both locations, Beard fundraiser raised \$3,400, and the Shred event raised over \$2,500. The year to date total funds raised was over \$22,000.

The next event is the Drug Take back scheduled for October 29, 2022 at 500 N Cass and Mariano's on 63rd Street.

Citizens Police Academy and Junior Citizens Police Academy are currently in session and will end in November. A sign up sheet will be available soon for next year's sessions.

National Night Out and Open House was a successful event last August. Next year, National Night Out will be at Ty Warner Park to give the department more space.

VII. MISCELLANEOUS - Agenda adjusted to discuss before New Business # 7 - Safe-T Act

- 1.** Alcohol checks - Mayor Gunter discussed that the checks are done twice a year. Recently, ten businesses failed the alcohol checks since they served or sold alcohol to minors. Some new businesses that failed the alcohol checks commented to Mayor

Gunter that they should not have been subject to the alcohol checks. DC Gruen confirmed that all businesses that have a liquor license are subject to alcohol checks. Village Manager May added that one of the businesses that failed felt that they were specifically targeted. DC Gruen replied that all alcohol checks are performed the same. Liquor Commissioner Mulhearn discussed the timing and the process of the checks made to the new business. All the requirements and testing procedures are the same for all businesses in Westmont. There are no re-checks made until the next scheduled alcohol check for the year.

2. Dealership incident that occurred on October 10, 2022 - DC Gruen discussed the attempted burglaries in Downers Grove car dealerships. After hearing about the failed attempts in Downers Grove, text messages were immediately sent to the Westmont car dealerships to warn them and the department responded quickly by surrounding the dealerships with squad cars, which thwarted the offenders when they arrived at the Westmont dealerships. The partnership established with the local dealerships helped to quickly communicate and respond to potential burglaries. Ultimately, Hinsdale Police Department attempted to pursue the offenders who escaped to Interstate 294 which crashed, carjacked another vehicle and fled.
3. Mayor Gunter asked if the department has responded to scam situations where offenders are pretending to be legitimate sellers on social media to lure unsuspecting buyers and then rob or assault them. DC Gruen replied that the department has not heard of any complaints in the village. There is a safe exchange zone located in the south parking lot of the police department for legitimate transactions. There are multiple cameras pointed at the area.

VI. NEW BUSINESS, CONTINUED (agenda adjusted)

7. SAFE-T Act

Chief Gunther presented the Illinois police reform legislation called Safety, Accountability, Fairness, and Equity-Today (SAFE-T) that was signed by Governor Pritzker in February 2021, and the trailer bills that were signed in May 2021 and January 2022. *The legislation presented was as of October 10, 2022. Additional trailer bills were being proposed to further define the original SAFE-T Act. The legislation greatly impacts the criminal justice system, law enforcement, and detention population. Past police reform legislation included traffic stop data study, "no quota" law, concealed carry license law, and legalization of video gaming and cannabis dispensaries.

Chief Gunther listed current procedures of police oversight which included criminal investigation by the State's Attorney, policy review, state lawsuit, Federal Civil rights violations, under the "Color of Law" which can impose punitive or compensatory damages, consent decree given by Department of Justice, FOIA, and "court of public opinion".

The SAFE-T Act adds additional oversight which includes decertification, empowers Attorney General to sue officers for punitive damages anywhere between \$25,000 to \$50,000, permanent retention of police misconduct records, review of qualified immunity, law enforcement misconduct, anonymous complaints can be recorded, elimination of sworn affidavit, and mandatory body worn camera. In addition, the SAFE-T Act requires new and extensive training for law enforcement. Chief Gunther described the additions in detail as well as the trailer bill changes after the legislation was initially signed.

The SAFE-T Act also includes legislation related to military surplus equipment, no-knock search warrants, Uniform Crime Reporting Act, certification/decertification, felony murder statute, changes to mandatory minimum sentencing, and changes in sentence to Illinois Department of Corrections.

Mayor Gunter asked who will pay for the punitive and or compensatory damages if the officer is sued by the Attorney General. Chief Gunther responded that punitive damages are paid by the officer, whereas compensatory damages could be paid by the municipality. Trustee Simonovich stated that punitive damages are worse.

Trustee Barker asked who defends the officer if they are sued. Chief Gunther replied that the Village's insurance company pays for the officer's legal defense. However, if the officer was terminated, then the officer will pay for their own legal expenses.

Chief Gunther defined additional trailer bills that related to:

- Monthly mental health crises reporting to Illinois State Police
- Use of force restrictions
- Use of force prohibitions defining chokeholds and deploying tasers
- Duty to intervene and duty to render aid
- Clarified absolute versus qualified immunity
- Clarified three phone calls within three hours and allow access to own cell phone
- Required annual mental health screenings for officers
- New training requirements for probationary police officers including CIT (critical incident team); academy is now longer
- Obstructing or resisting arrest - trailer bill defines both
- Citation in lieu of custodial arrest
 - Class B & C misdemeanor examples:
 - Criminal trespass to real property
 - Criminal damage to property
 - Interference with public institution of education
 - Disorderly conduct

SB 4228 modifies the language in the SAFE-T Act which is expected to be included in the next trailer bill. Mayor Gunter asked about the status of the next trailer bill. Chief Gunther was not aware of the status of the trailer bill, but was aware that the State's Attorneys are meeting frequently about the trailer bill. Trustee Nero asked if this trailer bill will pass before January 1,

2023. He also commented that this issue is one of the major concerns of the SAFE-T Act. Chief Gunther responded that there are two more opportunities to address the issue. Based on his conversations with the State's Attorney, there was a high level of confidence that the trailer bill would pass. Either way, Chief Gunther will make sure that the department is ready to enforce the law and keep the community safe.

Chief Gunther discussed bail reform which primarily impacts the State's Attorney's Office and the judges. He summarized that the bail reform eliminates monetary bail and only allows two options for judges which are to either release or hold the offender, which creates law enforcement operational issues. Trustee Barker asked if the new legislation will create a huge burden on small municipalities and rural areas. Chief Gunther replied affirmatively. Trustee Guzzo asked what will happen if an offender is apprehended in the middle of the night. Chief Gunther replied that depending on the charges, there could be trials every day. There will be a burden on the judicial system.

Chief Gunther emphasized the prosecutor's actions defined in the bail reform. He stated that if the offender committed a crime that poses a significant threat to public safety of an individual or community and/or a flight risk, prosecutors are required to submit a request for detention. The state is also required to provide each suspect a hearing within 48 hours to determine if the suspect should be released. Trustee Simonovich asked if a continuance can be obtained after the 48 hours for the pretrial release hearing. Chief Gunther believed that was correct. Chief Gunther clarified that there is a method for a warrant which has to come after a summons. He described the process of issuing a warrant. Bond forfeiture funds which helped defer costs, will no longer be available due to the bail reform.

To conclude, Chief Gunther assured the community that the Westmont Police Department is prepared to take on any challenge. There were two trailer bills passed with common sense modifications, so he is confident that additional trailer bills to further clarify the SAFE-T Act will also pass.

IV. PUBLIC COMMENTS, CONTINUED (agenda adjusted)

Ms. Gina Parrilli on Blackhawk stated that Orland Park Mayor directed law enforcement to assert that all trespassers are assumed to be threats therefore they will automatically be cited. She asked Mayor Gunter if he talked to other Mayors. Mayor Gunter deferred the question to Chief Gunther. Chief Gunther replied that calling everyone a threat is disingenuous to the term "threat" and is opposed to a "one size fits all" solution.

Ms. Parrilli asked about the lawsuits pending. Chief Gunther believes that the lawsuits will be consolidated, but the outcome is unknown at this time until the court rules on the lawsuits. Mayor Gunter mentioned that State's Attorney Berlin is involved with reviewing the legislation, therefore DuPage County has representation in the lawsuits. Chief Gunther reassured Ms. Parrilli that the department will make sure the community is safe.

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Mayor Gunter asked Chief Gunther to research if other communities passed resolutions in opposition of the SAFE-T Act. Chief Gunther surveyed other municipalities in DuPage County. Although a few communities have passed resolutions, his recommendation to the Village Board is that no resolution is required at this time. If anybody in the community has any questions, Chief Gunther is available to respond. Trustee Simonovich stated that the trailer bills passed with law enforcement input. Chief Gunther agreed that the trailer bills reflect recommendations from law enforcement.

VIII. ADJOURN Motion to adjourn by Trustee Liddle and seconded by Trustee Brady at 5:51 p.m. (next meeting is scheduled for January 26, 2023)