SPECIAL COUNCIL MEETING

A Special Council Meeting was held on December 9, 2015 at 5:00 p.m. with Chairman Slavin presiding. Council members present were Mr. Anderson, Mr. Cole, Mr. Hare, Mr. Hosfelt, Mr. Hutchison, Mr. Lewis, Mr. Neil, and Mr. Sudler.

Council staff members present were Mr. Koenig (departed at 5:54, returned at 6:01 p.m., and departed at 6:35 p.m.), Mrs. McDowell, Mrs. Mitchell, Mrs. Townshend (arrived at 5:54 p.m.), and Mr. Rodriguez (arrived at 5:54 p.m.). Mayor Christiansen, Chief Bernat, Mrs. Hawkins (departed at 5:54 p.m.), Mr. Hudson, and Mr. Bowser (departed at 5:54 p.m.) were also present.

ADOPTION OF AGENDA

Mr. Neil moved for approval of the agenda, seconded by Mr. Sudler and unanimously carried.

Mr. Hutchison moved to recess into Executive Session pursuant to 29 Del. C. §10004(b)(4) - collective bargaining strategy session, seconded by Mr. Cole and unanimously carried.

The Special Meeting recessed at 5:01 p.m.

Mr. Neil moved to adjourn the Executive Session, seconded by Mr. Anderson and unanimously carried.

Executive Session adjourned at 5:54 p.m.

POTENTIAL ACTION RESULTING FROM THE EXECUTIVE SESSION

Tentative Labor Agreement - Fraternal Order of Police (FOP)

Council President Slavin stated that during the Executive Session, Council discussed the tentative labor agreement with the Fraternal Order of Police (FOP). He indicated that no vote was taken in executive session and no vote was scheduled to be taken during the open session of the meeting. Mr. Slavin extended an opportunity for members of the public to speak regarding this matter.

Mr. LaMar Gunn stated that it had been brought to his attention, based on the agenda, that there was discussion on a tentative labor agreement between the City of Dover and the FOP. He indicated that most of the people in attendance were probably aware of the Officer Webster trial. Noting that he had some experience and familiarity with that incident, Mr. Gunn expressed his opinion that it was in the public's interest to handle the agreement situation with some level of transparency and involvement from the community. He stated the need to learn from past mistakes, and not keep doing the same things and expecting a different result. Mr. Gunn believed that the public should have some view of the labor agreement so that they could actually see what was being proposed and what Council was planning to vote on in the coming days. He indicated that he did not have all the facts and was hoping that the public, like himself, could learn them so they could participate in the issues affecting this great City. Noting that he had a relationship with the current Chief of Police and the previous Police Chief, Councilman Hosfelt, Mr. Gunn indicated that he was made aware of some things and tried to share as much as he possibly could with members of the community; however, he felt that it should not come down to things being relayed through him. Mr. Gunn urged that there be an open government where all parties who are stakeholders can participate in decisions that, in his opinion, are major and affect all. He felt that there was room to make significant improvements

to the labor agreement in regard to the Police Department and possibly the powers of the Chief, Mayor, or the City Manager. Mr. Gunn indicated that he was asking to start a positive dialogue regarding the contract and the improvements that could be made to prevent situations like those recently experienced with regard to the Officer Webster trial and the incident involving Mr. Lateef Dickerson. He expressed the desire to learn from this incident and make amendments to the contract as necessary. Mr. Gunn questioned if residents or constituents would be permitted to see the contract and requested that it be posted on the City's website.

Mr. Slavin stated that when the agreement is brought forward for public vote, it becomes a part of the packet that is provided for that meeting.

Mr. Gunn asked if the public was permitted to see the tentative labor agreement that was listed on the agenda. Responding, Mr. Slavin stated that State law prohibited the City from sharing the agreement until the public vote, which was tentatively scheduled for the next Regular City Council meeting on Monday, December 14, 2015.

Mr. Gunn questioned if members of the public could see the agreement beforehand, noting if they waited until it was presented on December 14, 2015, there would not be much time to review it. Responding, Mr. Slavin stated that this was the procedure.

Mr. Gunn asked if there was a special committee within Council that was reviewing the agreement in preparation for the vote. Responding, Mr. Slavin explained that Council meets as a whole to discuss the agreement in executive session.

For clarification, Mr. Gunn stated his understanding that members of the public would not get a chance to review the tentative agreement before it was scheduled for a vote on Monday, December 14, 2015. Responding, Mr. Slavin stated that members of the public were invited to be present on Monday when the agreement would be brought forward. At that time, they could listen to presentations that are made and the questions raised by their elected officials.

Mr. Hosfelt advised Mr. Gunn that the City's current contract with the FOP was available on the City's website.

Mr. Gunn asked if the current FOP contract was identical to the tentative contract that was being presented. Responding, Mr. Hosfelt stated that he could not discuss the tentative contract.

Ms. Sandra Dyer, 600 West Division Street, expressed her hope, after viewing the tape of the police officer, that he would not be walking the beat in Dover and that the Police Chief had the power to make that decision. If not, she felt that the contract needed to address this, stating that the officer treated a human being as if he were a dog. Ms. Dyer stated that a professional should have some self-control and should have been trained to know how to handle a situation and handle his own emotion.

Council President Slavin requested that speakers talk about the contract.

Mr. Anwar Dyer, 52 Traybern Boulevard, Camden, stated that it was going to be very important to keep Officer Webster off the street, indicating that it was not safe for any officer, personnel, or citizens for an officer like that to be on the street. Mr. Dyer advised members that he, his kids, and his family members walk the street. He implored members to make sure that they look at the best interests of everyone and stated his wish to be clear and provide fair warning about putting this officer back on the street. Mr. Dyer stated that he was not asking but demanding that members make the best decision or there would be consequences.

Dr. Kimberly Milligan expressed her belief that it was important that all the power does not lie in just one (1) person or one (1) group's hands, whether it is the police, the Police Chief, or the Mayor. She thought that more hands needed to be on deck when it comes to hiring and firing. Dr. Milligan felt that the public and those who represent the public should have a say in people getting hired and fired. She did not think that only the FOP should be in charge of hiring and firing police officers and that others should have a say as well. She expressed her opinion that Officer Webster is a pig.

Mr. Enrico Stratton-Bey stated his belief that returning Officer Webster to the police force would allow the community to see that they had no rights and that Council did not care about them. He felt it would also show that Council was giving the police the ability to say that it was okay to continue the action that they had been continuing for more than 20 years. Mr. Stratton-Bey did not think it reasonable to look at the video and say that it was legal and justifiable for those in or out of uniform to treat citizens this way, regardless of their history. He stated that if someone out of uniform had committed an act like that, they would not have gotten the same play that Officer Webster got. Mr. Stratton-Bey stated that the victim is usually there when someone is on trial; however, the victim was not present, and he felt this was misconduct. He expressed his opinion that if an ordinary citizen had done this, a warrant would have been issued for them, and there would have been threats made that they needed to be there or they would have been prosecuted. Mr. Stratton-Bey felt that putting Officer Webster back on the force would tell the community and the citizens of Delaware and Dover that police have the right to attack citizens whether they are in a felony prone position or if they are being snatched out of a vehicle. Mr. Stratton-Bey felt that this was history and it was not changing. He stated that change had to start with Council and asked members not to let the public think that they did not matter. Mr. Stratton-Bey noted that things were happening around the country that were not wanted here, noting that children and grandchildren have to grow up in these streets and did not want them to face this because if this had been his son, there was no telling what would have happened. Mr. Stratton-Bey expressed the need for change now, not in five (5) or 10 years, noting that Council had this document and the opportunity to make a change and he hoped they would do the right thing.

Ms. Cecile Coleman, 28 North Queen Street, stated that she thought it strange that Dover, Delaware was being compared to Mississippi and questioned how this community allowed what had occurred to persist. She indicated that she could not get over the visibility of the injustice showing. Ms. Coleman stated that she felt that people have something wrong with their brains, especially those of the so-called people of the jury, noting that everyone saw what was on the dashcam. She felt that the jurors were peculiar looking and something was wrong with that group, noting that she could not prove this. Ms. Coleman advised Council that they had the ability to make a correction and this was in their hands and nobody else's at this point. She felt that the FOP had big money to do what they were doing to keep things going. Ms. Coleman stated that Officer Webster had a history of all kinds

of complaints for years and nothing was done, nor was anything done regarding this occurrence. She reiterated that it was in Council's hands to make the correction so that Officer Webster would not go back on the force or on the streets. Ms. Coleman felt it was a big slap to the community to think that this man could walk around here and be an officer, questioning how there could be community relations when this was allowed to occur. She stated her desire to not be in Mississippi any longer.

Ms. Lillian Rogers, 67 Lynnhaven Drive, stated that she was looking around at fathers, brothers, sons, and grandfathers and people who she hoped would decide to turn the page today. She stated that the African-American community had not had good relations with the police and the City of Dover and that Council could decide right now to start anew by sending the message that, "sure you got off with this, but we won't tolerate this." Ms. Rogers stated that these types of people were not wanted on the police force.

Responding to Ms. Rogers, Mayor Christiansen confirmed that he was in charge of the Chief of Police.

Ms. Rogers stated that if the Mayor is in charge of the Chief of Police and the police officers are doing what they are doing, the Mayor could fire the Chief of Police. She felt that the Police Chief would have to clearly understand that he must take care of all the people and keep them safe, and she believed it was in his heart and in the hearts of all Council to do the right thing. Ms. Rogers felt that anybody who saw that video would know that the verdict was not the right thing. She understood that nothing could be done about that; however, members would get to decide on Monday whether they were going to do the right thing. She noted that they would get to turn the page and expressed her hope that they would do so for all citizens.

Reverend Rita Paige, 355 Rita Wilma Road, Dover, concurred with everything that had been said. She expressed her trust that those whom had been entrusted and elected to be a voice for people would do the right thing and not have Officer Webster back on the police force. She felt that young African-American males and females were being threatened now. Reverend Paige indicated that she personally had some reservations, slight concern, and fear about the safety of her children, nephews, and nieces, and for all of the young people in this community as they walk the streets. She stated that she was not convinced that justice would be served and they will not be harmed even if they do what the police ask, as she thought the videotape clearly showed. Reverend Paige felt that in order to keep peace, the community needed to build relationships with the police. She stated that this incident had knocked down that relationship; however, she indicated that when people get hurt, you have to rebuild trust, just as in a marriage. Reverend Paige was not convinced that all of the police officers or those in charge agreed with what happened. She stated her understanding that Councilman Hosfelt, former Chief of Police, had Officer Webster arrested or wanted to, and Mr. Hosfelt confirmed this. Reverend Paige expressed her hope that they would stand for what they really believe. She offered a passage of scripture, stating that those who are Christians of faith are required to do justly, love mercy, and walk humbly with our God, stating her trust that members would do this.

Ms. Carol Dyer, 52 Traybern Boulevard, Camden, stated that she agreed with everything that had been said and that this was an emotional subject for everyone, particularly people of color. She stated that others do not have to wake up every morning and determine whether someone was going

to look at them, whether they have to steal anything. They do not have to have a conversation with their children about making sure their hands are in or out of their pockets, or whether they have to say yes sir or no sir. Ms. Dyer stated that members have the luxury of not doing that. She advised members that her kids were straight-A students and that children can be taught everything, but what parents cannot control is someone shooting at them. She indicated that Officer Webster was able to change the way he looked, but she could not change the color of her skin. Ms. Dyer asked members to do their best to look at the hiring process and put people of color in the position, who understand. She stated that she had seen some of the training methods used that were inappropriate and that they were always looked at as a threat, which she felt was unfair for her child or anyone's child. Ms. Dyer stated that many people were tired, noting that she was disgusted and furious. Ms. Dyer advised members her 14-year-old had stated that Mr. Webster would be found not guilty because they had heard of Tamir Rice being shot at age 12; Aiyana Jones, while sleeping; John Crawford; and Sandra Bland, etc. She stated that she, her son, and her daughter were all those individuals who are at risk just by walking or getting a traffic ticket. Ms. Dyer noted that McVey and everyone else that have murdered and caused chaos are white, can walk off, and are not shot at, while she does not have that luxury. Ms. Dyer stated that she was angry and hurt and asked that Officer Webster not be put back on the streets, which would be an insult to her and to the families present. She stated that they would do whatever it takes to put pressure on the community and make sure that the right thing is done. Ms. Dyer stated that she was tired of praying because this had not brought anything but continuous chaos while people were shooting around the kids.

Mr. Fred Tolbert thanked Council for allowing those present to speak, noting that Council did not have to do that. He stated that people had strong feelings about what happened. Noting what was in the newspapers and what was going on in this country, he stated that we do not need to let this happen in Dover. Mr. Tolbert felt that Council had their hearts in the right place, although they may not do the right thing all of the time. He stated that meetings like this were needed to make Council aware of how the people feel, and he was present to support that. Mr. Tolbert stated that they were looking to Council to do the right thing to protect the African-American community who was being abused unmercifully and unnecessarily. He felt that enough was enough.

Ms. Elaine Parker, 95 Pear Blossom Lane, Camden, advised members that justice should have no color and they were asking Council to do the right thing. She stated that her community has to rear its kids differently and tell them certain things that others never even probably think about. Ms. Parker stated the need to understand that people have more in common than they have differences and to look beyond what a person looks like. She stated she had no doubt that if the incident had involved a black police officer and a white male, he would not have been convicted and she felt this was a travesty. Ms. Parker felt that all of the cases across the country proved this and that there was cover-up. She questioned how to trust the people that are paid to work for the community and for their best interest and expressed the need to do the right thing. Ms. Parker stated that she had tried to see beyond the video. Noting that it had been said that the officer aimed his kick for the upper torso, she questioned why he was kicking at all when there were two (2) police officers with guns there. Ms. Parker felt that injustice had been going on for hundreds of years. She felt that some white people were surprised, noting that if there had not been a video no one would have believed the incident happened and the case would not have been reopened. Ms. Parker stated that something was very wrong and it has to be stopped. She asked that members find out what is going on and stop hurting kids and families. She stated that there was not an African-American in the

world that could not provide a case of discrimination, bias, prejudice, mistreatment, in every area, including employment. For example, she explained that, as the only African-American participant in a multi-cultural training session, she had recounted being followed in stores to make sure that she was not stealing anything since this was the stereotype. Subsequently, a co-worker told her that after hearing this account, this co-worker observed three (3) African-American males being followed in this manner. Ms. Parker appealed to Council to come together and fix this thing because treating everybody equally or justly would bring about a better Dover and a better world.

Mr. Claude O. Tolson, 34 Heritage Drive, stated that he was probably known by some of the older officers because for many years he was in a lot of trouble with a lot of police officers. He felt that what was happening today was a travesty of justice. Mr. Tolson advised members that he had been arrested by police who were concerned about his well-being, what was going on with him, why he was not in school, and why he did not have a job. He felt that members should want bad officers out of the force because they give the rest of the good officers a bad name. Mr. Tolson stated that some officers think the worst of someone because of the neighborhood where they live, noting that an officer stated that he needed to get a job and stop selling drugs because of where he was living, although he was working two (2) jobs and going to college at the time. He explained that this officer was still on the force today, noting that his blood curdles every time he sees this officer due to the way he treats people just because of the color of their skin. Mr. Tolson felt that there must be something in the FOP contract to allow the weeding out of what was not good, noting that otherwise this issue would not stop but fester in the community. He stated that kids must interact with people of color and questioned who would protect the kids if everyone goes back to the old days when people hated each other because of color. Mr. Tolson stated the need to stop this while there was an opportunity. He felt the fact that Officer Webster was found not guilty was the worst travesty of justice seen in his lifetime and that this would be seen by anyone who watched the videotape. Mr. Tolson indicated that he cried when he saw the videotape because he thought it could have been him or his 22-year-old son. He advised members that his son was arrested a couple of months ago and charged with five (5) armed robberies because he was in Whatcoat. Mr. Tolson paid $5,000 that he did not have in order to get his son out on bail and all charges were dropped without going to court. He questioned where the justice was, stating that they knew he had nothing to do with it. He indicated that injustice to anyone anywhere was injustice to everyone everywhere.

Mr. Pernest Sparks stated that he did not want to give his address because of fear for the safety of himself and his family, stating that he could not trust the system which had failed him and his kids. He advised members that he was the father of 12 children, eight (8) of whom were living at home. Mr. Sparks felt that the verdict they witnessed was a smack in the face. He agreed with those who had spoken and with the gentleman who said that when Officer Webster does hit the streets, he may run against young people, noting that there are a lot of young people that do not care. Mr. Sparks felt that there was a problem with kids hurting each other and stated the desire for good officers that can be trusted. Mr. Sparks expressed worry about sending his kids to the store if Officer Webster were on the scene, stating his concern that bullets could be exchanged if Officer Webster were recognized. Mr. Sparks stated that he never expected something like this to happen in Dover. He stated that he felt that Dover was a nice place to raise a family but not anymore, not with this gentleman getting off with something like this. Mr. Sparks indicated that he understood that police officers have a job to do but noted that they also have a job to protect and serve. He understood that Officer Webster may have felt threatened; however, Mr. Sparks felt no one would feel threatened

by someone on their knees. Mr. Sparks disagreed with the outcome and felt that Officer Webster should not have a job on the Dover police force or anybody's police force. He asked that members not let Officer Webster have a job. Mr. Sparks felt that if he had been performing Officer Webster's job himself, he would have been fired, noting that he had held hundreds of jobs and been fired from them all for little things, stating his belief that disorderly conduct was anything that made someone turn their head.

Mr. Anwar Dyer inquired if Mayor Christiansen would be looking to see if he could get Officer Webster out. Responding, Mayor Christiansen stated to rest assured that he would take the appropriate action.

Mr. Dyer stated that he had shaken hands with the Mayor before about the Fletcher issue and things changed up. He asked if the Mayor would give him his word. Responding, Mayor Christiansen stated that he would do the best he could, and this was his word.

Mr. Anderson noted that Regular Council Meetings were normally televised and posted to the website. He questioned if the audio of this meeting would be posted for public record. Responding, Mr. Slavin stated that the public portion of the meeting was a matter of public record. He noted that audio is not typically posted; however, a way would be figured out to post the audio for this meeting.

Responding to Mr. Sudler, Mr. Slavin stated that a motion was not needed to post the audio and he would make sure that this happened.

Mr. Neil moved for adjournment, seconded by Mr. Anderson and unanimously carried.

The Special Meeting adjourned at 6:37 p.m.

TRACI A. McDOWELL
CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Special Meeting of December 9, 2015, are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

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