

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:42 P.M., MONDAY, MARCH 8, 2010

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Mayor Allen Joines (out at 6:30 p.m.)
Council Member Vivian H. Burke, Chair (out at 6:29 p.m.)
Council Member James Taylor, Jr., Vice Chair
Council Member Wanda Merschel
Council Member Derwin L. Montgomery

OTHERS PRESENT: Council Member Molly Leight
Council Member Denise D. Adams

Chair Burke called the meeting to order and stated that Vice Chair Taylor would preside over the meeting. Vice Chair Taylor stated that without objection, the Committee would first consider the Consent Agenda and asked if any items needed to be pulled.

Council Member Montgomery requested to pull Items C-4, C-5 and C-6. No other items were removed for discussion.

Council Member Merschel made a motion to approve the balance of the Consent Agenda. The motion was duly seconded by Council Member Montgomery and carried unanimously.

CONSENT AGENDA

- C-1. ORDINANCE REDUCING THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CLASSIC CAB COMPANY, LLC FOR THE OPERATION OF 20 TAXICABS IN THE CITY OF WINSTON-SALEM. Public Hearing: March 22,2010.
- C-2. CONSIDERATION OF ITEMS RELATING TO AN INTERLOCAL AGREEMENT TO SHARE FUNDS WITH FORSYTH COUNTY AND THE TOWN OF KERNERSVILLE UNDER THE 2009 JUSTICE ASSISTANCE GRANT PROGRAM AWARD:
 - a. RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA, THE COUNTY OF FORSYTH, NORTH CAROLINA AND THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO SHARE THE 2009 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD.

- b. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-3. CONSIDERATION OF ITEMS RELATING TO THE PURCHASE OF AN F6-A ROBOT FOR THE WINSTON-SALEM POLICE DEPARTMENT'S BOMB SQUAD:
- a. RESOLUTION AUTHORIZING INTERLOCAL AGREEMENT BETWEEN THE CITY OF WINSTON-SALEM, NORTH CAROLINA AND THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT FOR ALLOCATION OF 2008 HOMELAND SECURITY GRANT FUNDS TO PURCHASE AN F6-A ROBOT FOR THE WINSTON-SALEM POLICE DEPARTMENT'S BOMB SQUAD.
 - b. RESOLUTION AWARDED CONTRACT FOR ANDROS F6-A ROBOT - *Remotec, Inc. - \$178,850.*
 - c. ORDINANCE AMENDING THE PROJECT BUDGET ORDINANCE FOR THE CITY OF WINSTON-SALEM, NORTH CAROLINA FOR THE FISCAL YEAR 2009-2010.
- C-7. APPROVAL OF PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *February 8, 2010.*
- C-4. ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE RELATING TO LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

In response to Council Member Montgomery's question, Mrs. Angela I. Carmon, City Attorney, stated that the current ordinance was declared unconstitutional by the North Carolina Court of Appeals, so staff reviewed the ruling and adjusted the ordinance accordingly. The previous ordinance defined unlawful activity by focusing on "circumstances that manifest the purpose for engaging in drug-related activity" and the court wanted the focus to be on the intent of engaging in unlawful activity. The reference to reasonable suspicion was removed as well.

Council Member Montgomery made a motion to approve the item. The motion was duly seconded by Chair Burke and carried unanimously.

C-5. REPORT ON SCHOOL RESOURCE OFFICER STATUS AND CONTRACT.

In response to Council Member Montgomery's question, Mr. Scott Cunningham, Chief of Police, stated that the School Resource Officer (SRO) program is potentially the best program being utilized to maintain contact with youth and it will continue as a pilot project at this time due to financial and staffing issues. Currently, the SRO contract is paid 100% by the Winston-Salem/Forsyth County School System (WS/FCS). The Forsyth County Sheriff's Office currently provides officer coverage and charges a lower rate than the Winston-Salem Police Department (WSPD). Staff is reviewing

options to accommodate the costs of the program and will bring a recommendation to the Committee.

Chair Burke emphasized that it is a pilot program and the WS/FCS is carrying the financial responsibility of the program.

Mr. Lee Garrity, City Manager, stated that funding comes from the County Commissioners to the WS/FCS and for the WSPD to assume the responsibility, it would need a long term commitment for funding.

In response to Council Member Merschel's question, Chief Cunningham noted that the WSPD is currently paid on a quarterly basis for its involvement.

Mr. Garrity noted that the initial contract took six months to execute due to legal concerns from the WS/FCS and they are now paying on a quarterly basis.

In response to Council Member Merschel's question, Chief Cunningham noted that it is a fixed rate based on the WSPD's true costs.

Council Member Merschel questioned if the contract could be paid annually rather than quarterly.

Vice Chair Taylor commended Chief Cunningham for implementing a beat system and questioned if that could be used as a model for the SRO system and to place officers in the community with its corresponding school.

Council Member Adams requested that the WS/FCS poll parents to obtain feedback on the program.

Chief Cunningham noted that some feedback was received from parents who are comfortable that the same officers in the community are present and aware of what is going on within the schools. There was some initial concern that the WSPD would be making more arrests than Sheriff's Office has in the past, but the WS/FCS is reviewing different reporting systems to help alleviate that concern.

C-6. UPDATE ON SILK PLANT FOREST REVIEW.

Chief Cunningham stated that staff is moving forward with recommendations made by the Silk Plant Forest Review Committee and has made various changes to policies within the Police Department. Staff is meeting weekly to review documents and has a target release date of mid-summer for documentation to be made public. He also stated that information from an article in last week's *Winston-Salem Journal* was published after the agenda book. In response to Council Member Taylor's question, Chief Cunningham noted that newly discovered evidence was sent for testing and staff requested that the lab expedite those tests and hopes to have some feedback within a few weeks.

In response to Council Member Adams' request that the report clarify or note age discrepancies where juveniles are concerned, Chief Cunningham noted that interviews for sexual assaults

involving youth must follow an established protocol, they are not subject to multiple interviews and they are videotaped in a discreet matter.

Council Member Montgomery commended Chief Cunningham on the review work completed by staff and for strengthening the community's trust of the WSPD.

GENERAL AGENDA

G-1. DISCUSSION OF ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE RELATING TO GRAFFITI.

Mrs. Carmon noted that she sent an email to Committee members regarding requests and concerns about graffiti raised at the February Public Safety Committee meeting at which time Vice Chair Taylor suggested that the ordinance be amended to address the possession of a graffiti implement by minors and the sale of spray paint to minors. Concerns were raised about the enforceability of such an ordinance, particularly the possession portion, and whether or not the sale of spray paint should be the sole focus of the ordinance. The draft ordinance will not authorize the search of a child, and if a graffiti implement is not in a minor's possession, there will need to be a positive witness to identify the minor, then an officer can examine the minor's hands. The City of Statesville is the only municipality with an ordinance to address the possession of spray paint by a minor. Staff will hold a public hearing prior to the adoption of an ordinance to hear the community's concerns. Some options for local minors who are interested in this activity are the Winston-Salem Youth Art Institute and the Hispanic Art Institute and Keep Winston-Salem Beautiful will assist the city in eliminating graffiti vandalism. The sale provision in the ordinance will alleviate the burden from the business owner, and they will be instructed to check identification to verify the purchaser is of the appropriate age or that a parent or adult is present at the point of purchase. In response to Council Member Montgomery's question, Mrs. Carmon stated that staff can consider removing the purpose of "defacing public property" if a minor obtains a spray paint implement through having false identification, so as not to be redundant, when the false identification is an offense itself. She also stated that staff can include a provision in the ordinance that will alert an officer as to what constitutes possession and when to pursue a search to determine possession. Staff will also host training with members of the WSPD should the Council adopt the ordinance.

Ms. Lori Sykes, Public Safety Attorney, noted that she attends the roll call of each WSPD shift and will meet with each officer to provide appropriate training.

Sergeant Michael Weaver, WSPD Gang Coordinator, stated that there is a difference between gang graffiti and tagging that police officers look for. In response to Council Member Merschel's question, he stated that without the proposed ordinance, an individual caught in the act of graffiti will be charged with malicious injury to property, and the Forsyth County District Attorney's (FCDA) office is actively pursuing punishment of these offenses. He also stated that it is extremely difficult to catch an individual in the act of graffiti but the proposed ordinance will provide an additional tool to aid in the process.

Council Member Merschel questioned whether or not the proposed ordinance would be enforceable, what the difference is with and without the ordinance and whether or not all the necessary components were captured in the ordinance to ensure that it can be enforced. She also expressed

concern with the thin line between what can be perceived as possession and when a suspect can be pursued if suspected of possession.

Sergeant Weaver noted that comparable to a minor in possession of alcohol, if an adult obtains a spray paint implement and provides it to a minor, under the proposed ordinance, the adult will be held accountable. In response to Chair Burke's question, he noted that graffiti is a crime of opportunity and punishment can only be enforced after the fact.

Chief Cunningham stated that current laws allow police personnel to pursue someone with proof that they have committed an act of graffiti and the primary purpose of the ordinance is to prohibit the sale of or possession of spray paint implements by a minor. Currently, an individual would have to be caught in the act of graffiti and the proposed ordinance will allow charging a minor with possession if they are caught with an implement. He also stated that staff is behind on removing graffiti from local facilities and surfaces due to a lack of staffing.

Sergeant Weaver noted that there are some graffiti cameras placed around the city, which are camouflaged to catch an individual in the act of graffiti, but they need a constant power source so it is difficult to have them constantly operating.

In response to Vice Chair Taylor's question, Mr. Ritchie Brooks, Neighborhood Services Director, stated that graffiti removal is costly and staff utilizes an effective chemical compound to remove the paint, but there has been an increase in gang graffiti so it is a constant battle for removal. He also stated that if the proposed ordinance will help to curb the sale of spray paint, it will be more difficult to purchase, and hopefully its appearance within the community will decrease.

Council Member Montgomery noted that he would be more comfortable reviewing this concern as two separate ordinances, one for the sale of spray paint to minors and one for possession of a spray paint implement.

In response to Mayor Joines question regarding cost restitution, Sergeant Weaver stated that the judicial system is helping municipalities by imposing heavy sentences, while other municipalities have crews dedicated to graffiti removal five days per week rather than one day per week, which is the practice here in the City.

Chair Burke out at 6:29 p.m.

Mrs. Carmon confirmed that Committee members would prefer the ordinances refer simply to spray paint rather than graffiti implement and that both draft ordinances will be considered at the April Committee of the Whole.

G-2. REPORT ON CRIME REDUCTION STRATEGIES.

Chief Cunningham stated that staff has proposed overall crime reduction strategies through the redeployment of officers within the beat system, varying staffing levels, an additional 25 officers supplied through a federal grant, which will be split into two task force groups and a partnership between street crime and patrol squads. The two task force groups will work a 4:00 p.m. to 4:00 a.m. shift, with six officers in those areas every day, seven days per week until a demonstrated

reduction in crime is seen. There will also be increased visibility of officers in cars, on foot and bike patrol.

Vice Chair Taylor expressed his support of the task force and district offices and would like to see more information on these projects as it is made available.

Council Member Leight noted that the court system adds to the local crime problem when chronic offenders are released back into the community.

Chief Cunningham noted that WSPD staff is working the new FCDA, speaking with judges and magistrates and trying to develop solutions to societal crime problems.

Council Member Adams expressed her thanks to Chief Cunningham and encouraged an increase in foot patrol officers.

Chief Cunningham noted that the WSPD is placing automatic vehicle locators in cars to show where the officers are traveling and will also serve as an additional safety feature for officers. In response to Council Member Merschel's concern that Hanes Mall appears to be safer than downtown, he noted that staff is working to remove data related to the Public Safety Center and the Forsyth County Detention Center so as not to skew the statistics.

Council Member Merschel requested that statistics be adjusted to give a more fair representation of local areas of crime. She also expressed her support of substations and requested to know the difference in substations and district offices, as well as associated costs and staffing.

G-3. DISCUSSION OF ORDINANCE AMENDING CHAPTER 74 OF THE CITY CODE RELATING TO STREETS AND SIDEWALKS.

Mrs. Carmon stated that there has been an increased concern in the sidewalks and areas surrounding the Transit Center where individuals are blocking the free passage of others on sidewalks. In response to Vice Chair Taylor, she stated that those groups wishing to participate in protests or vigils will still need to go through the appropriate channels to obtain permits and the proposed ordinance will apply to citizens not engaging in those events.

In response to Council Member Merschel's question, Mr. Stan Polanis, Department of Transportation Director, stated that citizens cannot loiter inside the Transit Center so they move to the sidewalk and inhibit the safe loading and unloading of buses.

Mrs. Carmon stated that this concern is not limited to the Transit Center. She also stated that the proposed ordinance will apply to non-organized individuals, refusing to move and allow the passage of other individuals, and are not engaged in First Amendment activities.

Mr. Garrity noted that even those individuals participating in a First Amendment activity must allow the passage of others on a sidewalk.

In response to Council Member Adams' question, Mrs. Carmon stated that this concern is not the same as loitering, which is already addressed within the City Code.

Council Member Adams stated that staff needs to find the root cause of the issue rather than adding another ordinance.

In response to Council Member Merschel's question about the addition of an Automatic Teller Machine, Mrs. Carmon stated that would fall under panhandling, but these individuals are not approaching citizens so it still would not apply.

In response to Council Member Montgomery's question regarding disorderly conduct, Ms. Sykes stated that these individuals are on a public sidewalk and under state law, it is not considered disorderly conduct.

This item will further be considered at Committee of the Whole in April.

ADJOURNMENT: 7:10 p.m.