AGENDA

PUBLIC SAFETY COMMITTEE

6:00 p.m., Monday, May 9, 2016

COMMITTEE ROOM

Room 239, City Hall

COMMITTEE MEMBERS:  Council Member James Taylor, Jr., Chair
                         Council Member Vivian H. Burke, Vice Chair
                         Council Member Molly Leight
                         Council Member Jeff MacIntosh

GENERAL AGENDA

G-1. REPORT ON THE WINSTON-SALEM POLICE DEPARTMENT'S POLICY REGARDING THE RELEASE AND ACCESS TO VIDEO/AUDIO FROM BODY WORN CAMERAS.

G-2. REPORT OF POLICE DEPARTMENT'S PROCEDURES FOR PROCESSING INDIVIDUALS IN POSSESSION OF MARIJUANA.

G-3. UPDATE ON PART ONE CRIME.
CONSENT AGENDA

C-1. ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS (NORTHEAST AND WEST WARDS) - Belle Avenue and Gloucestershire Road.

C-2. ORDINANCE AMENDING SECTION 42-123(b) AND (c) OF THE CITY CODE RELATING TO 45 AND 50 MILES PER HOUR SPEED LIMITS (WEST WARD) - Peacehaven Road.

C-3. APPROVAL OF PUBLIC SAFETY SUMMARY OF MINUTES. - April 11, 2016
TO: Mayor Allen Joines and Members of the City Council
FROM: Barry D. Rountree, Chief of Police
DATE: May 04, 2016
SUBJECT: Body worn and in-car camera video
CC:

Due to recent local media coverage regarding both proposed legislation and internal policies of area law enforcement agencies regarding access to police body-worn camera footage the Winston-Salem Police Department will brief the Public Safety Committee on the Department’s policy and current practice of releasing video recordings. The briefing will include North Carolina public record laws and specifically General Statute § 132-1.4, which governs the release of criminal investigation records.

This briefing and overview is being provided as a result of questions raised by council members and to keep the public informed.

Please feel free to contact me if you have any questions or comments before the Public Safety Committee Meeting. Please contact me at (336) 773-7760 or btree@wspd.org.

Regards,

Barry D. Rountree, Chief of Police
PURPOSE: To establish policy regarding the use of issued Body Worn recording systems worn by department personnel and the management of recorded events obtained by the equipment.

This General Order consists of the following numbered sections:

I. Definitions
II. General Policy
III. Training
IV. Body Worn Recording System Operator Responsibilities
V. Supervisor Responsibilities
VI. Body Worn Recording Management and Access
VII. Public and Criminal Justice Access to Recorded Events
VIII. Attachments

I. DEFINITIONS

A. **Body Worn Camera Recording Equipment** – (BWC) A system that captures and records audio and video signals while being worn by an officer, and at a minimum will include, a camera, microphone and recorder.

B. **Taser® Axon™ Body and Flex**- A Body Worn recording system manufactured by Taser International that captures video and audio.

C. **Evidence.com** – A digital cloud based repository operated by a private commercial entity that stores and secures the digital audio/video recordings made by the TASER® AXON™ Body Worn recording system.

D. **Official Capacity**- Any interaction with a member of the public that occurs while an officer is working on and/or off duty.

E. **Administrative Rights**- Full access to Evidence.com.

F. **Investigative Rights**- Full access to all user accounts on Evidence.com

G. **User Rights**- Access to files stored on Evidence.com for an officer’s assigned Evidence.com account only.
II. GENERAL POLICY

A. All digital recordings captured during the scope of an officer’s duties are property of the Winston-Salem Police Department, and are not to be viewed, duplicated, disseminated, destroyed and/or used without legitimate purposes and in accordance with applicable laws and departmental policy.

B. The guidelines in this general order apply to all on-officer recording systems regardless of whether the device is owned by the department or personally owned by the officer.

C. Employees shall not have an expectation of privacy regarding the recording of their work activities.

D. Officers may record within a medical facility with the body worn camera when there is a need to obtain information in a timely manner.

III. TRAINING

Only officers who have received training in the operation of Body Worn recording system equipment and have demonstrated proficiency in its proper operation, use, and care shall be authorized to operate the equipment.

IV. BODY WORN RECORDING SYSTEM OPERATOR RESPONSIBILITIES

A. An officer assigned a Body Worn recording system is responsible for the proper care and operation of the equipment according to manufacturer recommendations and departmental policy.

B. Prior to and throughout each tour of duty, officers shall ensure Body Worn recording equipment is operating properly. Officers shall notify their supervisor of any malfunction or problem. Additionally, the officer will send their supervisor an electronic message (email), to serve as permanent record of inoperability.

C. Officer’s must manually activate a Body Worn recording system to ensure the recording of enforcement action, use of force incidents, and/or other critical incidents that warrant recording. Officers shall use their Body Worn recording system to record:

1. All encounters with members of the public when acting in an official capacity;
2. All dispatched calls;
3. Any emergency blue light and siren vehicle response;
4. All traffic stops;
5. When transporting non-departmental personnel in the rear compartment of a police vehicle;
6. All prisoner processing of arrestees.

D. Deactivating a Body Worn recording system should only occur after an investigation and/or enforcement action is complete and the officer or violator has left the scene. Officers must be able to justify all manual deactivations.
E. Officers must ensure that sound producing non-police related devices (Radios, CD players, etc.) within the police vehicle are turned off when the recording mode of the Body Worn recording system is activated so as not to hinder good quality audio recording by the device.

F. When an officer has both an in-car recording system (MDVR) and a Body Worn recording system, the officer will utilize both systems.

G. Officers investigating incidents that result in the Criminal Investigations Division (CID) and/or the Special Operations Division (SOD) conducting on-scene follow-up investigation will keep their camera activated until they are specifically directed by a CID and/or SOD supervisor to stop recording. The Body Worn Camera will **NOT** be utilized in incidents that would divulge investigative or tactical measures, or jeopardize officer safety.

However, upon arrival to a scene that is controlled and orderly, if an officer is assigned to a post or in a position that does not put them directly in contact with citizens, they will deactivate their Body Worn Camera, without awaiting direction as listed above. This includes assignments involving traffic direction and/or crime scene security. Officers in these positions who are approached and/or engage in any activity with a citizen will re-activate their Body Worn camera to capture that contact.

H. Anytime an audio and/or video recording system is in use by departmental personnel during an incident for which a written report is prepared, officers will document in the first line of the written report that recordings were captured and identify the type of recording system that was in use (i.e. AXON™, MDVR, digital audio recording, etc.), and record the start and stop time of the recording. Date and time stamps are not required for AXON™ body camera systems since video can easily be linked to incidents. If no recordings are made, that information will also be documented on the first line of the written report.

I. When only a citation is issued, officers will indicate on the bottom right corner of the original or first copy of the citation:

1. That recordings were captured by identifying the type of recording system that was in use (i.e. AXON™, MDVR, digital audio recording, etc.), and record the start and stop time of the recording. Date and time stamps are not required for AXON™ body camera systems since video can easily be linked to incidents.

2. If no recordings are made, that information will also be documented on the citation by writing “No Audio/Video Recordings Made”.

J. When a recording captures events that substantiate some or all of the elements of a criminal offense and/or the identification of the suspect; or any other significant aspect of an arrest that would assist with the prosecution of the case, officers shall document, within written reports, the significant aspect(s) of the event captured on the recording.
K. Officers are encouraged to review recorded events after an incident to ascertain whether any unlawful actions or spontaneous utterances that were captured on the Body Worn recording system.

L. Officers will dock the Body Worn recording system in an appropriate docking station at the beginning of each workday and utilize their second Body Worn recording system.

M. All recordings within Evidence.com will be retained in compliance with evidence retention policies outlined in General Order 4.11 and within all North Carolina statutory regulations. Video recordings of evidentiary value will not be deleted until final court dispositions and all appeals have been exhausted. Supervisory approval is required for deletion of Body Worn recording system files.

N. Routine traffic stops and enforcement action recordings should be maintained until court disposition. Recordings pertinent to citizen complaints should be maintained until conclusion of administrative inquiries or investigations and longer if deemed necessary by supervision or the Professional Standards Division. Recordings involving use of force incidents will be retained for a period of two (2) years. All general recordings with no pending court matters, not of evidentiary value, or subject to current or potential administrative inquiry should be deleted on a frequent basis to allow for adequate storage space. It is the responsibility of the officer wearing the Body Worn camera to classify video footage in the appropriate classification as provided within Evidence.com.

O. When preparing a Preliminary Hearing Prosecution Report for felony cases with video evidence, the case officer shall make the proper notations on the report to notify court personnel of the existence of the recording, and document the value of the recording to the prosecution of the case. Officers will burn a DVD or share the video link of all videos with evidentiary value through Evidence.com in compliance with all discovery rules. The case officer will document in a supplement report the names of those who were provided access via shared video or DVD, as well as documenting the date/time stamp of the recording.

V. SUPERVISOR RESPONSIBILITIES

A. Ensure that officers report a damaged and/or malfunctioning Body Worn recording system to the Axon Program Administrator repair provider in a timely manner.

B. Ensure that officers operate and maintain the Body Worn recording system per established procedures, policy, and manufacturer’s requirements.

C. Ensure the proper use and operation of the Body Worn recording system by conducting quarterly visual inspections of the equipment.

D. Ensure that officers properly document the use of the Body Worn recordings in written reports and citations.

E. Ensure that video recordings are maintained as evidence in compliance within departmental policy and North Carolina State Statue. Supervisors will be responsible for
ensuring recordings of no evidentiary value or significance is deleted in a timely manner. Supervisors will approve video for deletion as established in Evidence.com repository.

F. Supervisors will access employee video through their administrative rights of significant events in which recordings add clarity or confirmation. Events such as vehicle pursuits, use of force incidents, fleet vehicle accidents, or complaints concerning employee actions should be reviewed and appropriately requested.

G. First Line Supervisors ( Sergeants) will be responsible for the audit of video and audio recordings for their personnel. In addition to “delete” reviews and critical incident reviews, Supervisors should routinely view their personnel’s video to ensure compliance and proper use. Lieutenants will be responsible for a monthly random audit. At least two (2) officers from each Platoon will have their videos accessed and reviewed for compliance.

VI. BODY WORN CAMERA RECORDING MANAGEMENT AND ACCESS

A. Recordings may be duplicated for court, investigation, and training. Other purposes may be allowed as authorized by the Chief of Police or his designee. Unauthorized playing, copying, or distribution of the digital recordings is prohibited. Access rights granted to individuals or groups shall be limited to legitimate purposes.

B. Authorized users and access rights are defined as follows:

1. The Chief of Police and/or a designee of their choice will have administrative rights.
2. The Professional Standards Division will have administrative rights.
3. The Axon Program Administrator will have administrative rights.
4. Supervisors will have investigator rights.
5. Officers will have user rights.

C. Internal request for recordings outside of those with Administrator rights will be requested via an email to the assigned officer copying the officer’s Chain of Command through the rank of Captain. The email will state the need and purpose of the recording.

VII. PUBLIC AND CRIMINAL JUSTICE ACCESS TO RECORDED EVENTS

A. Any portion of an audio/video that records events surrounding a violation of the laws prosecutable in the criminal courts of this state or the United States, is considered a record of a criminal investigation, as described in NCGS 132-1.4, and not a public record, as defined in NCGS 132-1.

B. Any portion of an audio/video that is used to subject an employee to departmental disciplinary action is part of that employee’s personnel file as defined in NCGS 160A-168, and is open to inspection only as provided by statute.
C. Requests for copies of Body Worn recordings from persons not employed by the Winston-Salem Police Department shall be made on a Request for Copy of Body Worn Digital Recording/AXON™ Camera form (Attachment A).

1. Requests made by the District Attorney’s office or a defendant’s defense attorney will be forwarded to the Judicial Services Officer who will forward the request to the case officer via their chain of command.

2. Officers completing prosecution reports or compiling case files involving felony charges may access their video via their user password. Their recording may be shared through Evidence.com or burned to a DVD. The case officer will document in a supplement the date and time and to whom the recordings were released as well as the purpose for the released recordings. All video recordings of evidentiary value will be released in compliance with discovery laws.

3. Employees receiving media or general public requests for copies of video recordings provide the requesting party the Request for Copy of Body Worn Digital Recording/AXON™ Camera form (Attachment A). This form will be forwarded to the Public Safety Attorney. The Public Safety Attorney’s recommendation will be documented on the form and forwarded to the appropriate bureau commander who will address the request as follows:

   a. If denied, ensure the requestor is notified of the denial by mail or telephone.

   b. If approved, forward the approved request form (Attachment A) to the case officer’s supervisor who will coordinate the dissemination of the file.

   c. The case officer’s supervisor will contact the requesting party via mail or phone to arrange release of the video file.

VIII. ATTACHMENTS

A. Attachment A - Request for Copy of Mobile Digital Recording
WINSTON-SALEM POLICE DEPARTMENT
REQUEST FOR COPY OF BODY WORN DIGITAL RECORDING/AXON™ CAMERA

Person Requesting Recording ____________________________________________________

Full Name (printed)

Address ______________________________________________________________________

City     State   ZIP

Telephone(s) (______) ________-_____________            (______) ________-_____________

Incident # _________________ Offense/Incident_______________________________

Incident Date ________________ Investigating Office _____________________________

Please indicate in the space below the reason for your request, the nature of your involvement
with this case, and the specific information requested:
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

___________________________________    ____________ ____________
Signature of Requestor            Date of Request

WSPD USE ONLY BELOW:

☐ Request Approved   ☐ Request Denied (requestor must be notified)

(Route to Appropriate Bureau Commander)

Comments:____________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Signed ________________________________,       □ Judicial Services Officer □ Public Safety Attorney

CASE OFFICER’S SUPERVISOR USE ONLY:

Video Date: ___________   Video Start Time: ________________ Video End Time: ______________ Video User Code#: ______________

Date Received: ________________   Date Copy Made: _______________   Made By: ______________

Date Requestor Notified: ________________   Notified By: ______________

Notified Via:     □ Phone     □ Mail     □ Other: ____________________________

Release Receipt

Released To: ___________________________________   Signature: ________________________________

Released By: ___________________________ Date/Time: ____________________________

Amount Collected $ ___________________ WSPD Witness: __________________________
TO: Mayor Allen Joines and Members of the City Council  
FROM: Barry D. Rountree, Chief of Police 
DATE: April 28, 2016  
SUBJECT: Possession of Marijuana  
CC: 

The Winston-Salem Police Department will brief the Public Safety Committee on the Winston-Salem Police Department’s current practice of handling and processing individuals who are found to be in possession of marijuana.

This briefing and overview is being provided as a result of questions from Council Members and to keep the public informed.

Please feel free to contact me if you have any questions or comments before the public safety committee meeting. Please contact me at (336)773-7760 or btree@wspd.org.

Regards,

Barry D. Rountree, Chief of Police
Presentation to be made at the Public Safety Committee Meeting.
City Council – Action Request Form

Date: May 9, 2016

To: The City Manager

From: Gregory M. Turner, Assistant City Manager

Council Action Requested:

Consideration of an Ordinance Amending Section 42-122(f) of the City Code relating to 25 miles per hour speed limits (Northeast and West Wards).

Summary of Information:

The Department of Transportation has received a request to lower the speed limit from 35 miles per hour to 25 miles per hour on Belle Avenue (see Attachment A) and Gloucestershire Road (Attachment B).

The Department of Transportation has conducted the necessary field investigations and traffic engineering studies of the roadways and is recommending the speed limit be reduced to 25 miles per hour.

Committee Action:

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C-1. DRAFT
ORDINANCE AMENDING SECTION 42-122(f) OF THE CITY CODE
RELATING TO 25 MILES PER HOUR SPEED LIMITS ON CITY STREETS

BE IT ORDAINED, by the City Council of the City of Winston-Salem as follows:

SECTION I. Section 42-122(f) of the City Code relating to 25 miles per hour speed limits is amended by adding the following subsection to the end thereof:

“Belle Avenue from Old Hollow Road to Lewey Lane.”

“Gloucestershire Road from Will Scarlet Road South to the Dead End.”

SECTION II. This Ordinance shall be effective upon adoption by the City Council and upon the erection of appropriate signs giving notice thereof.
Attachment A
Belle Avenue
Proposed 25 mph Speed Limit
Attachment B
Gloucestershire
Proposed 25 mph Speed Limit
City Council – Action Request Form

Date: May 9, 2016

To: The City Manager

From: Gregory M. Turner, Assistant City Manager

Council Action Requested:

Consideration of an Ordinance Amending Section 42-123 (b) and (c) of the City Code relating to 45 and 50 miles per hour speed limits (West Ward).

Summary of Information:

The North Carolina Department of Transportation (NCDOT) requests that the City of Winston-Salem adopt a concurring ordinance adopting SR 1891 (Peacehaven Road) from US421 south to the city limits. The request was made in an effort to clean up NCDOT ordinance to match the current city limits.

Currently, Peacehaven Road is posted 45 miles per hour from US421 to Hanover Park Drive and 50 miles per hour from Hanover Park Drive south to the city limits. The concurring ordinances will not change the posted speed limits.

The Department of Transportation has reviewed the request and recommends approval.

Committee Action:

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Remarks:
ORDINANCE AMENDING SECTION 42-123 (b)(c) OF THE CITY CODE RELATING TO 45 AND 50 MILES PER HOUR SPEED LIMITS ON CITY STREETS

BE IT ORDAINED, by the City Council of the City of Winston-Salem as follows:

SECTION I. Section 42-123(b) of the City Code relating to 50 miles per hour speed limits is amended by adding the following subsection to the end thereof:

“Peacehaven Road between a point 0.387 mile north of McGregor Road and Hanover Park Drive.”

“Peacehaven Road between a point 1.18 miles east of SR 1109 (Kinnamon Road) and a point 0.037 mile north of McGregor Road.”

SECTION II. Section 42-123(c) of the City Code relating to 45 miles per hour speed limits is amended by adding the following subsection to the end thereof:

“Peacehaven Road between Hanover Park Drive and a point 0.227 mile north of Hanover Park Drive.”

SECTION III. This Ordinance shall be effective upon adoption by the City Council upon adoption of a concurring Ordinance by the North Carolina Department of Transportation.
Certification of Municipal Declaration  
To Enact Speed Limits and Request for Concurrency

Concurring State Ordinance Number: 1070470

Division: 9  County: FORSYTH  Municipality: WINSTON-SALEM

Type: Municipal Speed Zones

Road: SR 1891  Car: 50 MPH  Truck: 50 MPH

Description: Between a point 1.18 miles east of SR 1109 (Kinnamon Road) and a point 0.037 mile north of McGregor Rd (Non-System).

Municipal Certification

I, __________________________, Clerk of ______________________, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the _______ day of __________, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: __________  Page:__________  Ordinance/Resolution Number: ______________

In witness whereof, I have hereunto set my

hand and the municipal seal this _______ day

of __________________, 20____.

__________________________  (signature)  __________________ (municipal seal)

Department of Transportation Approval

Division: ______________________  Title: ______________________  Date: ____________

Region: _______________________  Title: ______________________  Date: ____________

Page 1 of 1
Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1070472

Division: 9 County: FORSYTH Municipality: WINSTON-SALEM

Type: Municipal Speed Zones

Road: SR 1891 Car: 50 MPH Truck: 50 MPH

Description: Between a point 0.387 mile north of McGregor Road (Non-System) and Hanover Park Drive (Non-System).

Municipal Certification

I, ____________________________, Clerk of ____________________, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the ______ day of _________, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: ____________ Page: ____________ Ordinance/Resolution Number: ____________

In witness whereof, I have hereunto set my hand and the municipal seal this ______ day of ____________, 20____.

__________________________________________ (signature)  (municipal seal)

Department of Transportation Approval

Division: __________________________ Title: __________________________ Date: ____________

Region: __________________________ Title: __________________________ Date: ____________

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Certification of Municipal Declaration
To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1070473
Division: 9  County: FORSYTH  Municipality: WINSTON-SALEM
Type: Municipal Speed Zones
Road: SR 1891  Car: 45 MPH  Truck: 45 MPH
Description: Between Hanover Park Drive (Non-System) and a point 0.227 mile north of Hanover Park Drive.

Municipal Certification

I, ________________________________, Clerk of __________________________, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the ______ day of ____________, 20____, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: ___________  Page: ___________  Ordinance/Resolution Number: ___________

In witness whereof, I have hereunto set my hand and the municipal seal this ______ day
of ________________, 20____.

____________________  ______________________
(signature)  (municipal seal)

Department of Transportation Approval

Division: ______________________  Title: ______________________  Date: ___________

Region: ______________________  Title: ______________________  Date: ___________

Page 1 of 1
SUMMARY OF MINUTES
PUBLIC SAFETY COMMITTEE
6:00 p.m., Monday, April 11, 2016

COMMITTEE ROOM
Room 239, City Hall

MEMBERS PRESENT: Council Member James Taylor, Jr., Chair
Council Member Vivian H. Burke, Vice Chair
Council Member Jeff MacIntosh

MEMBERS ABSENT: Council Member Molly Leight

OTHERS PRESENT: Council Member Denise D. Adams

Chair Taylor called the meeting to order and stated without objection, the Committee would first consider the Consent Agenda. No items were removed for discussion.

Council Member MacIntosh made a motion to approve the Consent Agenda. The motion was duly seconded by Council Member Burke and carried unanimously.

CONSENT AGENDA

C-1. ORDINANCE AMENDING SECTION 42-122(F) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS (NORTHEAST WARD) - McGill Drive; Hemphill Drive; Stonewall Street.


GENERAL AGENDA

G-1. REPORT ON WINSTON-SALEM POLICE DEPARTMENT'S REACCRREDITATION BY THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES.

Mr. Barry Rountree, Police Chief, gave the staff report on this item.

Chief Rountree recognized Corporal D. G. Smith and Officer D. W. Smith as Police Officers of the Year.

Chair Taylor thanked the officers for their accomplishments.
Council Member MacIntosh thanked the Winston-Salem Police Department for their hard work during the Burke Street Food Truck Festival on April 9, 2016.

Council Member Burke requested staff survey neighborhood associations for their input on police presence and appearance in their neighborhoods.

Chief Rountree noted that April 10-16 is National Public Safety Telecommunicators Week. He thanked them for their hard work and dedication.

G-2. ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE RELATING TO FIRE PREVENTION AND PROTECTION.

Mr. Trey Mayo, Fire Chief, gave the staff presentation on this item.

In response to Council Member MacIntosh, Chief Mayo stated it is unknown at this time if the positions will be outside hires or promotions from within.

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

Additional Item:

Chair Taylor requested staff investigate if a policy can be created for police officers to give a citation in lieu of making an arrest when a person is found with a small amount of narcotics in their possession.

Adjournment: 6:27 p.m.