



**PUBLIC SAFETY COMMITTEE
MINUTES**

REGULAR MEETING
Monday, February 27, 2017

Committee Members in Attendance:

Councilman Cecil Bothwell, Chair; and Councilwoman Julie Mayfield

Staff in Attendance:

Chad Bandy, Harry Brown, Chief Scott Burnette, Deputy Chief Jim Baumstark, Jade Dundas, Paul Fetherston, Dana Frankel, Chief Tammy Hooper, Gary Jackson, John Maddux, Ken Putnam, Sam Powers, Greg Shuler, Kelly Whitlock

Guests in Attendance:

Rik Schell, Andrew Fletcher, Susan Mitchell, Vaden Landers, Melody Pajak, Susanne Chiappa, Rosa L. Roca, Hilary Chiz, Luke Fernback, Sabrina E. Rembert, Adrienne Sigmon, Amy Cantrell, Lisa Freeman, Ponkho Ber, James Gambrell, Jody Anderson, Patty Becker, Keaton Hill, Missy Reed, Jackie Latell, Ashley Cooper, Hillary Brown, Vers Fi, Sabrah n'ha Raven, Angel Archer, Chelsea Allen, Julia Springer, Matilda Bliss, Laura Eshelman, Natalie Stevens, Jackson Callaway, Delores Venable, Dee Williams, Patrick Conant

1. CALL TO ORDER

Chairman Bothwell called the meeting to order at 3:35 PM.

2. APPROVAL OF JANUARY MINUTES

Not available due to staff change

3. WRITTEN REPORT

a. City Trespass Towing Ordinance

John Maddux, Assistant City Attorney

The City Attorney's Office provided the Public Safety Committee with a summary of the City's Trespass Towing Ordinance, in response to public comment at the January 24th City Council meeting.

Mr. Maddux clarified for the committee that when someone is towed from a private lot, if the lot does not have signage posted in the proper method, the Transportation Department will investigate and fine the tow operator. Therefore, yes, in response to Councilman Bothwell's question, the City is enforcing the tow ordinance as written.

Councilman Bothwell asked how to report violations in the towing ordinance; Mr. Maddux suggested either calling APD, the Transportation Department, the City Manager's office, or via the Asheville App.

Councilwoman Mayfield questioned whether the January 24th incident brought before City Council had been resolved. Mr. Maddux replied yes, with the tow operator being fined.

b. Update on Busker Pilot Program

Dana Frankel, Downtown Development Specialist

Ms. Frankel provided the Committee with an update on the busker pilot program. She indicated that it had been a slow season up to this point, but that they were working with stakeholder groups on ways to measure the program moving forward.

Andrew Fletcher, of the Asheville Buskers Collective, spoke to the Committee on what the Collective is doing on their end to make the program work. They have a website and a Facebook page, and are becoming the first point of contact for people coming into town and who want to know busking rules. The Collective gives out the information, helping to prevent negative interactions between law enforcement and a busker. He has received positive feedback from out of town buskers, specifically on Sgt. Coward, but does realize that the busy tourist season will provide challenges to the program. He mentioned that there was a shared responsibility between the busker and observers to not walk in the streets ... that it couldn't be solely the buskers responsibility as people walk in the streets all the time. He suggested keeping people on the sidewalks was a bigger conversation.

Councilman Bothwell complimented the group on their efforts over the past couple of years to development program. Councilwoman Mayfield thanked them for their hard work.

c. Designated Bike Lane Issue (April 25, 2016)

Ken Putnam, Transportation Department Director

Councilwoman Mayfield thanked Mr. Putnam for the report and the pictures but wanted to discuss the idea of downtown delivery trucks either blocking bike lanes, or lanes of traffic and what can be done about it. Mr. Putnam shared that the ordinance says they can park in a loading/unloading zone for 30 minutes, but that that is hard to regulate, and that it is a big problem with no simple answer. The Transportation Department has asked Legal to look at adding better language in the ordinance about parking in the designated bike lane, prohibiting it. They have also met with the Bike and Ped Task Force, who are discussing it now. They are also still trying to have conversations with downtown business owners because it will take everyone being on board to make it work. Over the last few years, trucks have been getting bigger making multiple deliveries from other cities. Some cities have banned deliveries in certain periods of time, but Mr. Putnam doesn't see that as particularly successful. What the department has tried to do informally is to encourage deliveries before 10:00 using metered parking spaces, since they know the truck will be in and out of there quickly, as most businesses don't open until after 10:00. From an enforcement standpoint, the 30 minute rule is difficult to monitor as they can't be everywhere at the time of parking, so they are still exploring different avenues. And what they are finding on the existing infra-structure, for example Hilliard Avenue, where they once did not need on-street parking, with the development of the South Slope, they do – it is hard to accommodate both parking, bike lines and loading/unloading zones.

Councilman Bothwell questioned the enforcement of construction and utility workers blocking sidewalks without any signage. Mr. Putnam said they have good success in granting temporary permits for people who want to do some sort of activity either in the street or on the sidewalk. But

they do understand that there are a lot of activities that go on without the department knowing about it. But that most of that activity happens further out, where the Transportation Department really doesn't have a presence. Mr. Putnam shared that the department has a good working relationship with the different utilities / wire companies, so that they normally send an email when they expect to be working in an area and might be blocking streets or sidewalks so that the Transportation Department can get the word out.

4. Updates

a. Chief's Update

Tammy Hooper, Chief of Police

Chief Hooper gave a brief update on the de-escalation training. It is currently underway and is called "ICAT," Integrating Communication and Tactics. She anticipates having all officers trained by the end of April, at which time it will be part of policy. She also mentioned that there would be an in depth story on the Use of Force Policy Process as well as the ICAT training on WLOS Tuesday night, February 28 at 11:00 p.m. which will give out more information to the public on what the APD is doing. Chief Hooper also shared with the Committee that she had met with the Racial Justice Coalition last week to give them an update on the information.

Chief Hooper also thanked Dee Williams for bringing the Traffic Stop Data information to APD first before sharing it publicly. As a result, the department is doing an in depth look at what the recommendations are, what data we have for the last two years and what, if any, changes APD needs to make.

Upon the question from Councilman Bothwell regarding the January incident in Montford, Chief Hooper explained that it was a tactically appropriate response to deploy a rifle or other weapon when responding to an armed subject call.

Councilwoman Mayfield brought up that during the budget process, she knew that the APD would be asking for increased resources for downtown as the data shows that downtown has by far the highest number of the whole range of events. Her question to Chief Hooper was if it was possible to aggregate the downtown data even more in terms of location, time, etc. Chief Hooper responded that she would be happy to provide that information.

5. UNFINISHED BUSINESS

a. Free Expression Walls

Chad Bandy

Councilman Bothwell clarified for the group that Free Expression Walls are places where people can legally graffiti and do public art. Chad Bandy, Public Works Streets Division Manager, was tasked at a previous meeting with identifying city walls that were candidates for free expression. Mr. Bandy gave a powerpoint presentation summarizing that process. The process identified 12 walls for consideration, but staff recommends only two of those that meet all or most of the necessary criteria for being a safe wall for free expression. Councilman Bothwell questioned whether the upper wall on Rankin Avenue could be opened up for bidding or proposals from the arts community in some way. Mr. Bandy responded that it had potential, but that the biggest concern was that it was so elevated that it would have to be protected in some way. And that the programming was still at a high level of the proposal. Another viable program might be that the free expression walls

might be a “revolving door” idea whereby one artist would put up his art, and then after a certain amount of time, it would be repainted by another artist. Councilman Bothwell shared that he had heard that other cities that provide public walls, let someone paint it, photographic it, put it on the city website, wipe it clean and then let another use it so that it would be a continuous available space. Mr. Bandy responded that with no program in place in Asheville, that there were many options to examine.

Councilwoman Mayfield asked what next steps would be should Council approve the two recommended walls. Mr. Bandy replied that approval by Council would mean figuring out the process for moving forward. The Committee unanimously voted sending to full Council for consideration Free Expression Walls on Councilwoman Mayfield’s motion and Councilman Bothwell’s second.

6. PRESENTATION

a. Open Date Policing (APD Traffic Stops)

Patrick Conant, Code for Asheville

Mr. Conant introduced his presentation by giving an overview of the project, which is called Open Data Policing. It was developed by the Southern Coalition for Social Justice with the help of some programmers and technology volunteers. The data is collected by state law when police do a traffic stop including information such as demographic information, why they initiated the stop, if they did a search, if conducted a search was it written or verbal consent or probable cause. The data has been collected over the past 15 years in a consistent way. The Southern Coalition for Social Justice put it in a format that anyone could understand and it contains information on any police department in the state that serves over 10,000 people.

The efforts in Asheville revolved around seeing the data, seeing how the data was used, and using the tool as an advocate for department policy changes. It has been used in cities such as Durham, Chapel Hill, Greensborough and Fayetteville as well as others to improve racial equity in their policing efforts.

He highlighted that the group had worked hard to include APD prior to promoting the information by meeting with the Chief and other staff, a larger meeting with staff which Ian Mance, staff attorney with the Southern Coalition for Social Justice’s criminal justice reform team and nationally known leader of SCSJ’s Open Data Policing initiative, attended, a Lunch & Learn and then CPAC last month. The goal is now to bring to Council for consideration. He then handed out a one page of analysis of what the Asheville data says, and one page of policy reforms that have proven to reduce the disparities in other cities in North Carolina.

Dee Williams spoke in support of Ian Mance’s low cost / no cost solutions initiatives used to correct the disparity effects of traffic police stops of black motorists in Asheville. She shared that the data shows that APD disproportionately stops black motorists for regulatory and equipment infractions (40% for black motorists, 30% for whites) non-safety related stops. They advocate sending letters instead of a traffic stop as most of these are related to ability to pay. Ms. Williams asked the Committee, and then Council, to re-evaluate the APD policies on traffic stops.

Ms. Williams suggested an administrative officer could review the traffic stop data on a quarterly basis to determine trends to figure out what officers are doing and why, and provides an

opportunity for specific training. She also questioned whether the APD was in compliance with CALEA standard 1.2.9, which references bias-based profiling. She then requested that Ian Mance be able to give a presentation to full Council on how this mandated data can be used to reduce racial disparity with no cost / low cost methods while improving community police relations.

Finally, Ms. Williams asked that future meetings be scheduled in a larger location to accommodate more public participation.

Councilwoman Mayfield asked if the radar gun issue could be related to the significant drop in number of traffic stops and searches. Mr. Conant answered that it could be, but that it was important to find out. Ms. Williams also pointed out that even though the drop has occurred, the stops are still disproportionately regulatory stops on blacks. Councilwoman Mayfield then asked for clarification on what regulatory traffic stops were, which Ms. Williams explained as crooked tags, tail lights out, expired tag, etc. – all of which come down to a person’s ability to pay.

Discussion also occurred regarding body cameras and if they might have an effect on the power disparity as it relates to searches. Mr. Conant continued to promote written consent as it relates to searches.

Councilman Bothwell questioned whether the data provided information on whether or not charges resulted from the traffic stop, to which Ms. Williams replied in the affirmative. Councilman Bothwell then referred to the Civil Liberties Resolution which he worked hard to have adopted by Council in 2013, to make sure everyone is treated the same.

Councilman Bothwell stated that he’d support Ian Mance to present the data to Council; Councilwoman Mayfield proposed waiting until APD had analyzed the data for the past two years, under Chief Hooper’s leadership. Mr. Fetherston suggested that it be a joint presentation to Council. In conclusion, Councilwoman Mayfield thanked the group for the cooperative way they were working with Chief Hooper.

7. PUBLIC COMMENT (5 CITIZENS, 3 MINUTES EACH)

*Note: Councilwoman Mayfield explained to the group that the budget process would begin in earnest in March, at which point there would be a series of budget work sessions that are public work sessions, the first work session being March 14 before the regular Council meeting in City Hall.

1. The following individuals urged the Committee to not support Chief Hooper’s request for \$1M to expand the Downtown Unit because of better uses of funds, some being, but not limited to: implicit bias and cultural sensitivity training for APD officers; programs to get guns off the street; affordable housing; food shortages; social programs; rehabilitation efforts; public transit system; improving public education; substance abuse treatment; and economic development incentives given to impoverished communities so they can help themselves: Rick Schell, Susan Mitchell, Melody Pajak, Rosa Roca, Luke Fernbock, Rev. Amy Cantrell, James Gambrell, Sabra n’ha Raven, Angel Archer, Matilda Bliss, Delores Venable, Dee Williams

Reasons cited for not providing funding included, but were not limited to: police implicit bias; conflating a peaceful march vs violent protesters threatening cars; barriers created by APD by locking lobby; police abuse of homeless; 1% crime increase reported since 2014 not significant; over policing can change character of City; incidents of violence and intimidation; Property Room scandal; Jerry Williams’ shooting; wouldn’t decrease violent crime but would increase violent policing; loss of

public trust; community (not money) is what creates public safety; Asheville one of least affordable places to live which is what is causing crime; it will help Trump and his policies; it will continue to suppress black people in this town; and it would be rewarding bad behavior on the part of the police department,

2. The following individuals spoke in support of Council adopting Ian Mance's no cost/ low cost proposals for reducing racial disparities in traffic stops by ending regulatory or equipment-based, mandating written consent to search, and to conduct routine audit of individual officer stop-and-search data: Melody Pajak, Luke Fernbock, Rev. Amy Cantrell

3. The following individuals asked the police not to participate or cooperate with ICE for the purpose of taking immigrants out of the country: Melody Pajak, Susanne Chiappa, Rosa Roca, Rev. Amy Cantrell. Councilwoman Mayfield and Councilman Bothwell both explained that the APD does not cooperate with ICE, but that the Sheriff's Department does.

4. Rosa Roca asked it be said publicly that Asheville is a Sanctuary City. Councilman Bothwell explained that when he ran for office and then was appointed to Council in 2009, he had tried to have Asheville designated a Sanctuary City (which the General Assembly has now made illegal). But that the Civil Liberties Resolution Council passed in 2013 essentially makes Asheville a Sanctuary City without being labeled as one. The intent of the Resolution is to not enforce differentially against people based on any visible differences and any language differences. Councilwoman Mayfield suggested exploring ways to get this word out to decrease anxiety and living in fear.

5. James Gambrell suggested the police department needs to be reformed by professionals, not by internal means.

6. Julia Springer suggested that a potential tactic for APD to get more money would be to ask for \$1M, but they reduce the request and the public should be aware. She also asked that the meetings be held in a larger space as a way to encourage this kind of public participation.

7. Angel Archer, who was arrested a week and a half ago for leading protest chants, said that it was good that she was arrested because it makes a clear statement to the community that the police are their enemy and that the Party for Socialism and Liberation are the friend of people who are resisting police terror.

8. Matilda Bliss stated that the projects are like 3rd world countries.

9. Laurel Eshelman, friend and colleague of Jonathan Robert, presented Councilman Bothwell with a petition signed by over 750 people to remove Officer Oza from the police force. She also expressed that she works with difficult children, and even if they have a gun, they are to be treated with utmost respect.

10. Delores Venable stated that AR-15s should not be standard issue – that only highly trained in the department should have one (captains and above). And that people are afraid to call the police because of the possibility of being shot at. She also suggested that giving the money to the black community as they are tax payers, too, would help make gentrification go away.

11. Dee Williams stated that the police are not there to contain poverty. She said that the Asheville Housing Authority Board is not aware of what is going on in public housing and that maybe changes can be made through the government in Raleigh. She also asked that Council track what goes on in the organizations that the City gives money, as she believes they have failed abysmally. She also shared that the condition of the Walton Street pool is indicative of the state of affairs in the black community. Finally, she suggested getting the parents organized, getting politically active and making it possible for young people to be able to afford to live in Asheville.

ADJOURN

Councilman Bothwell adjourned the meeting without objection.