



## **Planning and Public Safety Committee**

### **Virtual Meeting**

November 17, 2020

#### **Summary and Motions**

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Chair Mossotti called the meeting to order at 1:04 p.m. Committee Members Ellinger, J. Brown, McCurn, Swanson, Lamb, Worley, Bledsoe, Reynolds, and Plomin were in attendance. Council Members F. Brown, Farmer, Kay, and Moloney were in attendance as non-voting members.

Mossotti began the meeting with the following statement: “Due to the COVID-19 pandemic and State of Emergency, this meeting is being held via live video teleconference pursuant to 2020 Senate Bill 150, and in accordance with KRS 61.826, because it is not feasible to offer a primary physical location for the meeting.”

#### **I. Approval of October 20, 2020 Committee Summary**

Motion by Plomin to approve the October 20, 2020 Planning and Public Safety Committee Summary. Seconded by Ellinger. The motion passed without dissent.

#### **II. Hospital Based Violence Intervention Program**

Laura Hatfield, Director of ONE Lexington and Dr. Andrew Bernard, UK Trauma Medical Director, provided the committee with an update on the Hospital Based Violence Intervention Program. Hatfield explained the key components for this program and the importance of the intervention taking place from a hospital bed and which allows for a teachable moment. She spoke about how this program ties into the Safety Net Program and she displayed a diagram to illustrate the development of a hospital-based intervention. She said the program is in the process of being implemented and it is something that will need to be maintained in order for it to be sustainable. She spoke about the goals for success and she reviewed the benefits that this program will provide. Dr. Bernard provided the next steps which would be to finalize the hospital procedures for delivering the Safety Net message to patients and pursuing a funding mechanism for sustainability.

Lamb asked if other hospitals are involved in this program and Hatfield explained that often victims with a gunshot wound are transported to UK. Bernard said some are minor injuries and some are more serious, but we can work with other hospitals as this progresses.

Addressing Plomin’s concern about the background of the Safety Net outreach workers, Hatfield said when the Safety Net program began, Lexington Rescue Mission was helpful by offering their experience.

Bledsoe expressed concern about future funding and Hatfield said she has tried several ways to find funding, but right now it is important to determine if this will be successful by collecting data to evaluate this and from that, they will gain support.

No further comment or action was taken on this item.

### **III. Public Safety/New Vista Crisis Outreach Partnership**

Laura Hatfield, Director of ONE Lexington, provided a brief overview of the crisis response to homelessness, substance use, and mental health in an effort to prevent arrests and direct individuals to appropriate community-based services. She highlighted the current tools for first responder crisis response which include police who trained in crisis intervention, de-escalation training, Office of Homelessness Prevention and Intervention, and the Paramedicine Program. She explained the New Vista Crisis Outreach Team is funded with a 2-year grant which provides for 24/7 access to a crisis line, telehealth services, and in-person assessments/support. She added that another level of support is the UK College of Social Work which provides graduate student practicum placements, faculty member expertise as well as experience and advisement from the Dean. She spoke about the new S disposition code for police to use which indicates a social worker could have been used on scene. Dee Werline, CEO of New Vista and Dr. Jay Miller, Dean of the UK College of Social Work were present to provide additional information and answer any questions.

In response to Reynolds question about the training offered to first responders, Hatfield said New Vista is in the process of making a training video that will be offered to all first responders. Reynolds asked about the Paramedicine program and Hatfield said we can leverage grad students to work in Paramedicine and New Vista which provides a better opportunity for growth. Reynolds asked what the Paramedicine role is and Hatfield said there are gaps in time so working weekends or after 5 p.m. would be helpful.

J. Brown questioned if there is a space in the market for building a partnership and Miller said being able to respond quickly is helpful and we will see investments in programs like this so we want to be proactive and assess the need. He said internally, it allows us to think about resources and ways in which we can be more impactful.

Concerned about oversight of these students, Swanson asked what type of supervision is provided. Miller explained that it is a licensed process for the undergraduate students which provides the students with adequate knowledge to respond appropriately, but there will also be multi-level supervision including two levels of supervision on-site as well as a liaison.

Addressing Ellinger's concern about how funding allows for these services, Werline explained that the grant will establish the program within 2 years and services allowed under the grant will provide for the crisis outreach team. Ellinger asked when this program will be evaluated to determine if it is something that should continue and Hatfield replied that it will be reviewed in the first 3 months and periodically after that.

Moloney spoke about a similar program at Transylvania and he asked if we have worked with them Hatfield said currently we are working with University of Kentucky to shape the program before bringing in additional community partners.

No further comment or action was taken on this item.

### **IV. Police Policies and Procedures – Use of Force**

Roger Holland, Commander with the Lexington Police Department, provided an outline of the policy on *Response to Resistance* which is part of the training program. He explained the purpose for this policy

and the use of this tactic. He emphasized that de-escalation is always the first course of action and deadly force is only to be used in life-saving circumstances. He reviewed the *Resistance Control Continuum* which explains the officer's level of response based on the subject's level of resistance and said the more quickly resistance can be responded to, the better control the officer will have. Holland spoke about de-escalation and stressed the importance of using this appropriately to diffuse a situation so it does not lead to excessive force and he explained the policy for rendering aid in instances where an injury may have occurred. He described the step-by-step responsibility of officers and supervisors and he emphasized that the supervisor is required to document the incident for a response to resistance. He explained the old policy compared to the new policy, highlighting changes that have been made.

Seeking clarification, Lamb asked about the 250,000 incidents referenced and questioned the span of time during which the incidents took place. Holland said this number includes all calls for service and it is an average for the last 3 years. Lamb asked how many hours are required for training and Holland said it varies and would depend on the level of training and the type of training being offered. Lamb asked about the representation on *Law Enforcement Council* and Holland emphasized that these appointments are made by the Governor.

Reynolds asked about the definition of "use of force" and Holland explained the lowest level which would be placing soft hands on someone, but he emphasized that today's discussion is for high-level response to resistance. Reynolds asked what action is taken if the person does not have a weapon and Holland explained the "evaluation of totality". Reynolds asked about the policy on chokeholds and Holland said this a deadly force tactic which is only used when a life is at stake, but officers are not provided instruction on the chokehold.

Plomin inquired of a mandated timetable or an average for how long the reporting process takes and Holland said there would be an immediate notification so supervisors are aware. He explained that the length of the investigation would depend on the complexity and what is involved with the investigation, but they are not intended to be lengthy in nature or delayed. Plomin asked, on average, how long this takes and Holland said it may take a week or two weeks to get to the Public Integrity Unit for something basic.

J. Brown expressed concern about annual training for officers and asked if this is required and Holland responded that it is a requirement. In response to J. Brown's question about de-escalation being only verbal, Holland spoke about practices and training such as the crisis intervention training which provides for other de-escalation techniques. J. Brown asked about the reporting requirement each time an officer points their weapon at an individual and Holland confirmed this has been a policy since 1993. J. Brown asked if "use of force" is reported and the officer fails to activate the body camera, would the combination of the two elevate the level discipline. Weathers said this is taken into consideration, but there are dynamic situations and the officer may not always have time to activate the camera. J. Brown inquired as to whether we can make all "use of force" reports something to be reviewed by the *Disciplinary Review Board*. Keith Horn, Attorney with the Law Department, explained that this board only exist as part of the Collective Bargaining Agreement (CBA) so their process and authority exists by agreement and an amendment to this agreement would be required in order to review every "use of force" report. Weathers said there is a review committee with a significant level of expertise that reviews all "use of force" complaints. He added that there would need to be a formal complaint made for it to go before the discipline review board.

Moloney spoke about a potential situation where an officer might be on standby and the situation escalates quickly, leaving no time for the officer to activate the body worn camera. He suggested a solution for this could be that cameras should remain activated at all times. Weathers said situations are assessed when the officer has no time to activate. He added that leaving the camera on at all times would mean an additional cost and there would need to be consideration given to how citizens would feel about a camera recording everything at all times.

Bledsoe asked about the incident review board that reviews the “use of force” cases just to assess how these are being done rather than recommending discipline. Weathers said he can’t say for sure there will be no discipline. When the case is reviewed and found there was an egregious error, a formal complaint may be brought against the officer. Bledsoe said this may be an opportunity for transparency by allowing a council member or citizen on the review committee to play a role, but this might not be appropriate if action is taken. Weathers said action is not always taken and he is not opposed to having others look at this.

F. Brown questioned how our training compares nationwide and Holland explained everything is reviewed from an accreditation standpoint that keeps us ahead. He said the recommendations and best practices that are being discussed nationwide are things we are currently doing. When F. Brown asked if other cities do this much training, Holland said some states vary in their course of instruction.

Lamb asked about the review committee referenced today and that committee’s structure. Weathers explained that it includes commanders, a training team, etc.

No further comment or action was taken on this item.

#### **V. Amend Council Rules to add Section: Police Discipline Presented to Council**

VM Kay referenced the draft proposal for amending the Council Rules and adding a section on police discipline presented to Council. He explained that a few changes were made to original version which CM Bledsoe circulated to Council and that version is included in the packet for review. Based on prior discussion, he said he understands that item number 5 appears to be the main concern because it does not pertain to how we proceed as a Council and what we expect, but it has more to do with our individual judgments about seeking additional information.

VM Kay made a motion to place this draft proposal (with the removal of number 5) on the docket. The motion failed for lack of a second.

Swanson expressed concern with making this change and said this needs additional review and additional discussion to work through some of the issues with this draft. He said there are issues with codifying something that is not transparent and he suggested having something similar to Planning Commission and remaining confidential. He added that before Council looks at the *Agreement of Conformity*, there should be a layer of civilian review before it goes to a hearing. Horn said it would require a discussion with the police department and the union because this goes against the rules on public comment, but it is worth having a discussion. Swanson emphasized that his suggestion would be that a civilian review take place after the Chief’s recommendation. Horn said state approval would be necessary to introduce this and we can't include citizens in public statements.

J. Brown said he believes it will be beneficial to have this section in Council Rules, but allowing public input on this is not clear at this time. Bledsoe said we should look at council members to participate in these conversations and provide recommendations. Lamb stated that there is an opportunity to include information about police in the Council orientation training and adding this to the packet of information.

No further comment or action was taken on this item.

## **VI. Items Referred to Committee**

Motion by J. Brown to remove the *Releasing Public Right of Way for Alleys* item from committee. Seconded by Ellinger. Motion passed without dissent.

Motion by Plomin to remove the *Event Planning* item from committee. Seconded by McCurn. Motion passed without dissent.

Motion by Mossotti to remove the *Review of Individuals on Golf Carts While on Public Streets* item from committee. Seconded by Swanson. Motion passed without dissent.

Motion by J. Brown to combine the *Safety Net Program, Hospital Based Intervention Program, and New Vista Crisis Outreach Partnership Program* into one committee item. Seconded by McCurn. Motion passed without dissent.

Motion by McCurn to adjourn. Seconded by Plomin. Motion passed without dissent.

The meeting adjourned at 3:14 p.m.