



## **Planning and Public Safety Committee**

### **Virtual Meeting**

October 20, 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, Bledsoe, Reynolds, and Plomin were in attendance. Committee Member Worley was absent. Council Members F. Brown, 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 August 18, 2020 Committee Summary**

A motion was made by Plomin to approve the August 18, 2020 Planning and Public Safety Committee Summary, seconded by Lamb, the motion passed without dissent.

#### **II. Police Policies and Procedures for Off-Duty Employment**

Brad Ingram, Commander with Lexington Police Department, reviewed the policy that oversees off-duty employment. He explained that the business employing an officer in a police capacity is required have a liability insurance policy and the employer is to acknowledge that LFUCG is not responsible for claims that arise from the officer's off-duty assignment. Ingram compared the old and new policies, pointing out significant changes. He explained the review and approval process for working off-duty in a police capacity. He described the policy with regard to plain clothes assignments which are typically non-enforcement assignments and he emphasized that all enforcement assignments would require the officer to be in full uniform including a body worn camera. He spoke about prohibited employment with regard to assignments such as alcohol establishments, civil process, or private investigation. He explained the requirement for officers to notify dispatch of their location and the hours they will be working; whether they are in a police cruiser or not; and whether or not they are in uniform. Lastly, he reviewed policy changes and recommendations and he explained that policies are reviewed annually, but one can be amended at any time.

Plomin asked how many sworn officers have outside employment and how that has changed over the years. Ingram said a significant portion of sworn officers have some type of off-duty employment and there are assignments that have nothing to do with policing, but he is not sure whether this has increased or decreased. Plomin asked if it is necessary for all officers to check-in each time they report to an off-duty job and Ingram said only if the officer is working in a law enforcement capacity. Plomin asked about the use of a police vehicle when reporting to off-duty employment and Ingram said part of the approval process includes whether or not the police cruiser will be needed. He said the officer is still required to assist with police incidents while operating the police vehicle and the same policies that govern the use of the vehicle on duty also apply off-duty.

Lamb asked who is listed on the certificate of insurance with regard to workers compensation and general liability. Ingram said LFUCG is required to be named on it. Lamb asked if a claim goes to who is listed on the certificate of insurance for payment. Horn said the intent is that this would go to the off-duty employer

and with indemnity, when a lawsuit is filed and the claim is turned over to the private company, it can sometimes end up in a fight about that company's obligation. Lamb spoke about the stipulation for the amount of officers or supervisors working an assignment and asked if one officer's request for off-duty employment would require additional officers and supervisors to be involved and if so, she asked how the additional officers are compensated. Ingram said they would be compensated by the off-duty employer. As an example he said a company might want an officer to work a large event and if it appears to be unsafe for one officer to work the event, we would require the private employer to employ additional officers as necessary.

J. Brown asked if the Body Worn Camera will also be required as part of the uniform and Ingram said that is correct. J. Brown expressed concern asked about the previous policy that approved 2-year assignments without looking at a specific job or assignment, but he said now having the Chief look at individual assignments before agreeing to allow this is important. He said anytime an officer is out in the community whether off-duty or on-duty, they represent the city and the police department so they should be held to the same standards as when they are on duty.

Bledsoe asked if the number of officers working in plain clothes is a small amount and Ingram said that is correct. Bledsoe said there are churches who use plain clothes officers in case something goes wrong because you don't want the presence of a uniform to give the impression something is wrong and cause fear and Ingram agreed. Bledsoe asked those assignments would require a uniformed officer and Ingram explained that it is recommended they be in uniform but he understands there are certain situations where the employer requests a plain clothes officer. He said this will be reviewed and scrutinized and he emphasized that no enforcement can be taken unless emergency circumstances arise because they are not identified as police. Bledsoe asked if this is put on the request form and Ingram said these details must be provided on the request for approval. Bledsoe asked if we have quasi-uniforms or only full uniform. Ingram said for the purpose of off-duty employment, any officer working in a law enforcement capacity is required to be in uniform.

Reynolds asked if police officers directing traffic at a church or school are considered to be off-duty. Ingram said the majority of those are off-duty and must go through the same approval process. He said there are instances where an on duty unit may be called to assist with this, but the majority is off-duty.

Mossotti asked about off-duty assignments at alcohol establishments and Ingram confirmed that is no longer allowed. She asked if they have received many calls regarding people coming into an establishment and refusing to wear a mask. Ingram said they have not received many, but this would be a private policy matter where the establishment can ask the person to leave and if they refuse, it could lead to criminal trespassing. He said they have probably received calls about this, but he is not sure how many.

J. Brown asked if off-duty officers in uniform would have use of their utility belt to take appropriate action if the situation escalates to violence. Ingram said the full duty uniform allows for many options when responding to a situation, but he emphasized that use of the utility belt should not be the first course of action, saying that verbal de-escalation techniques are to be used first when possible.

No further comment or action was taken on this item.

### III. Safety Net Update

Laura Hatfield, Director of ONE Lexington, provided a presentation on the Safety Net Program and she explained that Lexington has fewer intervention programs for youth than many other cities. She said the enforcement goal is to eliminate gun and gang activity in Lexington. She said they have worked with community partners and officers to gather information and build relationships. She spoke about an internal group and community partners that has been addressing issues and developing a model. She said they have already received input for the Safety Net model which has now been activated. She displayed a Safety Net chart to illustrate how a referral makes its way through the Safety Net process. She spoke about the community partners and opportunities for engagement and she provided a breakdown of the community partners.

Lamb spoke about the crisis intervention training for police as it relates to adults and she asked if this type of training will be available as it pertains to youth. Hatfield said we have been partnering with New Vista and on a few projects and this is something they would be willing to work on with us. She also said she will discuss this with Fayette County Public Schools Chief of Security at an upcoming meeting.

Reynolds asked what ONE Lexington and Safety Net needs in order to make an impact with regard to intervention and prevention. Hatfield said the thing that is needed most is community partners because many of the projects being done are in partnership with community partners. She said it just takes one person to decide they want to get out of their current lifestyle and there needs to be more people to work with those who are struggling.

J. Brown spoke about Safety Net and how the numbers are not isolated to one particular area of town and those numbers fluctuate. He said a sustainable path forward could be locating this office and these efforts with the Department of Public Safety which would allow the position to build capacity in that office. Hatfield said she prefers to keep doing the work and she counts on others to decide where it goes. She said law enforcement and faith leaders are partners so the location does not really matter, but she agreed that sustainability is a very important component. J. Brown said he is very concerned about the funding since some of these efforts take funding and manpower, adding that providing a stable “home” for this position might make others understand the program better. J. Brown asked what the partnership with the hospital looks like. Hatfield said the Hospital Based Violence Intervention Program would take place from a hospital bed. She said we are working with the UK Trauma Center on this program and they are supportive of this because they are tired of stitching someone up and sending them back to the same environment.

Moloney asked if there is a plan to continue the programs we have been unable to offer since school ended in March. Hatfield said we work daily with Fayette County Public Schools and we are always looking for ways to make sure the students are successful both in school and in the community. Moloney agreed that the position needs a “home”, but he suggested Department of Social Services rather than Department of Public Safety. He said this should be a permanent Civil Service position outside the Mayor’s Office because it is an important position and the city needs to know how important the program is.

Mossotti spoke about the increase in assaults with firearms and homicides and she asked what this is attributed to. Hatfield said there are ongoing disagreements and many of the shootings are a result of retaliation. She said we need the community to continue to build up preventions and we need more families to be involved in the program. Mossotti asked what the ESR involvement would be. Hatfield said one of the priorities for ESR has been violence prevention, but we should look at violence intervention

because there are no programs that focus on this. Mossotti asked if there are ideas for how to move forward on this and Hatfield said we need more people like street outreach workers to step in and say they can take care of this and see how to diminish conflicts before they are in the media.

No further comment or action was taken on this item.

#### **IV. Police Discipline After Action Review**

Susan Speckert, Commissioner of Department of Law, provided a background on this item saying plans to create a Police Discipline After Action Review Commission came out of listening to concerns from the public. She said a commission like this is permissible under current legal and contractual frameworks and the purpose of the commission would be to review closed police investigations regarding certain critical incident cases and disciplinary actions and to recommend changes in policy or procedures to the Mayor and Chief of Police. She explained that \$50,000 would be required to engage an expert to assist in creation of the commission and she reviewed the scope of work this would entail.

Moloney asked if other cities are doing this. Speckert said there are a number of cities who have these types of boards and commissions in place. Moloney asked why we would need \$50,000 when we could use ideas from other cities for starting this here for a lot less money.

Bledsoe said the Mayor's role with discipline is appointing the Police Chief and negotiating CBA and it is the Chief's recommendations and this Council that decide discipline. She said if this information is not provided to Council, it does not help move discipline along. She said rather than using an outside review board, Council should review this every two years and evaluate how we review discipline and communicate this back to the Chief. She said an outside review board could give us feedback but the day-to-day change is in this body.

Lamb asked how the specifications will be written and Speckert said we have looked at other cities and we would welcome input from Dean Murphy as we put this together. She said what we have seen in other cities is to look at ways to get input from citizenry in the police discipline review process. She said we have asked what we can do here with our current legal framework and by doing some research, we found outside review boards.

Reynolds said she is in favor of civilian oversight on this type of review board, but the concern is the \$50,000 cost associated and she does not understand why the cost is so high. Speckert said if we can find someone for less than \$50,000 who is qualified, we will do that. She said many of these review boards are similar but there is dramatic specificity and detail with how they perform their work. She said we do not have the expertise in house to provide specific guidance to determine the structure that will allow the commission to succeed. Reynolds asked if this person would be on the board or overseeing the board and Speckert said this person would come in to facilitate and lead us through the process of setting up the board.

J. Brown said the community has been asking for inclusion and to be involved in the active process and he is supportive of any opportunity we can create that will allow for community input and engagement. He said it would benefit the Council to be part of the After Action Review Board because we are the final say in police discipline. Speckert said we have been unable to accomplish the specific things the public wants because of legal parameters. She said we are looking for something that has been effective and can be

done in the short-term. She said these boards are not mutually exclusive from the kind of citizen involvement with an actual discipline review board and many cities have both types of boards with different objectives.

Swanson asked if the commission meetings would be open, public meetings and Speckert said they would be. Swanson asked if the information provided to the commission would be obtained through an open records request or if the police department would automatically turn the documentation over. Speckert explained that based on what other cities do, the material being reviewed varies depending on the city and this is something that would need to be determined.

Daniel Murphy, Assistant Dean with the University of Kentucky College of Law, spoke about the community needs and said he understands community concerns and concerns being expressed today. He said there is an opportunity for us to impact policy changes that could have citizen involvement with policy recommendations which would then be presented to Council and policy makers to make the changes.

Mossotti asked what the timeline is for putting this out for bid. Speckert said the RFP would go out as soon as possible with the hope of implementing this in less than a year.

Lamb asked for the specifications that will be in the RFP to be sent to Council when they are available. She said she wants to make sure we do the due diligence to make sure this is sustainable and will achieve what it is intended to.

No further comment or action was taken on this item.

**V. Items Referred to Committee**

No further comment or action was taken on this item.

A motion by Bledsoe to adjourn, seconded by Ellinger, the motion passed without dissent.

The meeting was adjourned at 2:55 p.m.

KT 10.26.20