

MINUTES OF THE PUBLIC SAFETY COMMITTEE
August 17, 2020
Online Broadcast Meeting

Present: Councilmembers Neff, Bullock, & Litten

Also Present: Councilmember Kepple, Mayor George, Acting Police Chief Wilkins, Police Captain Kevin Kauchek, Police Captain Gary Sprague, Police Captain Stone, Police Lieutenant Warner, Police Investigator Pat Fiorelli, Fire Chief Dunphy, Planning Director Shawn Leninger, members of the public, & Deputy Clerk Lascu taking minutes

Start time: 5:30 p.m.

AGENDA

Approval of the minutes of the July 13, 2020 Public Safety Committee.

Chairperson Neff made a motion, seconded by Councilmember Bullock to approve the minutes.

A roll call vote was taken as follows:

Yeas – Bullock, Neff

Nays – None

Motion passed. The minutes were approved.

Communication from Councilmember Neff regarding parking issues on Edwards Ave. and other side streets impacted by business patrons. (Referred to Public Safety 7/6/20)

Chairperson Neff indicated that she has been working with members of the Planning & Police Departments to further study and monitor parking on Edwards Ave. She has also been in contact with the owner of the Lakewood Truck Park, Dan Degan, and has had discussions with him regarding the parking situation in the area.

Director Leininger reviewed his discussions with Mr. Degan and shared ways that could provide relief in the interim, prior to another parking study being completed. Mr. Degan's business will look to better market shared parking arrangements that he has with a neighboring property and a dental office further to the west of his building.

Councilmember Bullock questioned the timeframe on the new parking study. Director Leininger stated that the study would take place after the initial opening period of the business, targeting September.

Acting Police Chief Wilkins noted she spoke with the police dispatch center and added that her department has not received many calls regarding illegal parking at the truck park.

Lisa Shaffer-Gill of 1372 Edwards Ave. noted issues with the speed of traffic since the opening of the truck park and requested a speed sign on the street. Acting Chief Wilkins stated that police will place a sign there within 3 to 4 days.

John Carlson of 1370 Edwards Ave. stated that residents don't call the police for parking matters and detailed the problems he's had parking just within the last year. He attributed some of the problems to employees of the truck park parking on the street. Acting Chief Wilkins encouraged Mr. Carlson to contact the police's non-emergency number.

Councilmember Bullock gave a past example of library staff parking in another area to accommodate neighbors.

Chairperson Neff stated her intention to propose a parking/speed related project for the Edwards Ave. area in the upcoming Council budget priority process.

Communication from Councilmembers Kepple, Rader, & Bullock regarding policing policy review & racial equity. (Referred to PS 6/15/20)

Chairperson Neff acknowledged and commended the Lakewood Police Department and the Westshore Enforcement Bureau on the job they did dealing with the tragedy of a Lakewood resident being killed.

In addressing #7 of the Eight Can't Wait Strategies, Acting Chief Wilkins noted that the use of force continuum is a little outdated and could limit an officer's ability to protect citizens or themselves. Investigator Fiorelli gave some of the history behind the use of force continuum and explained its shortcomings. He emphasized that LPD trains its officers to examine human behavior and be thinkers. Mr. Fiorelli added that LPD strives to train officers on established law and that the city's police are trained more than 98% of police in the state. He noted the tragic George Floyd incident in Minneapolis and stated that officers could find themselves in a position where they are on someone's back and that there is a very short window of time where that is acceptable. Officers are put in that position during training to understand the situation and address it properly.

Councilmember Bullock outlined what success looks like to the department, stating that it includes training and having the tools they need to do their job. Mr. Fiorelli noted that the department is up to speed on training, which focuses on using the least intrusive mention of intervention. He noted that the department has been de-escalating situations for a long time.

Councilmember Bullock stated that Lakewood residents saw a national problem with policing and wanted to make sure they are a part of the solution in their own community. He highlighted that the use of force data is very low and that the most significant use of force in the last five years was investigated by the administration and disciplinary action was taken.

Acting Chief Wilkins reviewed the numbers on training for officers. Last year, Lakewood officers averaged about 100 hours of training time.

Councilmember Kepple asked questions regarding the constitutional use of force standard and how long it would be safe to put pressure on someone's back like in the instance of George Floyd. Mr. Fiorelli noted that what took place in the George Floyd video shocked the senses and keeping him in that position for an extended period of time was reckless. He noted that officers may find themselves on someone's back if they are attempting to control a combative suspect and that a knee in the back or neck is a high use of force. There is a short period of time where an officer should be on someone's back. He stated that an officer should sit someone on their butt once he or she gets handcuffs on them, so they can breath. LPD officers training consists of wrestling and teaching tactics to fight in the safest way possible. He highlighted two cases, *Graham v. Connor* (1989) and *Tennessee v. Garner* (1985), that outline the constitutional use of force standard. They provide a post-incident review standard, which provides objective criteria to what is a reasonable use of force.

Councilmember Kepple inquired about the time standard for being on someone's back. Mr. Fiorelli said there is no time standard, however they teach that once the resistance stops that the force stops. Councilmember Kepple followed up asking how long it would be medically dangerous. Chief Dunphy and Mr. Fiorelli noted that there a great deal of factors to consider, such as narcotic use or underlying health conditions. There is an overall time limit to a human being like that in a normal circumstance, however one has to take into account increased exercise and aggressiveness in those circumstances.

Public Comment: John Hill of 107 Lakeland Ave. stated a need to think about transparency and accountability in regard to LPD. He noted that he has worked with Captain Stone and Lieutenant Warner to get a variety of information on the department. He added that policy 300 of the use of force police does not outline that the least amount of force possible should be used. He spoke about a past use of force incident in 2016 where an excessive use of force resulted in a child receiving a broken jaw and the city paying out \$150,000 to settle a lawsuit. He sought to make sure that never happens again. He also suggested including the ability to file a complaint online on the city's website. Acting Chief Wilkins addressed some of Mr. Hill's points, spoke about the incident and stated that the department's amount of training makes her confident in her officers' ability.

Councilmember Litten highlighted the need to pay attention to near misses.

Update from Lakewood Police Department regarding mask mandate enforcement.

Chairperson Neff inquired as to the amount of citizen complaints on mask wearing. Acting Chief Wilkins indicated that her department has not received a high volume of calls regarding masks. Some have been minor in nature and police are continuing with bar checks. Mayor George stated that complaints of overcrowding at bars have diminished.

Chairperson Neff adjourned the meeting at 6:30 p.m.