



CITY OF CHARLESTON West Virginia

Council Member – 10th WARD



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Public Safety Committee, Chair
Ordinance and Rules Committee

TO: Public Safety Committee
FROM: Keeley Steele, Chair
RE: Committee Meeting

There will be a Committee meeting of Public Safety on January 14, 2021 at 5:30 PM

THIS MEETING WILL BE HELD VIA VIDEO/CONFERENCE CALL

***Join via internet:**

<https://us02web.zoom.us/j/81646049460?pwd=cUI2emRDV0NXZWc1bDN5em5zWnN1Zz09>

Passcode: 183464

***Join via Phone: 301-715-8592 or 312-626-6799**

Webinar ID: 816 4604 9460

The agenda will be as follows:

Approval of Previous Minutes

1. 9-24-2020

Bills

1. Bill No. 7889 – A BILL to amend the Code of the City of Charleston relating to prohibiting standing, congregating and obstructing the flow of traffic near an inherently dangerous intersection or highway and declaring halting or obstructing the flow of vehicular traffic a nuisance.

Resolutions

1. Resolution No. 418-21 - Authorizing the Chief of Police and the Charleston Police Department to enter into a Memorandum of Understanding with the United States Marshals Service who will direct and coordinate a Regional Fugitive Task Force for the purpose of locating and apprehending fugitives.

Discussion

1. SOAR update
2. House Fire Update
3. Inspection of Apartments Currently Registered

*THE AGENDA WAS AMENDED 1-12-2021 to add Res. No. 418-21

KS/ns

MINUTES

PUBLIC SAFETY COMMITTEE MEETING

5:00 P. M., SEPTEMBER 24, 2020

*IN RESPONSE TO THE COVID-19 PANDEMIC, THE MEETING OF THE PUBLIC SAFETY COMMITTEE WAS CONDUCTED ELECTRONICALLY. THE MEETING WAS MADE AVAILABLE TO THE PUBLIC AS A LIVE STREAM VIA ZOOM (PER THE AGENDA).

Keeley Steele, Chairperson, called the meeting of the Charleston City Council Committee on Public Safety to order at 5:00 p.m., SEPTEMBER 24, 2020.

Committee Members Present:

Keeley Steele, Chair
Chuck Overstreet, Vice Chair
Pat Jones
Bruce King
Deanna McKinney
Shannon Snodgrass
Tiffany Wesley-Plear

1. Approval of Previous Minutes –
Councilmember McKinney moved to approve the minutes of the previous meeting on 5-12-2020. There was no objection and the minutes were approved.

2. Discussion – Possible intimidation of acceleration / exhibition of speed -

Councilmember Steele stated that there has been an issue in the City, particularly in the flats, of the revving of engines and other loud noises related to vehicles at all hours of the day. The City Attorney, Kevin Baker, looked into the current ordinance, and it seems that the law gives the CPD sufficient authority over the matter. Baker added that his reading of the noise ordinance is such that is general and specific to vehicle noise that could fit the scenario that Councilmember Steele described. Councilmember Steele stated that she will encourage her constituents to report these incidents, taking note of the details of the vehicles. Chief Hunt agreed that the best thing to do would be to educate citizens as to what constitutes a violation. Councilmember Wesley-Plear added that she typically sees this problem with dirt bikes and other vehicles that should not be on the road. Councilmember Steele added that, especially in her area, since the culprits seem to be limited to a few individuals, being pulled over with a warning would go a long way to fixing the problem. Chief Hunt agreed, adding that the matter will be added as high priority on the list at roll call trainings to educate the Officers. Councilmember Wesley-Plear confirmed that the non-emergency number should be used, unless children are involved.

3. Discussion - CPD responsibility of private property where NO Trespassing signs are present –

Councilmember Steele stated that she had noticed a problem with absent landlords or unoccupied property, and asked what was the CPD's responsibility if there are posted NO Trespassing signs on private property. In her discussions with other property owners, having that sign should be enough to give the CPD authority to enforce and secure that property.

Baker added that a No Trespassing sign provides some amount of notice to a person who is trespassing, but part of the problem is that there still must be a willing victim who wants to prosecute a person for trespassing. For example, a neighbor calling to report someone trespassing on a nearby property is not enough for a prosecution. He added that a new law recently passed by Legislature stated that the trespassing of a building that has been posted as condemned by the City is an offense that would carry the potential of jailtime. Chief Hunt agreed, and cited a recent incident where a blanket permission was obtained from the landowner. He added that if such permissions could be obtained in writing and verified, that would at least allow them to prosecute in court. Chief Hunt added that they would simply need something from the landowner stating what was their property and who (if any) is allowed to be there.

Chief Hunt also mentioned that trespassing is not a jailable offense. Councilmember Snodgrass confirmed that the CPD does have authority to act when the City has posted a condemned or NO Trespassing sign on a building or property, because a victim is assumed. Councilmember Steele asked what would the owner's responsibility be in respect to making it more difficult for trespassing to happen if issues are known (such as putting up barriers for a parking lot) other than putting up a sign. Chief Hunt replied

that would be up to the property owner, but he would need to research further with the City Attorney in regard to a particular property being a safety issue or nuisance to society.

Councilmember Knauff added that the CPD has always stressed the importance of citizens to call to report, so it makes sense that citizens should do so, if only to get that data recorded for later use and trend tracking. Deputy Chief, Scott Dempsey, agreed. Councilmember Overstreet added that there is a major problem in his Ward on Stephens Avenue where people keep returning to a boarded-up property after being run off by Officers. He asked how many times offenses like this were allowed to happen before being arrested. Chief Hunt encouraged that incidents be called in every time. As for the trespassing, he advised that they are issued a ticket every time, but they must make it to court for it to be a conviction.

Councilmember Faegre added that she is aware of several problem areas, and cited an incident at the Mt. Calvary Baptist Church where a police car passed an obvious group trespassing, and citizens calling to report it to the non-emergency number were treated rudely. Chief Hunt added that unfortunately they have no control over the non-emergency number, and there might be a number of reasons and constraints that an Officer might not stop. Later in the meeting, Councilmember Wesley-Plear asked what Councilmembers could do to make people more comfortable about calling to report issues. Councilmember Steele suggested inviting someone from the dispatch office to attend a meeting. From the audience, Councilmember Bays added that the non-emergency number (348-8111) is routed to the 911 Center (so they are speaking to a 911 operator), adding that it goes to the same place as emergency calls but not tying up an emergency line.

Chief Hunt added that an additional hurdle is that many repeat offenders are being released by the Court system. Councilmember Steele asked if that is because the system is overcrowded. Chief Hunt replied that he could say that the CPD has the available budget to jail these offenders, but they are not staying in jail or at all in some cases. Councilmember Snodgrass asked how arrests operate. Chief Hunt replied that individuals arrested by the CPD or Sheriff at night go into the Magistrate system unless it is a Municipal matter, but he could not recall the cut-off time for those. Councilmember Snodgrass replied that the biggest problem is that the Magistrate system is letting repeat offenders go.

Baker agreed that the full budget has not been used due to a number of reasons, citing that jails are indeed overcrowded. He added that when the type of bond is issued, the Magistrate is supposed to consider if the person is a risk to society or a flight risk. In light of Covid, the Supreme Court does have a blanket order to try to PR bond as many people as possible to try to reduce jail numbers. Likely, Magistrates are aware of this and are issuing more PR bonds as a result. Councilmember Snodgrass added that the cases she had followed were very inconsistent and Magistrate-dependent; she was particularly concerned with DUI issues now being controlled by the Magistrate Court. Mayor Goodwin added that this issue is often overlooked, and she is glad the

Committee is having the conversation, because it is definitely on the radar of the CPD. Councilmember Snodgrass suggested inviting the Judge that presides over the other Magistrates to a meeting.

Councilmembers King and Steele discussed that the Supreme Court's policy to issue more PR bonds is likely due to the pandemic and is not a long-standing policy. Councilmember King replied that if someone didn't want to be confined in jail with possible exposure to a virus, they should not commit crimes in the first place. Councilmember King asked if Municipal and Magistrate judges could send offenders to drug treatment. Baker replied that there is a process to help individuals get into Presteria programs, whose charges will get dismissed upon completion.

4. Discussion - AIDs memorial garden update –

Councilmember Steele stated that the AIDs Memorial Garden has become a hotspot over the past several years. Baker added that the main approach as it concerns public safety has been to work with the organization that owns the park to try to trim the shrubbery as much as possible to keep a good line of vision from the street for Officers. Another idea was to provide some more lighting to eliminate dark spaces at night, which looks like that will happen. Signage that clearly states the hours of the park has also been suggested. Baker added that there was also an idea to install speakers to play relaxing music with a welcome announcement during the day.

5. Crime statistics over the last several years–

Councilmember Steele stated that members should have received an email concerning crime statistics for the West Side. Councilmember McKinney added that it is appalling that the last Committee meeting was 4 months ago, adding that she was not notified of a recent shooting. She was concerned that she was being asked about things she did not receive prior notice from the CPD or Mayor's Office. Councilmember McKinney asked when and how are they going to start bringing more awareness to residents, and requested to have monthly Committee meetings. She expressed concerns that there are very little patrols as well as inadequate lighting on the West Side. Chief Hunt added that he is sympathetic to her concerns, although he couldn't speak about active cases. Chief Hunt said it would be impossible to individually reach out to every Councilmember when a crime occurs in their Ward, but he has been extremely responsive when contacted by a Councilmember with information or questions about suspicious activity, etc.

Councilmember McKinney stated that there should be more communication between the CPD and Councilmembers, especially since they are sometimes contacted instead of the CPD. It does not seem fair to her to be unable/not informed enough to answer questions from her constituents if they have access to her public contact information. Chief Hunt replied the he could provide the Councilmember with that information, but

she would need to reach out to him as there is no way he could provide information to every Councilmember for what is deemed a major crime.

Councilmember Wesley-Plear added that a lot of the time, Councilmembers find out about activity in their Wards from Facebook. She suggested that perhaps those types of alerts could go out to the Public Safety Committee, and the Committee members could be responsible for distilling that information to the appropriate Councilmembers. Chief Hunt explained how calls are received and the timing of how they are responded to by the various departments involved.

Councilmember Snodgrass added that she had received many calls about the firefighter that recently overdosed with concerns that he was on duty. She asked if protocols had been changed because of this (random drug testing, for example). Baker said that random drug tests continue to be done every month for City employees and on suspicion as the law allows

Councilmember Jones said that there is a business on 7th Avenue where several violent crimes and arrests have occurred, as well as drug deals on Slater Alley. Chief Hunt replied that he is familiar with those issues, but there are no criminal records for that particular business. Councilmember Steele added that businesses that have had their licenses revoked, will get someone else to apply for them. They cannot assume a particular type of business is engaging in illegal activity if there is no criminal record. Councilmember McKinney stated the need for more patrols in that area.

Councilmember Steele said that they as Councilmembers had a responsibility to their Wards and needed to walk their Wards and talk to the Community. She recommended that each of them identifies a few things they could do or implement that would help. Councilmember Wesley-Plear asked Chief Hunt what Councilmembers could do to help the CPD. Councilmember Knauff asked what Councilmembers are supposed to do when they know what the problem issues are. Chief Hunt replied that each section of the community has their own set of problems. One of the biggest problems on the West Side is witness cooperation, adding that it is not a policy of the CPD to announce where they get their information. Councilmember McKinney added that there are a new set of Officers with which trust has to be built. Councilmember Steele asked if they could attend roll call to introduce themselves. Chief Hunt agreed that would be an excellent idea, which could be scheduled with notice. He added that ride-alongs are permitted for Councilmembers and members of the Citizen's Police Academy.

Councilmember Faegre asked, concerning a recent shooting, if the City had hidden cameras around areas with high instances of crimes. Chief Hunt replied that there are a few cameras along with the cameras of several businesses. From the audience, Councilmember Bays asked if the listed East West and South Districts were true to the West Side, East Side, etc. Hunt replied that they use the rivers as boundaries. Everything on the MacCorkle Ave. side of the Kanawha River is "South" and so forth. Councilmember Knauff confirmed that Kanawha City and South Hills would be in the South District. The East End and Downtown would be in the East District.

Councilmember Knauff confirmed that if they had questions on how the data is collected, they can direct them to Chief Hunt. Councilmember Wesley-Plear asked if the reported homicide rate was correct. Councilmember Steele suggested that she reference the Year End report for more accurate numbers.

Councilmember Knauff added that there used to be a Public Information Officer from which they would get prompt updates, and now they get information from multiple sources. Chief Hunt confirmed that position no longer existed, and he preferred to be contacted directly. Councilmember Wesley-Plear asked for 3 key people that they could contact. Chief Hunt replied that he would always take their calls, etc. at any time.

Councilmember Bays asked if it would be possible to aggregate the numbers within certain boundaries, such as streets. Deputy Chief Dempsey replied that the software allowed them to collect data by “beats” (4 for each side of the City). However, data on individual addresses could be pulled easily.

Councilmember Overstreet asked for an update on minority hiring and those numbers. Chief Hunt said they were not near their goal. There are several ready to go to the Academy, assuming those classes do not get cancelled.

Councilmember McKinney asked if they could be told what Officers are on certain shifts for communication purposes.

Councilmember Snodgrass said that she is glad that she lives in Charleston and in a community that respects its Officers and First Responders.

Councilmember Jones inquired about an issue by the Spring Street Bridge.

Councilmember Jones motioned to adjourn. Meeting adjourned

Bill No. 7889

Introduced in Council:

December 21, 2020

Introduced by:

Chad Robinson

Adopted by Council:

Referred to:

**Planning/Streets & Traffic and
Public Safety**

Bill No. 7889 – A BILL to amend the Municipal Code of the City of Charleston, by adding thereto a new section, designated Section 114-671, in ARTICLE VIII, Chapter 114 of said Code, relating to prohibiting standing, congregating and obstructing the flow of traffic near an inherently dangerous intersection or highway and declaring halting or obstructing the flow of vehicular traffic a nuisance.

WHEREAS, the City of Charleston recognizes that the safety and security of the citizens is paramount; and

WHEREAS, the City of Charleston has received complaints regarding pedestrians obstructing the flow of vehicular traffic in highly traveled areas producing an immediate and severe risk for the walking and traveling public; and

WHEREAS, pursuant to W. Va. Code § 17C-10-1, the City is empowered by ordinance to require that pedestrians strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk; and

WHEREAS, pursuant to W. Va. Code § 17C-7-13, a city adopting any such prohibitory regulation shall erect and maintain official signs on the controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs; and

WHEREAS, the Code requires uniformity and protection for its traveling citizens, walking and in vehicles, from obstructions posing significant threat of serious injury.

Now, therefore, be it ordained by the Council of the City of Charleston:

That the Municipal Code of the City of Charleston is hereby amended by adding thereto a new section, designated Section 114-671, in ARTICLE VII, Chapter 114 to read as follows:

CHAPTER 114. – TRAFFIC ORDINANCE.

ARTICLE VIII. – PEDESTRIANS.

35
36 **Sec. 114-671. – Pedestrian obstruction along an inherently dangerous intersection**
37 **or highway prohibited; nuisance declared for congregating along a public way and**
38 **refusing to clear.**

39
40 (a) No person or persons shall willfully stand or congregate within 25 feet of an
41 inherently dangerous intersection or highway with the intent of attracting or distracting the
42 attention of the operator of a motor vehicle for any reason. The City shall post signage
43 indicating inherently dangerous intersections where this conduct is prohibited.

44 (b) Congregating with another or others in or on any public way so as to halt the
45 flow of vehicular or pedestrian traffic and refusing to clear such public way when ordered
46 to do so by a peace officer or other person having authority is declared a public nuisance.

47 (c) For the purposes of this section, “*inherently dangerous intersection or highway*”
48 shall be defined as any intersection within the City of Charleston where vehicular traffic
49 is permitted to flow at a speed of 40 miles per hour or above, or where vehicular traffic is
50 engaging in the egress or ingress upon a controlled access highway, or within the
51 immediate proximity of a bridge.

52 (d) For the purposes of this section, “immediate proximity of a bridge” shall be
53 defined as within a one block radius of the entry or exit of a bridge.

54 (e) In addition to any administrative remedy provided in this Code, violations of this
55 section constitute a criminal misdemeanor, subject to criminal citation and punishable by
56 a fine of not more than \$500.00. Every day or portion thereof that a person fails or refuses
57 to remedy a violation shall be considered a separate offense. A person who has two
58 convictions under this section in the twelve months prior to a third citation shall, upon a
59 third conviction, be punished by a fine of not more than \$500.00 or by imprisonment for
60 not more than ten days or both.
61

Resolution No. 418-21

Introduced in Council:

Adopted by Council:

January 19, 2021

Introduced by:

Referred to:

Keeley Steele

Public Safety Committee

1 Resolution No. 418-21 - Authorizing the Chief of Police and the Charleston Police Department
2 to enter into a Memorandum of Understanding with the United States Marshals Service who
3 will direct and coordinate a Regional Fugitive Task Force for the purpose of locating and
4 apprehending fugitives.

5

6 Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

7

8 That the City Council authorizes the Chief of Police and the Charleston Police Department to
9 enter into a Memorandum of Understanding with the United States Marshals Service who will
10 direct and coordinate a Regional Fugitive Task Force for the purpose of locating and
11 apprehending fugitives.

12

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SOAR Statement for Public Safety Meeting

Thank you for this opportunity to share more information about SOAR. We are a volunteer-led, needs-based harm reduction organization, based in Kanawha County. Since 2018, we have been proud to partner with the City of Charleston, Ryan White Program, medical professionals, churches, small businesses, and community organizations to save lives and advance the goals of public health and safety for all of Charleston.

Our volunteers have worked on a variety of projects -- from public education to street outreach and public art. Along the way, we became the state's largest distributor of the life-saving overdose reversal antidote, naloxone. More than 1,200 small businesses, community organizations, churches, and individual community members have been [trained to carry the drug by SOAR](#). We have reversed more than 636 overdoses, roughly 2 per day since the pandemic began.

More recently, SOAR expanded to build a street outreach program that provides a wide range of low-barrier harm reduction services to people in our community with substance use disorder. We give food, blankets and clothing, HIV testing, recovery coaching, wound care, information on safer injection practices, feminine hygiene and safer sex products, referral to care in the community, and safer use kits that include sterile injection equipment as well as a place to dispose of used syringes safely. Safe needle disposal is one of our main goals. We offer safe disposal at our outreach events, and we provide safe disposal containers to our participants so they can dispose of them on their own. We also offer a confidential 24-hour syringe litter tip line. When our team receives a tip about litter, SOAR will send trained volunteers within 48 hours (and sooner if need be) with safety devices and disposal bins to collect these syringes. You can text the tip 24 hours a day to (304) 932-0087.

The CDC recommends harm reduction programs like SOAR's because they reduce the spread of disease, help save lives, and connect people with immediate relief and long-term medical care. Our city is in the middle of HIV and Hepatitis outbreaks. Our overdose crisis has only worsened since the pandemic hit. We need all the help we can get. If you are someone who wants to volunteer to help address these crises, please contact us at soarwv@gmail.com.