

## PUBLIC SAFETY COMMITTEE

February 7, 2022

A meeting of the Public Safety Committee was held this date beginning at 2:01 p.m., by video conference.

Notice of this meeting was sent to all local news media.

### PRESENT

**Committee Members:** Councilmember Shahid (Chairman), Councilmember Seekings (Vice-Chairman), Councilmember Mitchell (joined @2:21 p.m.), Councilmember Shealy, Mayor Tecklenburg

**Also Present:** Velvett Simmons, Andrea Derungs, Steve Ruemelin, Andrew Dickson, Dan Riccio, Cassandra Payton, DC Thompson, Rick Jerue, Susan Herdina, Chief Curia, Julia Copeland, Melissa Cruthirds, Mallary Scheer, Heather Mulloy, Lt. Krasowski, Tina Louise Waring, Thomas Morrison, Michael Molony, Emmanuel Ferguson, Joanne Hayes

#### 1. Invocation

Councilmember Shahid said he wanted to take a moment to recognize that a major fire had broken out at the Palms Apartments that morning and that firemen from the City, North Charleston, and the St. Andrew's public service district had responded. Four buildings had gone up in flames, and about 110 people were now displaced. He thanked Chief Curia for his teamwork and coordination with other fire departments, EMS, and the Red Cross. He said there had been no reported deaths or serious injuries and that he was so proud of CFD and so grateful to have Chief Curia as their Fire Chief. Chief Curia said it was an incredibly challenging fire, and it seemed like curve balls were being thrown at the firefighters every time they turned around, but they dealt with everything admirably. He said it was a third alarm fire, and they had 26 pieces of apparatus and over 100 firefighters on scene. He said he couldn't be more proud. Mayor Tecklenburg said it was a remarkable effort by all of the public safety officials. He mentioned that the displaced families were really going to need assistance and said they had called in United Way and other service agencies to help.

The meeting was opened with a moment of silence led by Councilmember Shahid.

#### 2. Approval of Minutes

On a motion of Councilmember Shealy, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve the minutes from the December 20, 2021 meeting.

#### 3. Discussion regarding Noise Ordinance (Action may or may not be taken)

Ms. Cruthirds said she had prepared a short comparison of noise ordinances in the City, Charleston County, Mt. Pleasant, Berkeley County, Columbia, and Savannah. She focused on two areas, amplified sound and motor vehicles, but had included most other major ordinances. She also looked to see if any localities measured decibels with a sound meter or if officers had to make judgement calls in respect to enforcement. In the City of Charleston, there were ordinances that covered amplified sound, non-amplified sound, and clamorous sounds which disturbed the peace and quiet. Officers had to look at

where noise occurred, how it was transmitted, the hours at which it was occurring, and where the sound could be heard. There were no decibel measurements involved and officers didn't have to make any judgement calls. In Charleston County, no decibel measurements were taken and officers didn't have to make any judgement calls. However, in Mt. Pleasant, Berkeley County, and Columbia, officers had to make judgement calls. Savannah was the only locality on the list that used decibel measurements for amplified sounds. Charleston's ordinance regulated when someone used an amplified device and where. It asked questions like, was it coming from a private, outdoor area? Was it being transmitted through a speaker? Was it occurring between 11 p.m. and 7 a.m.? Could it be heard on a public street or right-of-way? In Charleston County, it was a bit simpler, but basically the same. It asked if noise could be heard within a residence. Mt. Pleasant's ordinance asked if it could be heard inside a house or hotel and if it disturbed the reasonable quiet, comfort, or repose of someone. Columbia's ordinance asked whether it could be heard in the vicinity, but she didn't have their definition of vicinity. Berkeley County had recently enacted a new ordinance, which was very discretionary. It asked if someone was making a loud, boisterous, unpleasant, unreasonable noise, or if it was excessive, a nuisance, or unnecessary. Savannah used decibel measurements and asked from where it could be heard.

For motor vehicles, CPD officers had to make judgement calls. Was it loud and unnecessary, and did it disturb the peace and quiet? They also had to look at where it occurred, the hours in which it occurred, and where the sound could be heard. In Charleston County, there was no discretion, and they had decibel measurements for vehicles over 10,000 lbs. It was the same in Columbia and Savannah. Berkeley County and Mt. Pleasant didn't have any ordinances specific to motor vehicles.

Mayor Tecklenburg said things had changed a lot since the ordinance was last considered. He said there were even apps that could take decibel readings. He asked Mr. Riccio and DC Thompson to share their opinions on the enforcement side of decibel measurements. Mr. Riccio said it was hard to get a sustained measurement within a certain period of time because outside noises, such as a car backfiring, could distort the reading. DC Thompson said he agreed with that. He said most of their problems came from ongoing complaints, which resulted in tickets, but they did try to work with Livability and businesses to come up with solutions. Councilmember Shahid said he had initiated the discussion due to complaints of outdoor music traveling across the river. He said if they made changes it should be moving from discretionary decisions to something more clear-cut. Mr. Riccio said he agreed and that time and location were easiest to enforce and prove. Councilmember Shealy asked Councilmember Shahid if most of the complaints he received were during the week or weekends. Councilmember Shahid said it was mostly during the weekends, on Fridays and Saturdays. Councilmember Seekings said Councilmember Shahid needed to spend some time downtown to see that it was a 7 days/week, 365 days/year problem. Councilmember Shahid asked if the Committee had the stomach for Legal look at adjustments to the hours and outdoor location of amplified music. Councilmember Seekings said what they had on the books worked, and he doubted it was an endemic problem. He didn't have the stomach for messing with what they currently had and said there were better things for Legal to focus on. Councilmember Shealy said the rules they had seemed to be enforceable. Councilmember Shahid suggested tweaking it from 11 p.m. to 10 p.m., but said he would do more follow-up with the full Council.

**4. Approval of contract renewal in the amount of \$18,069 between the City of Charleston and Lowcountry Youth Services for a youth mentorship program to help CPD build relationships with youth and community to prevent crime and promote public safety.**

Mr. Ruemelin said they had started this youth mentorship program in December with help from the LENS Foundation. That contract had ended, so they were asking the City to help pick up where that left off.

On a motion of Councilmember Shealy, seconded by Councilmember Mitchell, the Committee voted unanimously to approve the above item.

**5. Approval of an MOU between CPD and U.S. Department of Veterans Affairs, Ralph H. Johnson VA Health Care System Police Services for purposes of coordinating law enforcement response to incidents and situations occurring at the Ralph H. Johnson VA Health Care System.**

Mr. Ruemelin said they had signed this agreement with the VA in the past. It delineated what CPD's responsibilities were in regards to assistance at the VA property – hostage situations, robberies, and traffic control. Otherwise, the VA had jurisdiction for all other criminal offenses that occurred. This agreement was required from local law enforcement across the Country.

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, the Committee voted unanimously to approve the above item.

Mr. Ruemelin said that Special Agent Crabb was having technical difficulties while trying to connect, so he asked for the Committee to come back to his presentation at the end of the meeting.

**7. Update from Municipal Court**

Chief Judge Morrison said in 2020, when the courts shut down, the employees never stopped. Unlike other City employees, they could not work from home and were at the courthouse every day. When the courts were allowed to reopen, everyone had to be socially distanced, so the benches had marks on them to indicate where people could sit. However, even when they opened, they couldn't reopen for jury trials. Those were only allowed to resume in September 2021. He said the employees should be commended for their work. He also noted it was not perfect, but they were making headway to reduce their case load.

Judge Molony said the livability court was back to jury trials and down to 22 pending jury trials. Unlike other jury trials, they had to deal with multiple City agencies, so it was more complicated getting the information together. In 2020, the livability court had 456 total cases disposed of, and of those, 93 were short-term rentals. In 2021, there were 1,315 cases, and of those, 162 were short-term rentals. He said he was really pleased that the short-term rental docket had virtually gone away. He said the ordinance had worked very well. Revenue attributed to those cases in 2021 was \$100,430, and in 2020 it had been \$64,000. They had 800-some cases involving the emergency ordinances and masks. He asked that if Council issued any more mask ordinances, that they set a range for the fee, instead of a straight fee, so that he could have some discretion. Councilmember Shahid asked what the average length of time was between a ticket being written and disposal. Judge Molony said it was fairly quick, about two months.

Councilmember Seekings said it was great to hear that the short-term rental ordinance and the enforcement mechanisms were working. He asked what the recidivism rate was on short-term rentals. Judge Molony said it was very low. He said most of the enforcement was unlawful advertising, which was why he thought they weren't going to see much recidivism. Mr. Riccio said the process was working well. He had originally started with 3 code enforcement officers specifically assigned to those cases, he was now down to 2, and he saw it going down to 1 in the next year or so. Councilmember Seekings requested they be sent specific numbers on prosecuted cases. Judge Molony said he would do that and, in regards to noise ordinances, cautioned the Committee not to forget the behavior element.

Judge Ferguson said he was proud of what they had done with the DUI court. They started doing in-person trials in September, and they were the first court to do a full trial. He said in 2020, they disposed of 300 cases, and in 2021, they disposed of 279 cases. They currently had 107 pending DUI jury trials, and the oldest was from October 2020. Judge Herdina added that there were 151 DUI jury trials pending in 2019. Councilmember Shahid said Judge Ferguson was getting rid of an old docket as cases were being added and said he was making good progress. Judge Ferguson said, in the words of Tony Romo, "take what they give you." What he meant was that the Supreme Court had given them the opportunity to plead by affidavit, so they would take that opportunity. The Supreme Court said that defendants who were unable to physically appear in court could appear by remote technology, so they would take that, too. He said they would take what they could to move the numbers and progress in DUI court. He said he had started making a DUI priority list that had cases listed by date, which he sent to all the attorneys and pro se litigants who had a case that could be called for trial that month. In the DUI court, they had one month for pre-trial hearings and one month for jury trials. They identified which cases were the oldest, which officers were available to testify, which defendants were available to have their day in court, and then created a priority list based on that information.

He mentioned being concerned about the number of jurors who were responding to juror summons. He said they tried to have a jury trial in July, but they didn't have enough jurors show up to reach the threshold to pick a jury. He said they sent 100 notices, and only 7 jurors responded. Now, they were sending out around 200 notices and were getting around 30-35 jurors responding. He said some of those who were sent notices were statutorily exempt, so it wasn't like everyone was ignoring the summons, but a significant number were. He said at the last jury trial he did, they picked 6 jurors, who decided a case. Usually, after jurors served their jury duty, they were sent home, but he had to ask those jurors if he could add their names back to the jury duty pool since so many people had been ignoring their summons. However, the jurors felt like they were being stretched too thin by being asked to sit for two jury trials within the same week. Councilmember Shahid asked what his solution would be to ensure people weren't ignoring their summons. Judge Ferguson said having an official from the City, maybe not a police officer, knocking on the door of someone who skipped jury duty and leaving a notice that said they were required to be at the courthouse since a jury summons was a legal order could be a short-term solution. In the long-term, he said it wouldn't be a bad idea to consider moving to electronic juror responses, similar to how it was done in the federal court or state circuit court. Councilmember Seekings said he agreed. If they had the resources, following-up on juror summons to let people know that the City was paying attention would work and pay dividends. Councilmember Shahid said he also agreed.

Judge Herdina said the traffic and criminal court disposed of 2,282 cases in 2020 and 2,286 in 2021. In 2019, there were 191 jury trial cases pending. In 2020, it was 148. In 2021, it was 128. This year, they had 264 pending jury trials. She said the majority were 2020 and 2021 cases. She said the prosecutor's office had recently hired a well-respected, former solicitor who was effectively handling cases and keeping them moving. She was optimistic about the impact he would have on the case load. She said they had also hired a part-time public defender who was going to help move cases along, too. She said they had been working with CPD to make cases move more smoothly and be less of an inconvenience for the defendants. They did this by asking CPD officers to start writing tickets for different court dates. She said they also added 3 livability court dates for the afternoon, by the request of police officers, because they were finding it difficult to be out on the street until 12-1:00 a.m. and then show up for court at 8:30 a.m. She mentioned they were getting a new case management system, which would go live later in February. She said their current system had been in use for a long time. When they began the bid process for new software and hardware, it was estimated that the City would have to spend around \$600,000. She said that seemed high, so they had resumed an old conversation about getting involved in the statewide case management system. Thanks to negotiations between IT and the court, they signed a contract to convert to the statewide system for \$3,500/year with startup costs of less than \$50,000. Aside from saving money, another benefit was that it contained a jury management system that she thought would help address the juror issue they had just discussed. She reminded the Committee that City Council had approved putting a plaque in the courthouse to honor Judge Fields and that she was happy to accept suggestions as to its language. Councilmember Shahid said he would circle back with her about that language and requested that someone send him all the statistics that were mentioned during the meeting so that he could share them with the full Council. Judge Herdina also mentioned that the City currently paid jurors \$5/day and said they would be asking to increase that to \$10/day in the 2023 budget. Councilmember Shahid said that was embarrassing, and he would recommend running the numbers to pay \$25 or \$50/day. He said the most powerful tool to move cases was the threat of a jury trial.

**6. Report by U.S. Homeland Security Investigations (HSI) on their efforts to combat human trafficking in the Lowcountry through a strategy that implements a victim-centered approach leveraging enhanced partnerships across state, local and non-governmental organizations.**

Special Agent Crabb said U.S. Homeland Security Investigations was the main investigative arm of the Department of Homeland Security. They were tasked with pursuing transnational crime and organizations that impacted U.S. trade, travel, and finance systems. In Charleston, one of their big priorities was crimes of victimization and exploitation, which included child exploitation, sex trafficking, and forced labor. Their other priorities in the area were global trade investigations, intellectual property rights violations, trade fraud, protective equipment frauds, counter-proliferation investigations, transnational gang activity, counterterrorism, and narcotics, specifically methamphetamines, heroin, and fentanyl.

Their key strategy with human trafficking was partnerships. In Charleston, they had partnered with State and local law enforcement, community service providers, and the private sector. Each human trafficking case was unique, and they had to look at victims and offenders differently. It wasn't always about using federal authority, which was why it was important to have partnerships. He said they had initiated a task

force in Charleston where they provided federal authority to City police officers, which allowed them to move freely across the Country as they pursued trafficking offenders. He said it was a good and fruitful partnership, and they were slowly forming a small task force specifically looking at human trafficking in the Lowcountry.

Their mission for HSI human trafficking was twofold: proactively identify, disrupt, and dismantle human trafficking organizations while providing a victim-centered approach, whereby equal value was placed on the identification and stabilization of victims. This approach caused them to take a new look at how they approached investigations because if they didn't have a witness, they couldn't have a strong prosecution, and then they may not be able to push that prosecution to the point where sentencing would keep offenders off the street. To that effort, they had turned one their typical law enforcement interview rooms to a victim-centered, soft interview room. It now had plush couches, art, and toys for children. They also used non-law enforcement interviewers to conduct the forensic interviews. This approach placed equal emphasis on pursuing the offender and providing for the victim. The other big piece of their strategy for human trafficking in the Lowcountry was prevention. A lot of that was done through outreach and awareness efforts, such as providing hotels and truckers with red flag indicators. A lot of that training was with State and local law enforcement and service provider partners. According to human trafficking reports from 2020 and 2021, Charleston County was ranked number two in regards to reported human trafficking indicators. In 2022, Charleston County had dropped down to number four. He said you couldn't read too much into those numbers because you didn't know if the drop was a result of prosecuting the offenders or just a decrease in reporting. He said they had increased awareness, training, and prevention efforts, so, if anything, that should increase the amount of reported offenses.

Last year, the Charleston area HSI made 162 criminal arrests. Of those, 14 were related to human trafficking and 14 were rescues of victims. Their outlook was that each one was a life, so they would leverage all of their partners' capabilities and authorities to pursue criminals and victim rescues. He said they ran an operation last summer called Operation Lighthouse, which was heavily reliant on CPD and their maritime units. It was productive and, from those training efforts, they had made 7 arrests and 2 human rescues in the area ranging from Myrtle Beach to Beaufort County. He said they would continue maritime and land-based trainings throughout the year.

He said the important thing was that if someone saw something and reported it, HSI would respond and use all the capabilities and resources at their disposal. The HSI tip line was 1-866-347-2423. They could also call the National Trafficking Hotline. Councilmember Shahid thanked him for his persistence. DC Thompson said they appreciated HSI and that their task force had opened up a lot of opportunities and resources for CPD. He said that, in 2019, part of the Mayor's vision had been to improve the City's response to human trafficking. They had attending some training in Houston and had joined the Tri-County Trafficking Task Force. Councilmember Shahid said human trafficking was a silent problem, so he was glad to see the task force was operating so efficiently.

Having no further business, the Committee adjourned at 3:31 p.m.

Andrea Derungs  
Clerk of Council's Office