

Appleton Police Department

INTEROFFICE MEMORANDUM



Date: February 22, 2024
To: Safety & Licensing Committee Chair Alderperson Croatt
From: Chief Polly Olson
RE: Public Safety Ordinance Changes – Informational Item

The safety of our community members and visitors to Appleton remain our number one priority. We constantly evaluate strategies for addressing safety concerns and opportunities to prevent crime. In the last several months, we have addressed loitering and large after bar crowds gathering at the Kwik Trip on N. Richmond St. with a strategic closure and barricades. We have stepped up our efforts with an increased presence within licensed establishments. We have conducted additional training with our staff to help them increase their awareness of existing tools available for enforcement. With that in mind, we have determined a few additional ways to potentially increase safety in and around our “Class B” establishments.

I recommend the following:

- The creation of a new requirement for all “Class B” establishments to have operable security cameras at customer entrances and exits, and to produce requested footage to law enforcement timely.
- Amending the permissible hours for Food Trucks and Carts in the Central Business District, requiring Food Trucks to end service by midnight rather than the current time of 4am.

Surveillance cameras, in general, play a significant role in enhancing safety in several ways:

Crime Prevention: The presence of surveillance cameras acts as a deterrent to criminal activity such as fights, drug-involved crime, theft, or damage to property. Knowing they are being watched discourages individuals from engaging in inappropriate behavior.

Evidence Gathering: In the event of an incident, surveillance cameras provide crucial evidence for identifying suspects and resolving disputes. This evidence can be invaluable for law enforcement and in legal proceedings.

Monitoring Patron Behavior: Tavern staff can use surveillance cameras to monitor the behavior of patrons, ensuring they adhere to the establishment's rules and regulations. This proactive approach allows staff to intervene quickly if they notice any concerning behavior, preventing potential conflicts from escalating.

Employee Safety: Surveillance cameras not only protect patrons but also ensure the safety of tavern employees. They can help monitor interactions between staff and customers, providing a record in case of any disputes or incidents involving employees.

Remote Monitoring: Modern surveillance systems often allow for remote monitoring, enabling tavern owners or managers to keep an eye on the establishment even when they're not physically present. This capability enhances overall security and allows for quick responses to any emerging issues.

Overall, surveillance cameras contribute to creating a safer and more secure environment for both patrons and staff in taverns by deterring misconduct, providing evidence in case of incidents, and enabling proactive monitoring of behavior. The proposed security camera requirement is specifically directed at entrance and exit points. Nothing in the proposal is intended to discourage tavern owners from exceeding the minimum requirement so that they may provide maximum security and safety to their customers, employees, business, and the public.

There have been numerous incidents where privately owned cameras within licensed establishments have provided critical evidence to major case investigations. The presence of these cameras, in conjunction with the investment the City of Appleton has made in camera equipment, have provided irrefutable evidence in these cases. This critical evidence makes holding those responsible for criminal acts in, and around, our licensed establishments much easier for our investigators. Below are a couple high profile examples where cameras within license premises have been crucial to APD's ability to clear major case investigations.

- On January 3rd, 2021, two individuals were shot while inside of the Brau Haus at 523 W. College Ave. The individual responsible for this act fled immediately after the shooting. Cameras within the Brau Haus captured the entire incident. This became important at trial as the suspect claimed the shooting was in self-defense. Cameras at the door to the establishment provided clear images of the shooter. Having this video footage allowed investigators to track the suspect on City of Appleton cameras to the vehicle that he fled in. The suspect in this incident was from Madison and did not have ties to the Appleton area. This is a challenge that we are more frequently encountering. Having clear video footage in this case played a major role in identifying and convicting this individual. If only City of Appleton traffic camera footage had been available this case would have been exponentially more difficult to prove. We may have been able to identify a suspect vehicle and vague description, however, having clear footage from the establishment allowed us to easily identify the shooter.
- On December 24th, 2023, an individual was shot and killed following a disturbance in the 100 block of S. Walnut St. City of Appleton traffic cameras captured portions of this incident. By utilizing City of Appleton traffic cameras, investigators were able to track the group involved in the disturbance in the downtown area. Ultimately, investigators discovered that the group had been inside of the Brau Haus. Footage from the Brau Haus again provided clear images of the suspect, his clothing, and members of the group that he arrived with. This video was critical to establishing probable cause in this investigation. The individual arrested for this crime was from Racine. While the criminal prosecution of this matter is ongoing and the suspect entitled to the presumption of innocence at until such time he is convicted, without

the camera footage from the Brau Haus this investigation would have been much more challenging.

- On February 18, 2024, patrol officers responded to Grumpy's Pub for a disturbance. While investigating the complaint, officers requested the video footage. The manager was quick to point out known ongoing issues with the equipment causing it to "glitch," resulting in hours of video disappearing. When officers followed up with her on 2/21/24, the manager informed them there was no footage due to the "glitch." The video stopped recording for 14 hours starting on Saturday night into Sunday. This is apparently a common response from this establishment when requests for video are made.

There are many options of camera systems to choose from at different price points. These options also include several web-based companies that would store everything in the cloud, use IP cameras, and are subscription based. One could easily purchase a ring or nest camera for under \$500.

In addition to exploring pricing options for camera systems, the police department reached out to 15 different establishments from all areas of the city to inquire if they had a camera system presently. The businesses that responded all had cameras. Most had cameras positioned to capture the entry and exit points. It's my belief most businesses will have to do very little within their business to comply with this new proposed ordinance.

The recommended ordinance is as follows:

Proposed §9-55 – Security Cameras in "Class B" Licensed Premises

- a. The Common Council recognizes that businesses where alcohol is consumed, as well as their patrons, can become targets of opportunity for theft and unlawful violent activity. By enacting the following requirements, the Common Council seeks to protect public health, safety, and welfare by increasing security for patrons and employees of these businesses through the use of surveillance cameras. Such surveillance will both help deter crime and provide information that can prove vital to investigations for such offenses that do occur.
- b. Requirements. All "Class B" licensed establishments within the City of Appleton shall install a security camera system of a type, number, and placement subject to the following requirements by the Appleton Police Department.
 1. Digital Recording Required. The installed camera(s) must be capable of producing a retrievable video file that can be permanently saved and viewed through non-proprietary devices and means.
 2. Cameras and digital recording equipment shall be maintained in proper working order and active twenty-four (24) hours per day. Cameras must be recording during business hours but may be motion-activated during non-business hours.
 3. Signage Required. Licensed establishments shall post conspicuous signage advising that the property is under camera surveillance.
 4. Minimum Standards. Cameras installed or required under this section shall be subject to periodic inspection by the Appleton Police Department or other appropriate representative of the City of Appleton, to ensure that compliance with the standards set forth in this section are being complied with.

- i. At least one camera shall be posted to record a clear frontal view of each person entering the business through any entrance available for customer or public use. This (these) location(s) shall be subject to review by the Appleton Police Department, who shall also have the authority to require the change of position of any camera in order to achieve compliance with this section.
 - ii. At least one camera shall be posted to clearly record each person exiting the business through any entrance available for customer or public use. This (these) location(s) shall be subject to approval by the Appleton Police Department, who shall also have the authority to require the change of position of any camera in order to achieve compliance with this section.
 - iii. Nothing in this section shall be construed to prevent or otherwise limit the use of additional surveillance beyond the minimum that is required, so long as all requirements of this section are complied with.
- c. Management of Surveillance Recording Materials. Licensed establishments shall maintain, make available and provide surveillance recording materials to the licensing official and Appleton Police Department within eight (8) hours of any request. The establishment shall maintain surveillance recording materials for a period of one (1) month within the recording system before overwriting or destruction. Digital recording materials shall be marked with the accurate time and date in a method that does not interfere with the image being recorded. Proprietary formats must have appropriate player software included with all requested video copies. Copies may be created on CD, DVD, USB drive or any other functional digital media recommended by the manufacturer of the installed equipment.
- d. Any person, partnership or corporation who violates any of the provisions of this ordinance shall be subject to penalties as prescribed in §1-18 of this Municipal Code, in addition to alcohol license suspension, revocation or renewal denial as provided by §9-29 and §9-54 of the Code and by §125.12, Wis. Stats. A separate offense shall be deemed committed on each day of which a violation occurs or continues.
- e. Any violation of this section not otherwise specifically provided for in Sec. 9-54 shall be considered a "Refusal to cooperate with Fire Chief, Police Chief or designees," for the purposes of calculating Demerit points.
- f. Effective Date. The requirements of this section shall become effective and fully enforceable six (6) months after passage and publication.
- g. Severability. If any portion of this section is deemed invalid or unconstitutional by a court of competent jurisdiction or administrative agency with proper authority, such decision shall not affect the validity of the remaining portions of this section.

The next section addresses the additional penalties:

Sec. 9-54. Demerit point system.

(a) There is hereby established a point system for the purpose of guiding the Safety and Licensing Committee in the suspension or revocation of alcoholic beverage licenses. The number of demerit points is assigned according to the type of violation. This system is intended to identify habitually troublesome liquor licensees who repeatedly violate state statutes and/or City of Appleton ordinances and to take consistent action against such licensees.

(b) There is hereby assigned the following demerit points for each type of violation:

<u>TYPES OF VIOLATIONS</u>	<u>DEMERIT POINTS</u> (per violation)
Refusal to cooperate with Fire Chief, Police Chief or designees	100
Failure to post adequate signage regarding presence of required cameras	50

In addition to the proposed camera ordinance, we support a modification to the ordinance amending the permissible hours for Food Trucks in the Central Business District.

Two common denominators to many of the acts of violent crime in the downtown area are the time of day and the connection to a “chokepoint” or crowd of people. A strategy for reducing the likelihood of a large crowd of people gathering is to eliminate the source for the gathering. For as long as I can remember, the presence of food trucks and/or carts at or around bar closing time have led to many disturbances, some of them violent. It’s easy to point to the most recent example which led to the death of a young man on Christmas Eve, 2023.

We will not tolerate the continued violence associated with our taverns and other licensed establishments. These suggested modifications to the municipal code will reduce crime and provide a safer environment for residents and visitors to the City of Appleton.