



City of Bowie

15901 Excalibur Road
Bowie, Maryland 20716

REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, FEBRUARY 16, 2016

CALL MEETING TO ORDER:

The Regular Meeting of the Bowie City Council was held on Tuesday, February 16, 2016 in the Council Chambers at City Hall. Mayor Robinson called the meeting to order at 8:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG:

Mayor Robinson led the Pledge of Allegiance to the Flag.

QUORUM:

In attendance were Mayor Robinson, Councilmembers Esteve, Gardner, Marcos, and Polangin; City Manager Deutsch, Assistant City Manager Fitzwater, City Attorney Levan, City Clerk Hernandez, Staff, the Press, and the Public.

PRESENTATIONS:

- A. Mayor Robinson swore-in two new Police Officers to the Bowie Police Department; Private First Class Tyrell Thomas and Private First Class Colin Rettammel.
- B. Martin Luther King Jr. Art Contest Winners – Ms. Elveeda Dixon, Chair of the Diversity Committee introduced and presented awards to the winners of the coloring and poster categories. A list of the winners is attached hereto. Mayor Robinson congratulated the contest winners on behalf of the Council and thanked the Diversity Committee for an outstanding job and effort they did on the contest.

CONSENT AGENDA:

Councilmember Marcos moved the approval of Consent Agenda Items: A) Approval of February 1 Meeting Minutes; B) Approval of Resolution R-6-16 Accepting Bid Proposal for Construction Inspection and Lead-Based Paint Inspection for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; C) Approval of Resolution R-7-16 Accepting Bid Proposal for Comprehensive Energy Assessment Services for the HUD CDBG Senior Citizen "Green" Housing Rehabilitation Program; D) Approval of Resolution R-8-16 Authorizing Signature of the National Wildlife Federation's Mayors' Monarch Pledge. Councilmember Esteve seconded the motion and it carried 5-0.

OLD BUSINESS:

- A. Approval of Ordinance O-2-16 Amending Bowie City Code Chapter 2, "Administration", Article II, "Personnel System", to Provide for an Appeal to the Court of Special Appeals From the Final Judgement of the Circuit Court in a Case Arising From a Decision by the Board of Personnel Appeals. City Attorney Elissa Levan summarized the ordinance to Council which corrects an omission to the

MAYOR G. Frederick Robinson **MAYOR PRO TEM** Henri Gardner

COUNCIL Michael P. Esteve ♦ Courtney D. Glass ♦ James L. Marcos ♦ Diane M. Polangin ♦ Isaac C. Trough **CITY MANAGER** David J. Deutsch
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current statue regarding the City's Board of Personnel Appeals to the Court of Special Appeals. The language is modeled on the language providing for appeals from decisions of agencies subject to the Administrative Procedure Act.

Public Hearing:

Since there were no speakers signed up to speak, Mayor Robinson declared the public hearing to have been held.

Councilmember Esteve made a motion to approve Ordinance O-2-16. Councilmember Marcos seconded the motion. Motion carried 5-0.

NEW BUSINESS:

A. Environmental Initiatives – Mr. Gary Allen, Chairman of the Environmental Advisory Committee, highlighted the next ten steps toward a Green Bowie for 2016. Some of these steps include the authorization of a grants program for Bowie schools to participate in the Maryland Green Schools program; approval of a solar energy rebate for residents of \$500, complete a study and pilot for composting residential food waste, adopt a plan for installation of a natural exploration area in a local park.

Following comments from Councilmembers, Mayor Robinson thanked Mr. Allen for his presentation.

B. Police Department Update - Police Chief Nesky and Deputy Chief Preston briefed Council on department statistics, programs and the status of in-house call center. Staffing is currently at 61 sworn officers. The department's K-9 unit, Rooster is on patrol and going well. The call center is making good progress; looking at beginning of March for hiring of call takers and be fully operational in mid-May. The crime and citation statistics for the department are in a downward trend which is good. Completed 2 RAD sessions each in March/April and October/November. Held Active Shooter and Safety Presentation at the Bowie Town Center. Hosted for the first time, Bowie Police Department's "Cop for a Day Program" and "Citizen's Police Academy" both programs had a great turnout and looking to continue in 2016 with these programs.

Mr. Chris Lindenau with Utility, Inc. gave a presentation on the body cameras and software being offered to the Police Department. Utility, Inc. is a company based out of Georgia which utilizes a cell phone which is integrated into the outer vest carrier worn by the police officer. The unique design secures the camera and was able to capture most if not all of the events conducted during the test scenarios; it also addressed the concerns about the cameras being too obvious or intimidating as well as storage capabilities for the videos.

Mr. Del Billings, Vice Chair of the Bowie Public Safety Committee read a statement from the committee in support of the body cameras from Utility, Inc. A copy of the statement is attached hereto for the record.

Mayor Robinson thanked Chief Nesky, Deputy Chief Preston and Mr. Lindenau for the updates.

C. Mid-Year Budget Report - City Manager Deutsch provided an overview of the Fiscal Year 2016 mid-year budget as contained in the report dated February 16, 2016, a copy of which is on file at City Hall. Mr. Deutsch highlighted items in the report that included the updates to the City's Strategic Plan; the creation of an online application for residents that wish to serve on a city committee; offer three new health and wellness programs for seniors; performance of the first six months of operation of

February 16, 2016

the Temporary Holding Rooms; planning a celebration for the City's 2016 Centennial; continue to diversify Bowie's economic base by supporting business attraction and retention; evaluate the feasibility of using compressed natural gas or liquid gas for City vehicles; evaluate the feasibility of converting refuse collection to one day per week. Mr. Deutsch went on to report on the financial summary contained in the report as well as the water and sewer funds.

Mayor Robinson thanked City Manager Deutsch and staff for the report.

ADJOURNMENT:

Mayor Pro Tem Gardner moved to adjourn the City Council meeting. Councilmember Esteve seconded the motion and it carried 5-0. The meeting was adjourned at 10:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Awilda Hernandez".

Awilda Hernandez, MMC
City Clerk

Awilda Hernandez

From: Una Cooper
Sent: Thursday, February 18, 2016 9:28 AM
To: Awilda Hernandez
Subject: MLK Contest winners :

City of Bowie Martin Luther King, Jr. Art Contest 2016 Winners					
Coloring Category (Kindergarten - Second Grade)					
<u>Name</u>		<u>School</u>	<u>Grade</u>	<u>Place</u>	<u>Prize</u>
Joseph	Harrison	St. Pius X Regional School	1	First	\$100
Abraham	Brensinger	Pointer Ridge Elementary School	1	Second	\$50
Aaliyah	Patterson	Tulip Grove Elementary School	K	Third	\$25 (tie)
Allison	Bogley	St. Pius X Regional School	2	Third	\$25 (tie)
Poster Category (Third - Fifth Grade)					
<u>Name</u>		<u>School</u>	<u>Grade</u>	<u>Place</u>	<u>Prize</u>
Benjamin	Brensinger	Pointer Ridge Elementary School	3	First	\$100
Jocelyn	Gross	Whitehall Elementary School	4	Second	\$50 (tie)
Cai	Smith	Grace Christian School	4	Second	\$50 (tie)
Gabrielle	Patterson	Tulip Grove Elementary School	3	Third	\$25

Una Cooper
Communications Coordinator
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RECEIVED
FEB 16 2016

Honorable G. Fred Robinson, Mayor
Bowie City Council
Bowie, Maryland 20716

Bowie City Clerk's Office

Re: Recommendation on Body Worn Cameras by BPD

Dear Mayor Robinson:

The Bowie Public Safety Committee (BPSC) supports the Body Worn Camera (BWC) initiative proposed by the Bowie Police Department (BPD). We are aware that the Bowie Police Supervisors and legal counsel have done extensive research on this subject as a result of prior briefings and discussions on the subject. They have reviewed the existing policies of many other law enforcement jurisdictions as well as National law enforcement policy centers. Further, a member of the BPSC has previously participated in a Work Group for the United States Secret Service where they adopted policy on vehicle cameras based on reviewing and meeting with members of the City of Bowie Police Department. Based upon our discussions and experience, the BPSC is certain that the BPD has once again researched the developmental philosophy and implementation requirements for this policy and program.

During our discussions, a member of the BPSC raised two concerns which were promptly addressed by Deputy Chief Preston. They are as follows:

1. In a paragraph in it is stated that "Therefore, a cloud based storage system was recommended. While cloud based storage involves the use of a third party, security of the data was paramount and added to the complexity of selecting a BWC that not only performed well but was also capable of securing the footage collected."
2. In another paragraph the BPD stated that "Redaction of video in response to PIA requests, subpoenas, and court cases, can take a considerable amount of time and financial resources. . . . it is estimated to take a skilled tech five to ten hours to redact one hour's worth of video. This cost could translate into \$50 per hour. In many cases, there may be multiple sources of video for the same incident. All of these videos will need to be reviewed and information that is not pertinent may need redaction."

We were concerned that:

A declaration of security as "paramount" is good. But more than the 3rd party's claims to security is necessary. As PIA requests, subpoenas, and court cases should be anticipated, the integrity of stored BWC video files must be able to withstand defense attorney and media challenges to the videos' faithfully portraying the whole truth of the situation. As stated in the draft paragraphs, PIA requests, subpoenas, and court cases may trigger redactions of what will automatically have become the most sensitive BPD videos in the repository. Redaction of video footage that "is not pertinent" is troubling, and may result in challenges to their authenticity. Convincing explanations of how "not pertinent" was defined and by whom may be difficult to make. BPD should weigh whether 3rd parties should be permitted to have unsupervised redaction capabilities, possibly opening legal challenges to their qualifications, impartiality, accountability, and the controls placed upon them. BPD should consider providing for supervision of redaction protocols by trusted and impartial witnesses. In any case, once

videos are archived, the originals must be protected against destruction or alteration by anyone during the mandated storage period. Redaction should be permitted only on certified true copies.

If ". . . security of the data is paramount and adds to the complexity of selecting a BWC that not only performed well but was also capable of securing the footage collected." BPD should be satisfied that the selected 3rd party verifiably satisfies a formal set of comprehensive security requirements. For example, verifiable protections against hacking and insertions of malicious code should be required.

Data transmission within a "cloud" defines point-to-point pathways as unpredictable and possibly unsecure - vulnerable to illicit and/or inadvertent incorrect delivery. BPD should keep this in mind when considering cloud-based services for storing BWC videos.

As a result of this discussion, the Deputy Chief provided the following information: "As it relates to redaction, all redactions will be done by BPD personnel solely and not by a third party. The original video will remain available to guard against accusations of video tampering."

"As it relates to cloud security, this company utilizes Amazon to support its cloud storage. We are in contact with several departments that currently utilize this system to confirm that the transmission of data is secure. We have also contacted the State of Maryland to ensure this system is CJIS compliant. As it relates to the transmission of data, this is done currently in our vehicles with mobile data computers. We do not anticipate that this system will operate any differently."

Finally, we noted that there is pending state legislation that provides the following language: "unless otherwise ordered by a court, a law enforcement agency that establishes a specified program to use body-worn cameras may keep any data recorded by the camera that is related to an ongoing investigation from being released to the public until after the investigation is closed." It also provides that, "unless otherwise ordered by a court, a law enforcement agency, for a public safety purpose, may keep specified investigative data from being released to the public after an investigation is closed." The BPD is aware of the pending legislation.

In conclusion, we support the use of Body Worn Cameras by law enforcement agencies, as well as our Bowie Police Department, to not only document interactions with victims, witnesses and police-citizen encounters, but to serve as a resource in the increasing number of cases of civil liability.

The BPSC would like to thank you for this opportunity to express our views on this important subject.

Sincerely,

Monica Best James, Esq., Chairman

CC: City Council Members

City Manager

City Clerk

Bowie Police Chief Nesky and Deputy Chief Preston