

Item 24-0224: Public Safety Ordinance Changes (Public Comment)

Safety and Licensing Committee

Wed, Feb 28, 2024 5:30PM

Alderman Alex Schultz (District 9) 36:46

All right. We've been at this for a little over—or close to 40 minutes. At this point, I'm going to turn it over—excuse me—turn it over to public comment. If there's anybody here who wishes to speak to this, you could approach the microphone, give us your name and address. And then just, you know, relative good decorum, if you have questions, direct them to me the chair and then I'll direct them to staff. This isn't a time where you're debating with any of the staff. So, you're welcome to come forward at your—

Alderman Katie Van Zeeland (District 5) 37:13

Your honor. Will there be a time limit for speakers?

Alderman Alex Schultz (District 9) 37:16

I'll just kind of watch it, but keep yourself comments under five minutes if possible. I don't know that we have to monitor it. Yeah. Jennifer, you can come up.

Jennifer Stephany (Appleton Downtown Incorporated) 37:34

Jennifer Stephany. I'm the executive director with Appleton downtown Incorporated. And we did have APD and the mayor attend our last hospitality meeting, which was last Tuesday. We had very good conversation about this. We certainly heard from several of our license holders that do already have cameras installed. There wasn't a lot of concern necessarily about the cameras because the ones in the room were definitely within compliance. There was a question about whether or not the requirement is to install on the exterior of the building or the interior of the building. And I would ask for some clarification on that tonight so I can take it back to those venue owners.

Jennifer Stephany (Appleton Downtown Incorporated) 38:17

Regarding the food trucks, we've certainly worked really hard to find a balance between brick and mortar and mobile food vendors. We feel like that's come a really long way. I was here 20 years ago when we talked about it and worked very hard with this legislative body to be able to do food trucks on College Avenue. One of the concerns that I have, and several other of the venue owners, is you take that out of the equation, and there are a few that are operating brick and mortar businesses that are serving food at that time. Now you're really inviting all of those folks to maybe one or two of those venues and maybe exasperating the issues for those particular venues. So, we would have some concerns about that. We would ask that you have conversation about some level of compromise with the food truck timing, maybe it's one o'clock, maybe it's 1:30 so that we can have a little more dialogue around some additional options. Thank you.

Alderman Alex Schultz (District 9) 39:23

Jennifer, can I ask you were there any food truck vendors present at that that meeting?

Jennifer Stephany (Appleton Downtown Incorporated) 39:28

Kyle Fritz, who is the owner operator of the Food Truck Association, was in attendance at that meeting and of course had several questions and concerns about this. He was unable to be here tonight—I don't think; I should look around the room. Kyle? Not in the house. So, I know there's some feedback from food truck owners that you need to hear. So, I'm going to yield. Thank you.

Alderperson Alex Schultz (District 9) 39:55

Next

Ben L. (McFleshman's Brewery) 39:59

How's it going folks? My name is [Ben L. at XXXX] Appleton. I am tap room manager of McFleshman's brewery. I'm also a business owner. I'm launching my own food truck establishment this year called Cheeseheads, and one of my issues concerning with this is the closing at midnight, because we—my business plan is designed to be open 'til two or three in the morning. I understand the worry about the 4am may seem excessive, but I think shutting down at midnight impedes our business and our business model, and it only is benefiting—and that's small business, and that's what food trucks are. Like, I wish I could have a brick and mortar, but this is my start. And by shutting us down, you're only helping big box companies. Taco Bell's, the McDonald's, the big box stores.

Ben L. (McFleshman's Brewery) 40:50

And I understand the safety protocol of it, but I'm also worried about camera installation, like what is what is your definition of needing the cameras? Like the establishment where the incidences happened, those cameras existed already, and those cameras didn't stop the incidences from happening. People weren't penalized from the last incidents you were just talking about, and there's cameras in there.

Ben L. (McFleshman's Brewery) 41:14

I mean, there's leeway with the law and how it's read, but from a small business owner, I'm just worried about allowing government overreach on the small businesses once again, for the for the need of quote unquote safety. We already had this and we lost—what?—30% of small business during COVID instances. And I know we're trying to do this for safety, but I would really like us to have more of an open dialogue before a decision is made just based on that. Thank you for your time.

Ria D. (Resident) 41:54

Good evening. My name is [Ria D. at XXXXX] in Appleton. I was born and raised in Appleton. I returned to this community in 2020. My family has lived downtown since. We first lived on South Walnut actually, so I'm super familiar with the some of these areas that have been coming up in these public safety discussions. We currently live off of College and Meade.

Ria D. (Resident) 42:16

I'm here tonight as a concerned community member with some questions about the police chief's proposal to require security cameras in Class B license establishments. I know the ordinance isn't up for debate tonight, and I'm hoping—or isn't up for a vote tonight. I'm hoping the committee will ensure there's adequate time to solicit community feedback on a proposal that, as written, would have pretty deep ramifications on the safety, civil liberties, and privacy of Appleton businesses and community members.

Ria D. (Resident) 42:43

As an Appleton resident and as a mom, safety is certainly a top priority of mine, as I know it is for everybody here tonight. We all deserve to be safe. My fear is that the proposed measures are reactionary in nature, and the memo fails to make a compelling case for how increased surveillance will enhance safety in our community. I implore the committee to do their own research on the ineffectiveness of security cameras on curbing the types of crimes being discussed here tonight and to also consider the dangers that come with expanding unchecked police power on members of our community. There are a few questions that I have that I didn't hear address tonight. I don't know if it'd be best to have them answered or just name them so you could be like asked at a future time?

Alderson Alex Schultz (District 9) 43:24

Just go ahead and ask them and they'll be recorded.

Ria D. (Resident) 43:26

Sure. Okay. So, the first—the proposal allows the Appleton police department to bypass the warrant process and obtain private camera footage without a court order. I'd like to know if any parameters are being considered for when officers can make these requests. For example, must they be actively investigating a crime?

Alderson Alex Schultz (District 9) 43:48

Next question.

Ria D. (Resident) 43:50

My next question—the proposal states that cameras will only be required in entrances and exits of establishments. But it's less clear about what footage would be subject to requests from APD without requesting a warrant under the new requirements. For instance, if an establishment has additional cameras beyond the required minimum standard, would they be mandated to share that footage as well within eight hours?

Ria D. (Resident) 44:13

And my final question is, even with required and maintained cameras, technology certainly still fails. If an establishment is missing requested footage citing a technological glitch, who will determine if they will still face the penalties outlined in the proposal?

Ria D. (Resident) 44:30

So, these are just a few of many of the questions I have about the proposal, and I'm hoping that questions such as these and other race tonight are addressed before the committee moves forward with a vote. I appreciate the opportunity to express my concerns and look forward to working together on how to increase safety in our community.

Mitchell E. (Resident) 44:55

[Mitchell E. at XXXXX] Appleton. All right, sorry. Oh geez. **[It sounded like he was having issues with something like the microphone or his notes.]** I strongly urge the members of the committee to not approve the proposal put forward by Chief Olson regarding an extension of police surveillance in Class B establishments. That surveillance data gathered indiscriminately would be accep—accessible to Appleton police should be extremely troubling. The system proposed by Chief Olson is obviously the—proposed by Chief Olson is obviously open to abuse. What would stop—well, first of my many questions—what would stop rogue members of the police from using surveillance data to pursue personal vendettas or to persecute minorities? It should be questioned by how such abuse would be prevented on a proactive basis if such a thing is possible, which I don't think it is.

Mitchell E. (Resident) 45:41

What will the surveillance system cost. Will the cost be funded by the taxpayer? If so, why can't that money be put towards community programs to address social ills such as a lack of affordable housing or mental health care which are the real causes of violent crime not crowds outside of bars at four AM?

Mitchell E. (Resident) 45:58

If the—will the cost be imposed on the owners of the establishments? If so, has it been considered that this will be damaging to the bottom line of the small businesses that form the backbone of our local economy as my friend there spoke about? Moreover, if the goal is to reduce violent crime, it must be asked if surveillance is an

effective strategy. The memo from Chief Olson states that "knowing they are being watched discourages individuals from engaging in inappropriate behavior." This claim is presented without evidence, and I've read the evidence to the contrary that in fact, France does not prevent violent crime. People just get used to the cameras and carry on as if they're not there. Adults with life experience are aware that people do things they are not supposed to even if they are aware they're being watched, such as assaults, robberies, murders. The surveillance will not be effective, and I think that is something that has not been discussed enough. Thank you.

Lily K. (Resident) 46:55

Hello, my name is [Lily K.] and I live at [XXXXXX] here in Appleton. I've lived here for almost four years, but before that I lived in the Washington DC area my entire life, which—fun fact—is the most heavily surveilled city in the United States and, if you discount China and their infamous surveillance program, one of the most surveilled cities in the world. Speaking as a longtime DC resident, I can tell you that increased surveillance does not work, and it does not deter violent crime more specifically. And whatever temporary impact does occur greatly diminishes over time. This isn't just anecdotal information. This is based on some of the most comprehensive data on the effectiveness of surveillance as a deterrent to crime.

Lily K. (Resident) 47:46

In addition to lacking positive impacts on community safety, increased surveillance such as this raises serious concerns for the potential of misuse and abuse. I understand that community safety is important for all of us, but this is very reactionary and poses risks to the safety and privacy of Appleton business owners and community members. The proposed public safety ordinance contains no language for oversight or accountability measures. It bypasses the warrant system which exists to balance out the power of law with protection of the people. This ordinance demands Class B business owners turn over footage within eight hours of a request, but offers no process by which business owners can appeal the request, appeal punitive consequences for not complying, or even gain information about if it's a matter of a criminal case. There is zero language in this ordinance that constrains the request to be relevant to safety or even what safety means in the situation. This puts immense power in the hands of both individual law enforcement officers and the entire department without any process or accountability.

Lily K. (Resident) 48:59

I understand that the increase in crime in downtown Appleton has folks concern, but this is not tenable or effective. Increased safety requires buy in from the community. Instead, this measure offers only a veneer of safety, by increasing surveillance. And in reality, unchecked surveillance disproportionately impacts our most marginalized and vulnerable members of the community. I encourage the Council to seek wider community input before any decisions are made.

Aldersperson Alex Schultz (District 9) 49:34

Anybody else who'd like to come for?

Patrick (Resident) 49:45

Hello, my name is Patrick. I live at [XXXXXX] and I am a Lawrence University student and a two and a half year now Appleton resident. I'm here today to voice my concerns on the proposed bill by Chief Olson, Double S 955 mandating security cameras in Class B licensed premises in our city. This proposition presents many glaring issues to me. I have several questions I'd like to extrapolate on.

Patrick (Resident) 50:14

To start, I've worked in the restaurant industry for about six years now. I've been at big businesses to small businesses, and I've witnessed small businesses struggling with simple little expenses like \$50. As I look at the

proposition, the mandate to have security cameras installed at the front and back of each of these businesses, I'm wondering where the bill is going to be foot here. If we put that on the small business that puts them in grave jeopardy as has been kind of elaborated on earlier.

Patrick (Resident) 50:45

One second, my notes closed. Further, this proposal contains no appeal processes for businesses that could experience a tech—technical difficulties or a really busy night when this request is made to hand over video footage. For that eight-hour window, there's no appeal process if these business owners cannot present the evidence. So, I'm asking if there will be an appeal process established. Otherwise, that seems to me to be an unjust punishment for a business that otherwise would have complied.

Patrick (Resident) 51:25

Page four of this ordinance states that "licensed individuals shall maintain, make available, and provide surveillance recording materials to the licensing official and Appleton police department within eight hours of the request." As has been mentioned earlier, this attempts to bypass well established legal warrant systems and sets a precedent for legal or for complete police surveillance of downtown Appleton, given almost every block has at least one class B establishment.

Patrick (Resident) 51:50

On the average weekend night, I already see police camped on just about every street corner, meaning they already have eyes on the entrances and exits of many of these businesses where these proposed cameras would be placed. This proposal is a reactionary measure illustrating the inefficacy of a policy of over policing downtown. The power to request and obtain this footage at the threat of financial penalty sits chiefly with an individual police officer. The absence of probable cause or active criminal investigation required for this footage will lead to unchecked surveillance that will in all likelihood target oppressed communities through racial profiling while infringing upon individual rights. Many are scared of police for good reason. As someone from Minneapolis I'll never forget murderers like Derek Chauvin and Kim Potter. I fear the police.

Patrick (Resident) 52:37

Article Three of Section B of this proposal states "licensed establishments shall post conspicuous signage advertising—er advising that the property is under camera surveillance." To the many that fear the police this display is misrepresenting the fact that these cameras will be mandated by the police. They insinuate that the owner had a choice in the matter, but the fact will remain that police ordered their business to install surveillance that they will have unchecked access to. This is, again, to target our oppressed communities.

Patrick (Resident) 53:07

The language of this popper—proposition surrounds crime prevention. The claim is security cameras deter inappropriate activity and crime. Assuming a majority of Class B businesses already have security cameras as we has—as has been discussed earlier, from which footage can be obtained with a warrant, the described crime issue still exists. I'm wondering, what will this proposition tangibly do to prevent crime? It seems clear to this community member that there was no sufficient discussion place towards crime prevention, rather a reactionary bill that breaks down due process. Best scenario seems a perpetrator is found sooner while this proposal takes no action to alter the conditions that brought the perpetrator to make their offense to begin with. We know well the deterrents of crime—economic stability, adequate public resources, and access to basic things like public housing and health care. Investment and that will deter crime, and the city Council will not deter crime should they choose to support this proposal. Thank you for your time.

Alderson Alex Schultz (District 9) 54:12

Is there anybody else in the audience? Oh, thank you.

Rosemary M. (Resident) 54:18

Hi, um [Rosemary M.], longtime Wisconsin resident implant to the Appleton area in 2012. My husband and I made this our home because his family was here and we saw the value in the community of Appleton. Since being here, we have had the blessing of having nine different kids through foster care come through our home, kids from all different backgrounds and races, different economic opportunity, different family structure. And what I will say is that through foster care and through the learning I did through the amazing people that took me along that road, was that community building happens through relationships not threats. I had some really tough teenagers, and I wanted to impose strict laws like no TV, no tablet, no phone. And what I found was that just caused opposition between us. It was when I started investing more in the relationship and doing the work that real community was born.

Rosemary M. (Resident) 55:20

And the reason Appleton is amazing. And the reason we have such a beautiful place is because of the community we have here. What we are suggesting is not building community, but building upon threats, further creating a divide between small businesses and the people that live here and our police force. I don't believe this is either beneficial to us, the community members, as we've heard multiple times over, that this doesn't do anything to decrease these incidents in our community. And what we really need is to build on communities not policing and penalizing our small businesses, and the people that live here and are trying to work in our community. We don't want to be a big city. We want to be the small community that we are. Thank you.

Lauren E. (Resident) 56:10

Good evening, everyone. My name is [Lauren E.] I live in at [XXXXX]. I actually moved to Appleton pretty recently. Got—went and got a new job up here. I'm originally from Kansas. And when I, when I read this proposal, there were some pretty serious issues that stuck out to me. But really what I did, what I did, and what several of my people that are here tonight about the same issue have done is we've looked at the actual, like, econometric and scientific evidence about whether or not surveillance cameras are actually going to have a measurable, statistically significant effect in decreasing violent crime. And really, when you look at all the evidence that's available, the answer is no.

Lauren E. (Resident) 56:59

The usefulness of surveillance in preventing criminal activity as cited in the APD's memo is highly contested and should not be taken as fact. Critics of mass surveillance argue that the effectiveness of surveillance cameras in reducing crime is limited and that while cameras may deter some crimes, people determined to break the law may find ways to avoid detection or to simply ignore their presence.

Lauren E. (Resident) 57:27

I also want to point out that we're talking about security cameras causing a deterrent effect. In instances where the people committing the crimes are often heavily inebriated do we really think that there's going to be a rational deterrent effect when someone's had six drinks already and they're going to be able to rationally calculate the likelihood of there being consequences? I just don't think that's really a rational idea.

Lauren E. (Resident) 57:57

Additionally, some studies have found that the impact of surveillance cameras on crime rates diminishes over time, indicating that any deterrent effects that they might have, aren't going to last for very long. This would at best (if it does work to reduce the problems that we have in our community) would be a band aid solution that

over the course of a few years isn't going to do anything to make our community safer. It's just going to create a system that completely bypasses the legal warrant process that we have in place.

Lauren E. (Resident) 58:32

Several of the aldermen here today have talked about striking the balance between public safety and individual rights, and that's exactly why we have our current warrant process in place. That is what that does. It says that the police have the ability to request any information that they can reasonably prove to a judge that they need in order to stop violent crime. This just gives—this proposal just gives the police unmitigated access with no requirement to provide any justification or have an active investigation going. And in the end, I just really feel like that destroys any sense of community trust or real sense of safety that everyday people walking around Appleton like myself might feel. Thank you all very much for your time.

Aldersperson Alex Schultz (District 9) 59:28

Is there anybody else who wishes to speak?

Mary (Resident) 59:36

Hello, my name is Mary and I live at [XXXXX]. So, I'm here today to voice concerns about mandating security cameras—cameras in Class B license premises within our city. The measure is both broad and extreme. While we all share the common goal of fostering a safe environment for residents and visitors alike, this proposal raises significant apprehensions regarding its efficacy, potential infringement on civil liberties, and privacy concerns.

Mary (Resident) 1:00:05

The requirement for establishments to provide surveillance footage to law enforcement within a mere eight-hour window causes alarms. By circumventing the legal warrant system, this provision undermines fundamental principles of due process and privacy rights. The absence of probable cause or active criminal investigations required for access to accessing the footage could lead to an unchecked surveillance potentially target—potentially targeting oppressed communities or infringing on individuals rights without just cause.

Mary (Resident) 1:00:33

The effectiveness of surveillance cameras and preventing crimes is clear. The types of crimes slightly deterred by cameras are planned crimes, that is break ins, pickpocketing, and robbery, while the crimes referenced in the proposal itself are violent and impulsive in nature. Cameras have a very limited impact on reducing violent crimes, particularly in the context of nightlife settings where impulsive behavior is due to intoxication.

Mary (Resident) 1:01:00

So, I'm left asking what more cameras would do to deter these recent types of incidents? What prevents officers from requesting footage without a warrant based on racial profiling members of our community? What prevents police from using this system for personal reasons? We strongly urge you to not lose sight of the conditions that truly contribute to safe communities—economic stability, access to quality public resources, meaningful community connections, and access to essential needs like affordable housing, food, and health care. I urge the Council to consider these concerns carefully and explore alternative strategies that uphold the safety and well-being of all members of our community. Thank you so much for your time.

Aldersperson Alex Schultz (District 9) 1:01:48

Is there anybody else who wishes to speak

Max H. (Resident) 1:01:56

I am [Max H.]. I live at [XXXXX]. I'm a seasonal employee on a food truck. I think the mandate about the times on food trucks just is reactive and it doesn't—it hurt small businesses and it doesn't address the problem really. It just moves the crowds from a taco truck to a chain restaurant like Toppers Pizza, something like that, that's also opened that late. Thanks.

Alderman Alex Schultz (District 9) 1:02:37

Anybody else?

J.J. V. (Resident) 1:02:44

[JJ V at XXXXX]. I think a theme we've heard today was like creating adversarial relationships, and—but creating positive relationships between the business community as well as this committee and the police force. But I think with from what I'm hearing, it seems to be kind of messy and unclear as to whether this will actually help to decrease crime in our community. And if we—if this comes into effect, I think there runs the risk of creating that adversarial relationship when it isn't clear that there's actually benefits to it. Thank you.

Alderman Alex Schultz (District 9) 1:03:24

Okay, that looks like it's probably everyone. Is that correct? Alder Seibers.

Alderman William Siebers (District 1) 1:03:29

Just a matter of information since this information item—and not to diminish what anybody has said here. Of all those people who have spoken, are any of you bar owners?

[There was some talking off microphone.]

Alderman William Siebers (District 1) 1:03:55

Right, right. I just I just want to—I want to just correct something. I've had some experience with the police in the last several months because I've had an issue in my district related to violence, and I'm going to tell everybody here from my experience, this police department goes out of its way to establish a positive working relationship with the people—with businesses. And in this case, you know, there was at least two or three discussions with businesses related to cameras related to the issue downtown. So, I just want to go on record and state that this police department goes out of its way to create a positive working environment with the people downtown—with all businesses. So, thank you.

Alderman Alex Schultz (District 9) 1:04:56

Thank you, Alder Seibers. I think the committee would agree with you on that point. Certainly, the very articulated, well thought out responses have to—are going to give us some things to think about as we consider this and it turns up as an action item delivered further down the road. And I'm sure staff will have some things to think through as well and maybe look at the language. I just wanted to share my note of appreciation for everyone who showed up and articulated your thoughts about this.