

Lock Box Ordinance Committee

May 12, 2016

5:30 pm – 7:00 pm

City Manager Meeting Room

312 W Whitewater St. 2nd Floor

Minutes

1. Roll Call

Meeting called to order by C. Clapper at 5:33 pm.

Present: Cameron Clapper (until 6:00 pm), Christopher McDonell, Lynn Binnie, Patrick Wellnitz, Wally McDonell and Jim Allen. Also present: Pete DeRosier, Mike Higgins, Don Kelley, Fire Chief Don Gregoire, Christ Christon, Lt Adam Vander Steeg, Capt. Dan Meyer and Lt Jim Elder.

Jim Allen motions to select L. Binnie as chair of the committee, second by Patrick Wellnitz, Approved, All-0.

2. Discussion regarding possible revisions to the Lock Box Ordinance

Lynn Binnie summarizes the main issues with the Lock Box Ordinance and the reason for the Lock Box Committee. Currently to date an estimated 102 business owners have not complied with the Lock Box Ordinance. The council believes non-compliance is possibly due to several factors:

- a. Lack of educating business owners
- b. The amount of businesses and types of businesses which are responsible for installing lock boxes was too large of a pool. Committee would like to revisit types of entities required to have lock boxes.
- c. Access and security of lock box master keys

Due to Cameron Clapper, City Manager, having to leave at 6:00 pm, L. Binnie requests the committee to start with item 3 on the agenda (Review of policies regarding access to lock boxes) so the City Manager can express his view on the situation.

- L. Binnie and W. McDonell will amend the wording to the Lock Box Ordinance based on the meeting suggestions and present again to the committee in June. Ordinance must be ready by the 5th of July. Draft to be circulated by June 17. Jim Allen motions to allow L. Binnie and W. McDonell to draft an amended ordinance, P. Wellnitz seconds, Approved, All-0.
- L. Binnie final comment: Police will still have access to the lock box keys. The Fire and Police Department members will get together to establish agreed upon policy and procedures for use, security of keys and an audit trail for use of keys. Deadline set for June 17th for a draft of the policy and procedures.

3. Review of policies regarding access to the lock boxes.

Clapper summarizes the different point of views:

- A. Only fire personnel should have access as to prevent responders without proper training possibly endangering themselves or citizens.
 - B. EMS Calls-1st Responders: Police are not officially trained “First Responders” but do have policies in place stating police will respond to rescue calls for services and provide First Aid and CPR to citizens in need. Police should have access to the lock box keys.
- After careful review of emails received from Asst. Chief Weidert and Asst. Chief Gabbey as well as information from Chief Lisa Otterbacher, C. Clapper recommends when talking of first response for rescue calls the current wording of the ordinance should include “all public safety personnel” have access to the keys. When talking about fires, the city manager recommends a discussion take place between police and fire personnel to ensure all those with issues regarding fire response access reach a mutual agreement as he feels there is some procedure which could be implemented to include access to all public safety personnel while ensuring during an actual fire call that only those trained are responding in whatever fashion to ensure a safe scene and the job is getting done to keep people safe. C. Clapper would like to see the committee make his suggestion as city manager workable with the group of capable people present representing both sides.
- L. Binnie asks the fire department to respond first. Christ Christon emphasizes that everyone has the same goal in mind to do what is best for the community and safety of citizens, but at the end of the day it’s state law and city ordinance which allows the fire department to make the final decision. Chief Gregoire also notes the fire department signed an agreement allowing them ownership of the lock box master key.
- Chief Gregoire summarizes a call for service where upon arrival smoke was present in an apartment building but when Fire Department personnel arrived on scene all the police personnel who had arrived ahead of them removed all 3 sets of keys from the lock box thus leaving fire personnel locked outside with no access. Also the fire alarm was not pulled, per Fire Department protocol, immediately upon entry. The fire personnel were eventually able to find someone in the parking lot to let them in. This same type of incident also occurred a month earlier on Prince Street where the police personnel inside the structure had the keys and are not proper trained fire responders and the fire department personnel were locked outside of the building again. More examples are shared regarding issues with police personnel having access to the lock box keys.
- Approximately 400 lock boxes are installed in the city with only 102 boxes left to be installed. FD member suggests it may be easier to just sell the boxes straight out and eliminate a city ordinance. Fire Department inspectors already have the authority to issue tickets without the ordinance. W. McDonell reminds the Fire Department they asked for a city ordinance and were offered help from the city with the assistance of Chris Munz-Pritchard.
- Capt Meyer reminds the committee; even though police officers have access to the keys does not diminish their rights in regards to search and seizure. The police department also has a General Order established already in regards to search and seizure protocol. Capt. Meyer offers to pass a copy around to anyone wishing to review. W. McDonell explains that the

current ordinance is written for the Fire Department Personnel to have access to the keys and when police respond first and take keys this could leave an argument open for citizens to challenge in court. Capt Meyer points out in their protocol when the police department has an active search and seizure warrant they will enter the premise by either the lock box key which will save damage to the property owner or they will force entry, but the warrant will be served. W. McDonell reiterates that Jim Allen would like to see protocol worked out between the fire and police departments as mentioned earlier. Fire Department wants to know who will be liable for standing by damaged property if forced entry is used.

- Discussion continues with making some businesses exempt, if so the list would drop down to roughly 58 businesses left to install lock boxes. Suggested exempt businesses which are being proposed: churches stand alone structures and small businesses. P. Wellnitz is concerned about churches being exempt because of most of the churches contain halls, kitchens, community rooms and may use extension cords. L. Binnie recommends enforcing the ordinance on non-residential buildings where the premise on non-residential buildings with a monitored fire alarm and/or sprinkler system or an external audible fire or burglar alarm, any building which is not entirely residential with a common wall/walls with units in the building or with another building, multi-family structures (same way listed), nursing homes, public or private schools, government buildings, and any place which stores hazardous chemicals. L. Binnie would like to see churches exempt. He feels if the committee presented to council the above mentioned list council would probably accept the recommendation.
- Fire Department agrees with L. Binnie and would like to amend the ordinance as suggested by L. Binnie and continuing to hold off on fines at this time. P. Wellnitz wants to amend the ordinance so that public understands all public safety personnel will have access to the lock box keys. Police and Fire Departments agree they can work together on setting up protocol or procedures to follow for the lock box key usage.
- The issue of churches being exempt from the ordinance as recommended by L. Binnie is discussed further to explain how places of worship are popping up in many different types of locations. Fire Department recommends if the council chooses to exempt places of worship that the code will supersede an exemption. This means if a place of worship is located inside a commercial building, which would require a lock box, then the code will be enforced and a lock box must be installed. W. McDonell suggests putting in language to the ordinance where a lock box is required but then adds language in the ordinance allowing the Chief to make exemptions.
- L. Binnie summarizes the group is moving towards amending the ordinance along the general guidelines of what we have here so far (Referring to Mike Higgins list). P. Wellnitz suggests wording to explain the lock box keys are only for when an emergency is called for service and not just for random entry in every situation. Wally recommends “public safety personnel” is added into the ordinance to encompass public safety personnel and not just fire department personnel as most emergency responses require both police and fire department members. Police already has very specific procedures in place for use as well as disciplinary procedures are set for misuse of the keys. Fire department at this time does not have a procedure set for use or misuse of the keys, but is currently working on one.

- Is there an audit procedure for when and where the keys are used for the last 6 months?
Police and Fire Department do not have a policy at this time for recording use of the keys. Fire department will include on all reports if a lock box key was used. PD has a secure location for the key where each sworn officer is aware of the location and how to access. Ordinance will state or be amended so there is a specific use and tracking of the keys.
4. **Discuss next meeting date-June 30th at 5:30 pm-7:00 pm**
 5. **Adjournment. L. Binnie adjourns meeting at 6:50 pm.**