SAFETY ADVISORY AND TRANSPORTATION COMMITTEE AGENDA

AUGUST 24, 2015 - 4:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

AGENDA ADDITIONS/DELETIONS

1. **CONCERNS OF OWENS MANOR RESIDENTS**

2. **DISCUSSION - INCREASED CRIMINAL ACTIVITY - DOVER PARK/SILVER LAKE PARK** (DEFERRED DURING THE MEETING OF JUNE 22, 2015)

3. **OVERVIEW OF DOVER POLICE DEPARTMENT POLICY REGARDING CONTACT, ARREST, OR DETAINMENT OF UNDOCUMENTED OR ILLEGAL ALIENS**

4. **DEBRIEFING/POST-MORTEM ON FIREFLY MUSIC FESTIVAL** ***(PRESENTATIONS BY THE DEPARTMENT OF PLANNING AND INSPECTIONS AND THE DOVER POLICE DEPARTMENT AND SUMMARY OF DISCUSSION WITH REPRESENTATIVES FROM PERSIMMON PARK PLACE, WILD MEADOWS, AND RESIDENTS ON PERSIMMON TREE LANE)***
   (COMMITTEE ACTION NOT REQUIRED)

5. **PRIORITIZATION OF CITY OF DOVER STATE CAPITAL TRANSPORTATION PROGRAM (CTP) PROJECTS**
   (STAFF RECOMMENDS APPROVAL OF THE RECOMMENDED PRIORITY RANKING FOR THE COMING YEAR)

6. **ADJOURNMENT**

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Dover Housing Authority

76 Stevenson Drive
Dover, DE 19901
302-678-1965 *voice*
302-678-1971 *fax*
1-800-545-1833, ext. 816 TDD
dover.housingauthority@dhade.org *email*

RECEIVED
AUG 03 2015
OFFICE OF THE CITY CLERK

July 30, 2015

Ann Marie Townshend
Director of Planning & Community Development
City of Dover
P.O. Box 475
Dover, DE 19901

Dear Ms. Townshend:

Thank you for the opportunity to discuss the Dover Housing Authority's operations as they relate to issues and complaints received by the City of Dover. This letter is to summarize our discussions and to update City Staff on action items discussed at the meeting.

Action Items:

1. Rental Payments made by residents at Owens Manor and Queen Manor—Beginning in August 2015, the Dover Housing Authority will resume scheduling Rent Collection days at both buildings. The schedule will be posted at the beginning of each month so residents are advised of when DHA staff will be present to collect rent and issue receipts.
2. At the recommendation of City Staff, a general email account has been created for any complainants who wish to contact the board.

Issues Discussed:

1. Money Order Payments—It is DHA policy that any resident filed in court for non-payment of rent must pay his/her balance off with a money order for the case to be dismissed; DHA will not accept checks.
2. Charges for Not Being Prepared for Extermination—Residents are assessed a charge if that resident is not prepared for a scheduled extermination. In the issue discussed, the resident claimed he was ill and was still charged a fee. On the day of the extermination, this resident had company and refused to vacate his unit and he refused treatment. He was subsequently charged a fee.
3. Late Fees—Pursuant to the DHA lease, any resident who has not paid his/her rent by the end of the fifth business day of the month is charged a late fee equivalent to 5% of his/her rent. A Reasonable Accommodation is made for any residents who do not receive their funds at the beginning of the month, i.e. Residents who receive Social Security payments in the middle of the month.

Future Plans and Time Lines:

1. With regard to the Owens Manor building and the inspection conducted by City of Dover Code Enforcement, the Dover Housing Authority has been working with the owners and Limited Partners of the project, the Delaware Community Investment Corporation/Great Lakes Asset Group, in obtaining inspections and evaluations of the building in order to determine the deficiencies to be corrected. To date, we have a Property Condition Report and a report of Forensic Geotechnical Investigation; we are in the process of securing a Structural Engineering firm to complete a Structural Engineering Report.

   The week of August 3, 2015, we will be meeting with the firm, Larson and Landis, to complete the Structural Engineering report.

   Once the report has been completed, we will submit it to DCIC/Great Lakes and the Delaware State Housing Authority to discuss the financial plan for completing the work described in the report.

   The City of Dover will be kept updated on the progress of the above.

   With regard to the Code Enforcement inspection initially conducted on March 26, 2015, we submit the following:

   a. Violation 220—The Dover Housing Authority is in the process of obtaining cost estimates to replace the carpet in the hallways. The carpet has been shampooed and scrubbed; the majority of the stains have been removed. We agree that certain portions of the carpet in the hallways must be replaced. We request a re-inspection and re-determination of the need to replace the carpet on all four floors.
   b. Violation 220A—As stated above, the carpet has been cleaned and scrubbed. The "dirt build up" noted on the inspection report is ground up moth balls residents placed around their doorways to prevent bed bugs from entering their unit. We will advise the residents to remove the moth ball material.
   c. Violation 231—Deficiency has been corrected
   d. Violation 505—Deficiency has been corrected
   e. Violation 607—Deficiency has been corrected
   f. Violation 100—Damaged studs have been repaired; see above for more information on Engineer's Report
   g. Violation 004—See above

2. With regard to code enforcement violations for trash, the Dover Housing Authority agrees with the City of Dover that our trash service needs will be best served by a private company. We will contract with a private company to provide individual curbside containers and recycling containers at our family developments:

   - Colonial Gardens (Simon Circle)/Hayes Circle
   - Senate View
   - Manchester Square/Manchester Court
   - Willis Road Commons

Dumpster-type containers, with more frequent collection, will replace City of Dover containers at:

- Queen Manor/Owens Manor
- Derby Estates

DHA staff is meeting with private companies the week of August 3, 2015;
DHA will receive estimates by no later than August 31, 2015;
DHA will execute contracts for trash collection service by no later than September 30, 2015;

While we are procuring the services, DHA staff will:

Prepare to dismantle all existing trash enclosures at its family sites, to include removal of enclosures and cleaning of concrete pads;
Prepare to repair enclosures at its Queen Manor/Owens Manor and Derby Estates sites.

Finally, as discussed at the meeting with City Staff and a subsequent meeting with the Mayor and Councilman Sudler, the Dover Housing Authority has created a Complaint Form for City Staff to record complaints and issues received regarding the Dover Housing Authority. The Form is being circulated to the DHA Board, the Mayor, and Councilman Sudler the week of August 3, 2015 for review and recommendations. As soon as all parties approve the form, it will be forwarded to City Staff. In the meantime, as always, City Staff knows they are encouraged and welcome to call me with any issues and questions regarding DHA and our operations. DHA serves over 600 families and we have over 1,000 applicants on our waiting list, we are aware that some of our policies, decisions, and regulations are not always popular with our clients.

Thank you for your time. Please let me know if you have any questions or require additional information.

Sincerely,

Ami Sebastian-Hauer
Executive Director

cc: DHA Board of Commissioners
Senator Brian Bushweller
The Honorable Robin Christensen, Mayor
Councilman Roy Sudler
Scott Koenig, City Manager
Tracey McDowell, City Clerk
Kay Sass, Public Information Officer
Jared Boesenberg, Code Enforcement Officer

City of Dover

August 11, 2015

Ami Sebastian-Hauer
Dover Housing Authority
76 Stevenson Drive
Dover, DE 19901

Dear Mrs. Sebastian Hauer:

Thank you for taking the time to meet with City of Dover staff on Thursday, July 23, 2015 to discuss a number of issues regarding Dover Housing Authority properties within the City of Dover. As I indicated during the meeting, this letter serves as documentation of this meeting, the clarification provided on several issues raised, and action items required as a follow up to the meeting. Thank you also for your follow-up letter dated July 30, 2015.

Owens Manor

There was significant discussion about Owens Manor. The City received a list of concerns brought forward by Owens Manor residents. Some of these concerns were shared through Senator Bushweller's Office. Complaints regarding Owens Manor relate to structural concerns with the building, property maintenance issues, bed bugs, and concerns from residents about the requirement to pay their rent with a money order.

You reported that Delaware Community Investment Corporation (DCIC) and Great Lakes are the owners of Owens Manor, and that a property condition assessment was completed in September 2014. As a follow-up, there was some geotechnical study completed in spring 2015. The east side of the property is settling, which is causing structural issues with the building. Once all of the evaluation is done, Dover Housing Authority will submit the cost estimate to DCIC so that funds can be released for the repairs. **Action Item: Dover Housing Authority will provide the Department of Planning and Inspections a timeline for the repairs.**

We noted a number of other outstanding violations related to the City's inspection of the property, including replacement of carpets in common areas, replacement of rotting studs in the sprinkler room, and other violations noted in the inspection report. **Action Item: Dover Housing Authority will contact the Department of Planning and Inspections to schedule a re-inspection. For any items that are incomplete, please request an extension from the Department of Planning and Inspections. All applicable fines and re-inspection fees must be paid.**

Regarding the complaint shared by Senator Bushweller's Office regarding tenants getting charged for extermination charges, you indicated that tenants are given at least 48 hours advance notice when the exterminator is coming for bed bug treatments, and tenants only are charged if they are not ready when the exterminator comes. **Action Item: Dover Housing Authority will be scheduling quarterly bed bug treatments in the near future. City staff strongly recommends that a maintenance person accompany the exterminator and do a general maintenance inspection of the units so that any**

necessary items can be repaired prior to the City performing housing inspections on individual units.

Regarding the complaint that the City has received about tenants being charged late charges for rent paid on time due to Dover Housing Authority staff not turning the rent payments into the office in a timely manner, you indicated that this is not the case. In response to the complaint that the City has received that you are requiring tenants to pay with money orders instead of personal checks, you indicated that money orders are only required when a tenant has had insufficient funds in the past or when there is a filing in court. **Action Item: Dover Housing Authority will make someone available onsite to personally collect rents and issue receipts. Receipts will be signed by both the tenant and the Authority's representative.**

Subsequent to this meeting, we received a complaint that some of the units' windows do not open. This is a code violation that must be addressed. When housing inspections are performed beginning later this fall, our inspectors will check the windows for operability.

Trash Collection

We mentioned that we have had issues with trash collection at the Dover Housing Authority sites, particularly Senate View. The City has issued fines for trash overflowing from containers and outside of the trash enclosures. While Senate View is the worst site, all of the Dover Housing Authority sites have issues with trash cans overflowing and litter accumulating in and around the sites. **Action Items: 1) All fines issued must be paid. 2) All Dover Housing Authority sites will transition to private trash collection by January 1, 2016. Dover Housing Authority staff will submit permits for any revisions to dumpster enclosures or any new dumpster enclosures to the Planning Office for review. Based on the operational needs of a private trash contractor, changes may be required to the design and/or location of dumpster enclosures. 3) Dover Housing Authority staff will ensure that litter is cleaned up on and around properties managed by Dover Housing Authority.**

Other Issues

We discussed Senate View and the Dover Housing Authority's plans for Senate View. You indicated that Dover Housing Authority is looking at options with potential development partners at what can be done with Senate View. We all agreed that the community has aged and is not attractive, which could contribute to some of the nuisance behaviors in the community.

We shared with you that we have received complaints from residents and employees about nepotism and special treatment of certain employees. You indicate that there is no nepotism occurring, that Rufus Mincey is your son-in-law, but that he worked for Dover Housing Authority prior to any familial relationship. Your granddaughter's mother also works for the Dover Housing Authority, but there is no direct familial relationship. You indicated that there are no other relatives of management working for the Dover Housing Authority and that there is no special treatment afforded to specific employees. Dover Housing Authority does allow for a compressed work week, which several employees utilize. Regarding concerns that employees who also live within Dover Housing Authority communities have access to personal information of residents, you indicated that all of

your employees sign confidentiality agreements to ensure that personal information about residents is not shared.

City staff also recommended that the Dover Housing Authority maintain an up-to-date website with contact information for key staff and the Board of Directors so that constituents know who to contact with concerns.

Thank you for taking the time to meet with us to address these concerns. We look forward to working together to resolve all of these issues.

Sincerely,

Ann Marie Townshend, AICP
Director, Planning & Community Development

Scott D. Koenig, P.E., ICMA-CM
City Manager

cc: The Honorable Robin R. Christiansen, Mayor
City Council
The Honorable Brian Bushweller, Delaware 17th Senatorial District

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee meeting was held on June 8, 2015, at 3:34 p.m. with Chairman Anderson presiding. Members present were Mr. Lewis, Mr. Caldwell, and Mrs. Horsey. Mr. Hosfelt was absent.

Excerpt of Discussion Under Review of Planning, Inspections, and Recreation 2014 Annual Report (Related to Safety in Parks)

Mr. Anderson inquired about safety in the parks, noting that he had heard quite a few complaints about people sleeping in Silver Lake and park users not feeling comfortable when walking or running there close to dusk. Responding, Mrs. Townshend stated that the Planning Department provides programming related to parks and recreation and the Public Works Department maintains the parks. She stated that complaints had been received related to Silver Lake Park and Dover Park and had been forwarded to the Police Department. In regard to planning for Dover Park, Mrs. Townshend felt that improvements could be made in terms of lighting and vegetation maintenance; however, a police presence was needed to discourage certain behaviors. She advised members that the parks are technically closed from dusk to dawn and this is an issue because some people live and sleep in the parks, and there are other activities that are even more concerning happening in parks when they are technically closed.

Mr. Anderson stated that perhaps these types of activities should be put on a future agenda and the police should be asked for grants for cameras, etc.

Mrs. Townshend stated that the Police Department had mentioned a grant for foot patrols and suggested that grant money could also be used to increase their presence in the City's parks. She felt having officers on bicycle or foot in the parks would be helpful.

Mr. Lewis questioned if some of the employees from the Police Department's new Cadet Program could be utilized to patrol the parks. In response, Mrs. Townshend stated that this would be a question for the Police Department. She suggested that park safety be added to a future agenda, since there are a wide range of related issues that occur, including sleeping in the parks, drug deals, and umpires feeling threatened. She suggested that Police Chief Paul Bernat be asked to come to the next meeting.

Mr. Caldwell felt that safety would be a top concern with many of the people in the City and indicated that he would like to see more involvement by the Police Department. He stated that he was concerned about the behavior of the youth and programs established for them, noting that safety was his number one (1) concern.

DLA/MK/js/dd/tm

PROCEDURAL NOTICE 4.1.1
FOREIGN NATIONALS, DIPLOMATS AND US IMMUNITY

I. PURPOSE

To establish a procedure for dealing with illegal or suspected illegal aliens and the U.S. Immigration and Customs Enforcement (I.C.E.) and to establish guidelines for special arrest situations that involve legislators, foreign diplomats, consular officials, and foreign citizens.

II. GUIDELINES: Illegal Aliens

A. The U.S. Immigration and Customs Enforcement (I.C.E.) will assist the Dover Police Department any time we stop and detain a suspected illegal alien who fits the following criteria:

1. The alien is a RE-Entry, which means the subject has been previously deported by the U.S. I.C.E.. An NCIC check will verify this status.

2. The alien is in possession of a fraudulent Green Card. It should be noted that the card may vary in color but is not actually green. Federal law dictates that every alien in the country must register and be in possession of this Green Card. Aliens often obtain fraudulent cards by various means and may also have fraudulent Social Security Cards or drivers licenses. The I.C.E. wishes to be made aware of these individuals.

3. Any alien whether legal or illegal who is arrested for a felony crime.

III. PROCEDURE

A. Upon contact with an individual suspected of being an Illegal Alien the officer should take the following steps.

1. Does the individual speak only a foreign language? This is often a good indicator that the subject may be an illegal alien.

2. Check for positive ID. (Social Security card, photo drivers license, Green Card or anything similar). Valid ID in these forms tend to indicate legal status unless they were obtained fraudulently.

3. Run a wanted check (10-29) on the individual. This will not only determine warrant status but will indicate if the subject has ever been deported thereby constituting a re-entry case. Hold the subject and notify I.C.E. immediately for directions.

4. A Green Card should have an (8) eight or (9) nine digit number preceded by an "A". If the person is in possession of such a card call the regional I.C.E. Office to verify status and validity of card. If the cards validity is questioned directions should be obtained at that time on how to handle the individual. This will vary with the circumstances.

B. Is the individual from Puerto Rico? Puerto Rico citizens do not need a Green Card.

C. If a subject is determined to be an illegal alien but has committed no offense a CPC should be obtained, subject released and the information should be forwarded to the departmental Immigration Liaison, who will notify I.C.E.

D. Information concerning the arrest of an alien (legal or illegal) should be forwarded to the departmental Immigration Liaison who will notify the I.C.E.. Immediate notification of I.C.E. by the arresting officer is not necessary as no action can be taken until a conviction is obtained.

E. Recognizing bogus identification: Many forms of false identification carry telltale signs that could tip off anyone closely examining the document and the bearer.

1. Are all the documents crisp and new? People establishing a new identity often acquire all their documents about the same time.

2. Are the paper cards dirtier at the edges? If they aren't it could indicate they are fraudulent. Counterfeiters sometimes rub dirt into cards to make them appear aged.

3. Are plastic cards scratched and do they show dull wear marks around the edges? Plastic cards belonging to a legitimately documented bearer normally should have been issued over a period of time and show varying degrees of wear.

4. Are there errors in spelling or sloppy printing? These are almost certain indications of a counterfeit.

5. Most federal identification cards carry the great seal of the United States. The seal should be perfectly made. The great seal of the United States is also found on the back of the one dollar bill which can be used for comparison.

6. Does the person have a Social Security card and driver's license? Since most people over the age of eighteen normally carry such documents, failure to produce them is cause for suspicion.

7. Where was the Social Security card obtained? The first three (3) digits of the number indicate the state where the card was issued.

8. Are the photos on two or more cards the same photograph? It is common for counterfeiters to use the same photo more than once. When examining the bearer of an identity document, first compare the bearer to the photo on the documents, then compare the document and photo to other documents in the bearer's possession.

9. Does the person look like his or her picture and description? Check the color of the eyes, the shape of each eye, the shape of the nostrils, the shape of the line of the mouth, and the shape of the ears. If there is a physical description, pay particular attention to the height.

10. Does the type on different documents match? Typewritten information on different documents should have been done on different machines. Conversely, typewritten information on one document should have been done by only one machine.

11. Does the person write his or her signature easily? Any hesitation raises the possibility that an unfamiliar name is being used. When making a signature comparison, don't allow the person writing the signature to see the document on which the signature being compared appears.

IV. RESPONSE

The I.C.E. will not respond directly to the Department unless circumstances are extremely unusual. They will however provide guidance and advice. If circumstances fit the proper criteria they will do follow up work as soon as possible. Any problems or questions that arise should be directed to the departmental Immigration Liaison.

Below are current phone number for contacting the U.S. Immigration and Customs Enforcement Offices (I.C.E.).

1. During duty hours call the Dover Office at (215) 783-0626.

2. (802)872-6020-used to verify validity of a Green Card or Re-entry status. Ask for Duty Agent.

V. LIAISON

The departmental Immigration Liaison shall be the Criminal Investigation Unit Sergeant.

VI. GUIDELINES: Diplomatic Immunity

A. EXTENT OF IMMUNITY PROVIDED.

1. Currently in the United States, about 118,000 persons are entitled to some degree of special privilege under International Law. Some of these persons are members of Diplomatic missions, others are assigned to Consular posts, and still others are employees of International organizations or members of National missions to such International organizations. For each of these categories of persons, particular rules apply and, even within these categories, different degrees of immunity may be accorded to different classes of persons. Moreover, nearly all of these persons are free to travel around the country either on official business or for pleasure.

2. The United States recognizes the provisions of the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963. The provisions of these treaties are legally binding upon all law enforcement agencies in the United States and are codified through the Diplomatic Relations Act of 1978 (22 USC 254).

3. The extent of protection granted various classifications of foreign nationals varies from:

a. Complete personal inviolability-which means that they may not be arrested or detained, they are owed a special measure of respected protection, and neither their property nor residences may be entered or searched. They cannot be prosecuted no matter how serious the offense, they are generally immune from civil suit, they have no obligation to provide evidence as witnesses, and cannot be required to testify in any case.

b. Official acts of functional immunity-provides protection from criminal and civil matters only as it relates to their official function for the foreign country.

c. No immunity whatsoever.

B. VERIFICATION OF DIPLOMATIC IMMUNITY.

1. It is critical for an officer to identify quickly and accurately the category of any person asserting immunity. The following documents are associated with foreign diplomats; however, they do not conclusively indicate if immunity is applicable:

a. Foreign Diplomatic Passports and U.S. (Diplomatic) Visas.

b. U.S. State Department Tax Exemption Cards.

c. Diplomatic automobile registration, license plate, or driver's license issued by the Department of State.

2. While all the forms of identification mentioned above provide an indication of possible immunity of the person possessing them, the only authoritative identity document is the Identity Card issued by the Department of State, Protocol Office.

a. The identification cards are 3 3/4" by 2 1/2". The cards will contain a photograph of the bearer and identify his/her name, title, mission, city and state, date of birth, identification number, expiration date. A U.S. Department of State Seal will appear on the front of the card. A brief statement of the bearer's immunity will be printed on the reverse side.

b. While this form of identification is generally to be relied upon, law enforcement authorities are still urged to immediately seek verification as indicated below in connection with any serious incident and in any case where they have reason to doubt the validity of the card.

c. Telephone verification should also be promptly made to the Department of State in any case where an individual claims immunity and cannot present the satisfactory identification or any case where the officer has reason to believe that invalid identification is being presented.

To verify the status of diplomatic and consular personnel of international organizations other than the United Nations, call the following numbers:

1. Federal Diplomatic motor vehicle information: (202) 895-3521..

2. All other inquiries (as well as non-business hour inquiries on the above) shall be made to the Command Center of the Bureau of Diplomatic Security, Department of State, which operates 24 hours per day and will arrange for verification with other involved agencies. Their 24-hour telephone number is (571) 345-3521 or (866) 217-2089.

3. United Nations verification information is available from the Communications section of the U.S. Mission to the United Nations: (212) 415- 4444. This number is valid 24 hours a day.

VII. DIPLOMATIC INCIDENTS

A. Whenever a police officer is confronted with a person claiming immunity, official Department of State Identification should be immediately requested in order to verify the person's status and immunity. If the individual is unable to produce satisfactory identification and the situation would normally warrant arrest or detention, the officer should inform the individual that he or she will be detained until proper identity can be confirmed.

B. When proper identification is available, the individual's immunity should be respected to the degree to which the individual is entitled. If the individual is entitled to the full inviolability and immunity of a diplomatic agent, he or she may not be arrested and should not, except in extraordinary circumstances (e.g. the subject presents a direct threat to the officer), be handcuffed or detained in any way. For any incident that involves a person entitled to immunity, the officer shall record all pertinent details from the identity card and record the circumstances of the incident on the appropriate traffic or criminal report.

C. In cases involving persons with complete immunity, it is well established in International Law that the host country does not give up its right to protect the safety and welfare of its people. Therefore, in circumstances where the public is in imminent danger or it is apparent that a serious crime may otherwise be committed, police authorities may intervene to the extent necessary to halt such activity. This includes the power of the police to defend themselves from personal harm.

VIII. DIPLOMATIC TRAFFIC ENFORCEMENT IMMUNITY:

A. Stopping a diplomatic or consular official and issuing a traffic citation does not constitute arrest and is permissible. Officers should follow normal enforcement procedures when dealing with diplomatic officials for traffic violations.

B. If an officer judges a diplomatic or consular official to be intoxicated, he shall not permit the individual to continue driving. The officer's primary concern is the safety of the community and the individual. The officer cannot arrest the diplomat for DUI, but, depending on the situation, the officer has the following options:

1. Take the individual to the station or to a location where he can recover sufficiently to drive safely.

2. Take him to a telephone so he can call for a ride.

3. Arrange for a taxi or other ride.

C. The police officer involved with the incident shall fully document the facts of the incident and the identity of the individual, and the Deputy Chief of Police should properly forward a written report of the incident to the Department of State.

D. All serious incidents involving Diplomatic and/or Consular officials and their families shall be reported to the U.S. Department of State, Office of Protocol by the Operations Division Commander or his designee at the first opportunity. Notification by telephone shall be immediately made in serious cases (as determined by the Operations Division Commander).

E. Additional information and guidance in cases involving foreign diplomatic personnel can be obtained by referring to the Department of State publication "Guidance for The Law Enforcement Officer" or refer to the Department of State's website: www.state.gov/m/ds/immunities/c9127.htm

IX. ARREST OF FOREIGN CITIZENS:

A. Under international law, the United States has certain responsibilities when any Federal, state or local law enforcement officer arrests or detains a foreign citizen in this country. International agreements are binding on local law enforcement agencies; therefore, officers are required to adhere to the Department of State Guidelines listed below when arresting foreign citizens.

1. Whenever arresting or detaining a foreign citizen, the arresting officer must immediately inform the arrestee of his right to have consular notification and access and have his government notified.

2. The arresting officer will also immediately notify his or her shift commander of the arrest / detention of the foreign citizen. The shift commander will then inform the Deputy Chief of Police of the situation via the chain of command. If the arrest occurs during off business hours the on-call Lieutenant will immediately be informed of the situation.

3. Agreements with certain countries require that they be notified when their citizens are arrested / detained, regardless of the arrestee's wishes. For all cases that involve an arrest or detention of a foreign citizen, officers shall check to see if the subject's country requires notification. If notification is mandatory, the arresting officer should immediately call the nearest consulate or embassy for that country. The officer shall inform the arrestee that his government has been or will be notified if required.

4. If the detainee is a citizen of any other foreign country and wishes to have his government notified, the arresting officer should immediately make the notification. If the detainee does not wish his government to be notified, no notification should be made, and a notation of that fact should be made in the arrest report.

5. Officers will document in their reports any time a foreign consulate is notified. The report will show that the foreign national was advised of his or her options, the date they were informed and whether or not the foreign national requested consular officials be notified. If a confirmation of receipt is available, it should be obtained and forwarded to records to be filed with the report.

6. Consular officers have a right to visit and correspond with persons being detained, and to arrange for legal representation for detainees; however, they must comply with local laws and policies on access to detained persons.

B. During normal business hours, the U. S. Department of State, Washington, D.C. (202) 647-4415, may answer questions. After normal business hours, questions may be directed to the State Department Operations Center (202) 647-1512. An updated list of all consulates / embassies and Federal guidelines can also be obtained at the following web site: http://travel.state.gov/law/consular/consular_737.html#mandatory

X. LEGISLATIVE IMMUNITY:

A. Regarding senators and representatives, the Constitution of the United States (Article 1, Section 6) and the Constitution of the State of Delaware (Article II, Section 11) state that "They shall in all cases, except treason, felony and breach of the peace be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place."

B. No Officer shall detain any member of the United States Congress or the Delaware Legislature while they are en-route to their respective sessions.

C. Neither the Unites States Constitution nor the Constitution of the State of Delaware grant legislators the right to violate traffic laws and ordinances; therefore, officers shall not give them preferential treatment for traffic violations.61.1.3 c

XI. DELAWARE NATIONAL GUARD IMMUNITY:

Title 20, Section 175, prohibits the arrest on any civil process of any member of the Delaware National Guard while going to, remaining at, or returning from any place at which he or she may be ordered for military duty when the Delaware National Guard has been called out upon state duty. The Delaware Code grants members of the Delaware National Guard no protection against the service of criminal process or traffic summonses.

XII. SUPERCEDES

This order supersedes all directives and procedures, written or otherwise, not in complete conformity herewith.

XIII. EFFECTIVE DATE

This order shall become effective immediately upon execution and issuance.

ORDER EXECUTED AND ISSUED THIS 17th DAY OF August, 2015.

Major Marvin Mailey
Deputy Chief

Special Preparation Instructions & Debriefing/Post-Mortem on Firefly Music Festival

Presented by Chief Paul M. Bernat

Safety Advisory & Transportation Committee Meeting

August 24, 2015




FIREFLY
music festival
PAUL McCARTNEY • KINGS OF LEON • THE KILLERS
MORRISSEY • SNOOP DOGG • FOSTER THE PEOPLE • ZEDD
MODEST MOUSE • BASTILLE • EMPIRE OF THE SUN • HOZIER
KID CUDI • STEVE AOKI • SUBLIME WITH ROME • SPOON
CAGE THE ELEPHANT • AWOLNATION • THE KOOKS
GARY CLARK JR • KYGO • MATT & KIM • THE CHAINSMOKERS
RUN THE JEWELS • WALK THE MOON • COLD WAR KIDS • DIRTY HEADS
CHARLI XCX • ODESZA • CITIZEN COPE • TOVE LO • TYCHO • STURGILL SIMPSON
MANCHESTER ORCHESTRA • LOGIC • BROODS • BIG DATA • DJ MUSTARD
ANDREW McMAHON IN THE WILDERNESS • SYLVAN ESSO • CLEAN BANDIT
JUNGLE • BENJAMIN BOOKER • THE WHITE PANDA • ECHOSMITH • CHIDDY BANG
LETTUCE • RYN WEAVER • BETTY WHO • GLASS ANIMALS • ZOLA JESUS • RJD2
HOW TO DRESS WELL • ALISON WONDERLAND • BAHAMAS • VACATIONER • BAD SUNS
WOLF ALICE • RUSTIE • JON BELLION • RAURY • BEAR HANDS
CATHEDRALS • VÉRITÉ • ELLIPHANT • PHOX • HALSEY • PHOEBE RYAN
YOUNG RISING SONS • THE WIND AND THE WAVE • DIZZY WRIGHT • ZELLA DAY
MAX FROST • MILO GREENE • JOE PUG • BØRNS • LINUS YOUNG • GENERATIONALS • MATOMA
SNAKEHIPS • LE1F • TWIN PEAKS • THE GRISWOLDS • NIGHT TERRORS OF 1927 • LIZZO
COLONY HOUSE • SKYLAR SPENCE • HEY ROSETTA! • MARIAN HILL • KNOX HAMILTON • CRAZE
MOTHER MOTHER • GRIZFOLK • SWEATER BEATS • PANAMA WEDDING • WILD PARTY
SNBRN • GOSHFATHER & JINCO • NICK CATCHDUBS • THE HUNTS • SHAUN FRANK
PRINZE GEORGE • WHYEL • BRONCHO • JAYCEEOH • INTERGALACTIX • SOLIDISCO • FILIBUSTA
VINDATA • JACK NOVAK • MANILA KILLA • CARDIKNOX • CHEERLEADER • CLIENT LIAISON
KILL THEM WITH COLOUR • STYLES&COMPLETE • FALLS • KINGSIZE • FIANCÉ • CYPHER CLIQUE
JUNE 18-21, 2015
The Woodlands, Dover, DE

Dover Police Mission Statement During Firefly

To secure and deploy the law enforcement resources necessary to protect and serve the interest of the citizens and the City of Dover, while preserving the peace and ensuring that pedestrian and vehicular traffic flow in an orderly and systematic manner during the four days involving the Firefly Music Festival Weekend.

Dover Police Objectives During Firefly

- To maintain a professional, courteous presence during all activities associated with the event.
- Identify, control and/or remove conditions that could threaten the public safety.
- Practice pro-active policing ideas while addressing any criminal activity with the appropriate law enforcement response.
- Network with and employ the assistance of other law enforcement agencies as needed to ensure public safety and smooth flow of traffic.

Preparations

Elevated Threat Level Instructions

Special Event Uniform

Strict Enforcement Actions

Support Dover Downs Security Operations

Officer Instructions

Command Post/Secondary Public Safety Compound

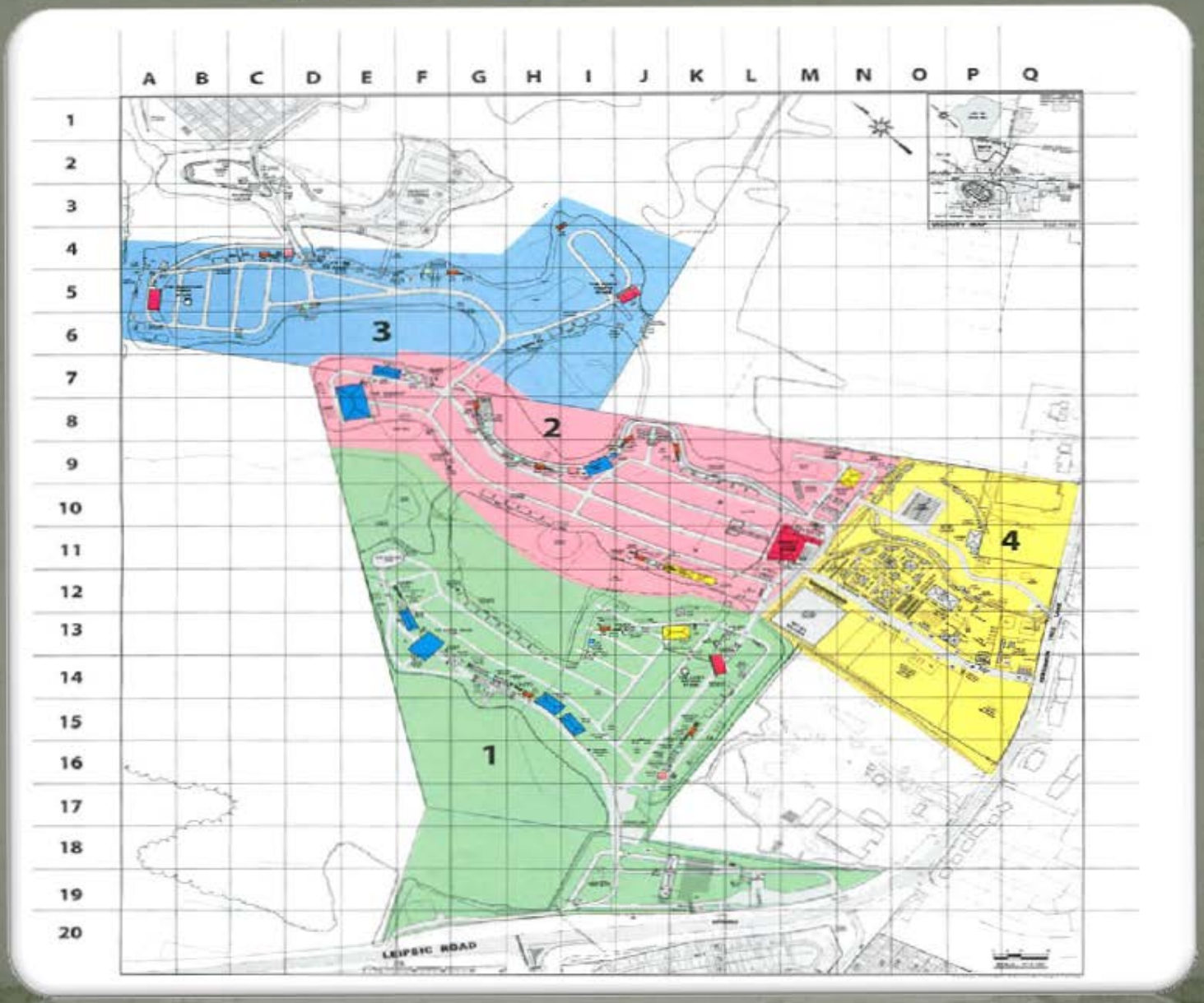
Communications

Logistics

Intelligence


the WOODLANDS
ENTRANCE + EXIT
FIREFLY
MAIN STAGE
MERCHANDISE
the PORCH
STAGE
the BREWERY
the ARCADE
TOMB
the MARKET
the TICKET
ST. JUDE
the BIG BREAK STAGE
HAMMOCK
HANGOUT
the PATHWAY
HAMMOCK
HANGOUT
the FOREST
STAGE
the BACKYARD
STAGE
HOT AIR
BALLOON
the LAWN
STAGE
the COFFEEHOUSE
LANDSHARK
MERCHANDISE
ENTRANCE + EXIT
Festival Legend
FOOD
BAR
CAMELBAK
WATER REFILL
CHARGING STATION
RESTROOMS
LOCKERS
WIFI HOTSPOT
MEDICAL
ACCESSIBILITY
VIEWING AREA
INFORMATION
VIP
SINGLE TENT
ATM

GRID MAP

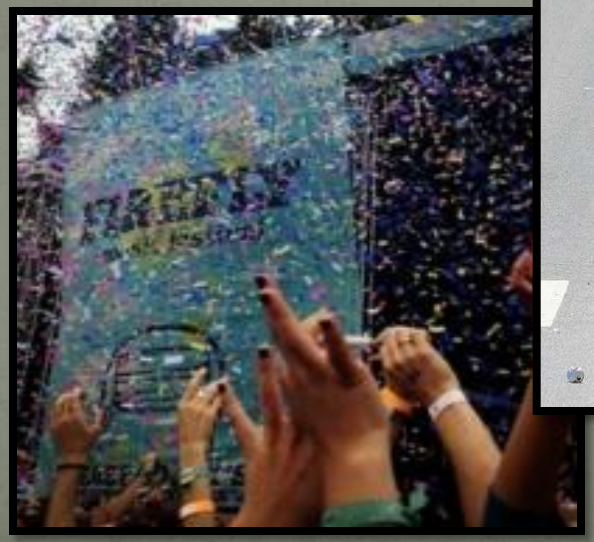

A B C D E F G H I J K L M N O P Q
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
3
2
4
1
LEIPSIC ROAD

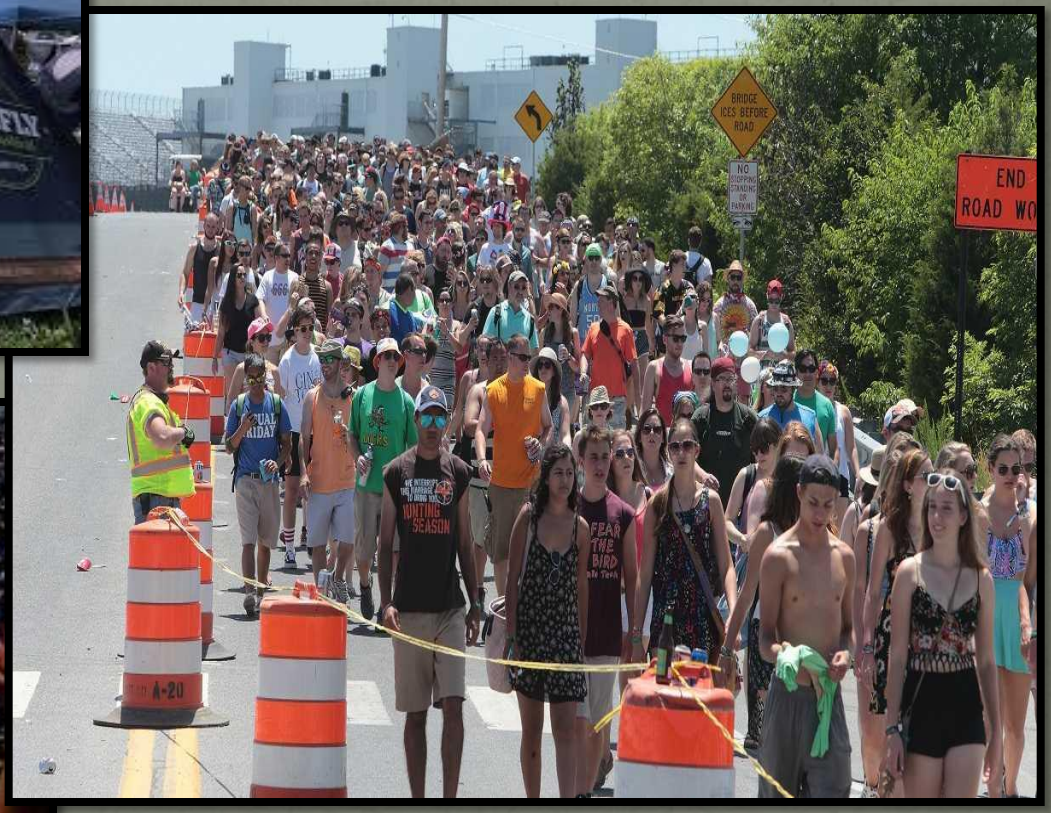
Wednesday:
Load In



Thursday:
2nd Day of Load In & 1st Day of Festival



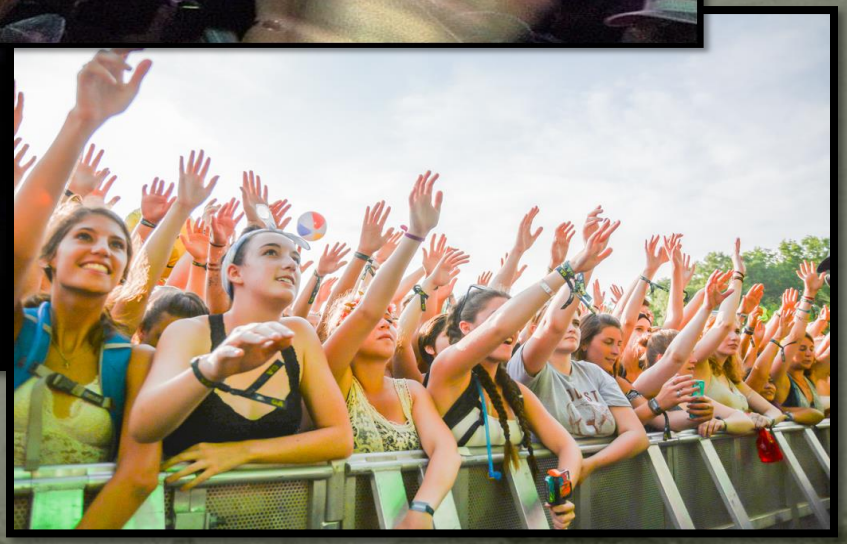




Friday:
2nd Day of Festival







Saturday:
3rd Day of Festival







Sunday:
Final Day of Festival







POLICE AGENCIES INVOLVED:

Dover Police Department - As the primary law enforcement agency we managed and deployed other law enforcement agencies as needed and retained law enforcement management responsibility for events that occurred in the our jurisdiction. We were also utilized to monitor, direct, and control traffic (pedestrian and vehicle) ingress and egress to the event in conjunction with the Delaware State Police, Delaware Department of Transportation and Dover Downs International Speedway and provided law enforcement/security at the venue.

Delaware State Police - As the secondary law enforcement agency, they managed, deployed and retained law enforcement management responsibility for events that occurred in their jurisdiction. They were also utilized to monitor, direct, and control traffic (pedestrian and vehicle) ingress and egress to the event in conjunction with the Dover Police Department, Delaware Department of Transportation and Dover Downs International Speedway and provided law enforcement/security at the venue.

Dewey Beach Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot, festival grounds and camping areas.

Smyrna Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot, festival grounds and camping areas.

Capitol Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot, festival grounds and camping areas.

Bridgeville Police Department – was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Cheswold Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Felton Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Milford Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot, festival grounds and camping areas

Wyoming Police Department - was utilized to conduct security at festival grounds cash house and was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Camden Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot, festival grounds and camping areas.

Delaware State Police Explosive Ordinance Division (EOD) – was utilized to respond to and deal with any suspicious packages or items found or left in and around the grounds of the festival area and as well as Dover Downs property.

Delaware Alcohol Tobacco Enforcement (DATE) – staffed the event and provided uniformed and non-uniformed staff to monitor DATE compliance and assist with the interior event security and U/C operations.

Delaware Joint Terrorism Task Force (JTTF) – was utilized to provide undercover operations dealing with security issues in the parking areas and inside of the venue.

Dover Police Department Drug, Vice, Organized Crime Unit (DVOC) – was utilized to assist with security issues in the venue and the parking areas surrounding the venue. DVOC officers were used to identify any potential drug/crowd related problems.

Clayton Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Selbyville Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Delmar Police Department - was utilized to direct and control traffic ingress and egress for the event as well as patrol the parking lot and camping grounds.

Calls For Service



Total Complaints: 64

Total People Arrested: 6

Total Charges: 29

3,378 Man Hours Were Used Throughout the Six Day Period.

ITEMS REQUIRING IMPROVEMENT:

At the conclusion of the Firefly Music Festival, it was determined that there were several issues that needed to be addressed and corrected for the 2016 Firefly Festival. Some of the issues that arose during the weekend which will be addressed in the upcoming meetings are as follows:

- The secondary JOC on the actual festival grounds is unnecessary and is tying up resources that could be better deployed in the field. The technology involving the cameras needs to be moved over to the main JOC. Essentially the secondary JOC is just an unnecessary duplicate of the main one and needs to be eliminated.

- There needs to be extra duty officers assigned to the event that strictly handle the complaints stemming from the festival. To include accidents, thefts and any other matter s that would require a report or an arrest. The amount of work generated is too much for the working shift to handle.

- Red Frog/ DIS needs to hire undercover officers to work the event. The Drug, Vice and Organized Crime Unit was not hired by Red Frog/DIS for 2015. They were present however and arrested two subjects for a total of 18 drug charges and seized Bath Salts, LSD, marijuana and illegal mushrooms along with cash proceeds. They only scratched the surface by their own admission and requested additional manpower for 2016.

ITEMS REQUIRING IMPROVEMENT:

- The APEX security officers insisted on searching the funds escort vehicle by opening the trunk of the vehicle where the funds were being kept during the transportation from one point to the other. This situation creates serious security problems on many levels and for future the security needs to be briefed that they are to only conduct the cursory mirror inspection.

- Red Frog needs to post more and better signage for the restrooms, medical tents and water stations inside of the festival.

- During the evacuation of the festival due to thunderstorms there was a slight problem with the getting everyone thru the various egress points in the festival. Because of the sheer volume of people it created "choke" points in the walk thru areas between division 1 and 2. In the future we need to consider opening the gates at the backyard stage and allow people to exit out of the main "back-a-house" access road that leads to Persimmon Tree Lane, provided we can have enough security to accommodate this.

- All emergency personnel, especially the ones manning the various posts around the festival, need to be aware of the evacuation plans in case of an emergency.

- The security manning the many entry control points need to make sure that prior to them evacuating their post that the area they are responsible for is secured. APEX security left their post at the "back-a-house" gates, which lead to the public safety compound being left unsecured. Inside of the public safety compound at that time were various pieces of emergency equipment (golf carts, etc.) left unattended and unsecured.

ITEMS REQUIRING IMPROVEMENT:

- The Law Enforcement Dispatch location inside of the Command Post JOC needs to be moved to an area that affords them more privacy. The current position is too noisy and distracting, which creates an officer safety issue.

- The hard closure of Leipsic Road and Permission Tree Lane on Thursday morning created serious confusion. The Command Post was not notified of the hard closure and when they were, there were a lot of exceptions as to what vehicles were still permitted to utilize the roadway. This created safety hazards for the large amount of pedestrians traveling these roads.

- Working Patrol Officers need to be provided with detailed maps to assist them when responding to complaints at the event and a pre-determined meet location and transportation (i.e. Golf Cart) for Officers responding into the Festival Grounds to assist Extra Duty Officers.

- During mass evacuations we need to be prepared to give the pedestrians the entire bridge. In doing so we should have quick response teams consisting of police, fire and EMS stationed on either side for deployment purposes in case an emergency presents itself.

- Need to add a second dispatcher for Friday, Saturday and Sunday.

ITEMS REQUIRING IMPROVEMENT:

- Issues with re-entries back into the event with vehicles. There needs to be signage posted at the exits explaining that re-entry will not be allowed and to include clear language in the instructions the festival goers receive for parking.
- Need to purchase three headsets for the new radios for dispatching in the command post.
- Need to remind our officers to utilize the tele serve.
- Use the same names as labeled on the map in the command post. For example “companion” parking was labeled on the map but everyone in the command post and patrons were calling it “overnight” parking.
- Control Point #1-A and #2 needs to be a mandatory two man position.
- Officers from outside agencies need to wear a uniform that is easily identified as being on duty police personnel, with all of the proper equipment to handle the various types on complaints that a police officer may be required to handle or encounter. (IE: Full gun belt, etc.)
- At the let out of the festival each evening, EMS quick response teams need to be staged at the east and west side of the Leipsic Road Bridge to allow the pedestrians to have the entire bridge for egress.

CONCLUSION:

Considering the size of the event, from the Dover Police public safety standpoint, the 2015 Firefly Music Festival did not have any major issues. The rainy weather did create a challenge at times and due to thunderstorms on Saturday, the festival grounds had to be evacuated at approximately 2130 hours. The evacuation went relatively smooth without any injuries or serious incidents. The communication and understanding of everyone's role during this festival has improved every year and as a result the overall day to day operations and safety of the event has also improved. Meetings to plan for the 2016 Firefly Festival began July 8, 2015, at 1330 hours.

QUESTIONS?



Dover City and Kent County Attendees at the July 17, 2015 Meeting at Dover City Hall.

Apologies to Ms. Debra Handel whose information did not scan. You will be advised of any follow-up action.

July 17, 2015 • Citizen Debriefing Firefly & Big Barrel • Dover City Hall

Name	Address	Phone
Ted George	77 Billings Dr	678-9725
Ryan George	92 Billings Dr	9185097541
Debra Handel	1160 Persimmon Tree Lane	242 3277
Dave Hinte	34 Primrose Dr.	922-2165
Joyce Talley	Persimmon Park Council	302-222-1049
George Bardett	118 Beth Place	301 437 2105
Paul McDonnell	123 Kurt Dr Wild Meadows	302 677 0676
Kathy & Bill Spinarelli	105 Kurt Dr. Wild Meadows	302-674-3517

Results of July 17, 2015 City Hall discussion with representatives from Persimmon Park Place, Wild Meadows, and residents on Persimmon Tree Lane.

This Report was prepared by Councilmen Jim Hosfelt & Fred Neil. It will be shared with Dover Motor Sports, Red Frog, Dover City, Kent County and State Police Officials to guide future discussions designed to implement recommendations,

Attending: 3rd District Kent County Commissioner Allan Angel, Dover Mayor Robin Christiansen, and hosted by Dover Councilmen Jim Hosfelt and Fred Neil. Citizens list attached.

The group recognized:

● Safety issues due to Persimmon Tree Lane pedestrian and vehicle traffic,. Vehicle concerns are primarily due to turn arounds, and speeding golf type carts not operating under the aegis of Red Frog or as ADA transportation.

● Noise issues, some from the Firefly Festival on late night concerts, and an after Hours Party hosted on private property.

● Inconveniences along Persimmon Tree Lane were improved, and almost non existent during Big Barrel.

● Escape route to White Oak Road via Eastern Pipe Line through Garrison Tract is unfulfilled.

● Street Lighting after Festivals.

Recommendations: Eliminating or lessening pedestrian traffic on Persimmon Tree Lane:

★ Move Drop off and Pick up spot off campus coupled Shuttle Buses.

★ Educate Festival attendees Shuttle buses are free..

★ Better marked Shuttle buses.

★ Map changes marking the route from Lot 18 Camping to Dover Downs parking and camping, showing no pedestrian egress at Lot 18.

★ Permit no pedestrian entry at Lot 18.

★ Prevent unauthorized vehicles, including trucks on Persimmon Tree Lane to prevent turn arounds blocking traffic.

Recommendation on Noise:

★ Sound engineering to keep music within the Woodlands.

★ Turn down the volume on music from the stages.

★ Earlier ending of concerts on stages.

★ Use stages away from populated area at night. .

★ Review and change City and County noise ordinances regarding noise levels to make it unambiguous.

★ Enforce noise laws .

★ Target known after hour noise sources on private land for enforcement.

★ Increase penalties for excessive noise.

★ **New Street Lighting provided by Red Frog:** Turn off after Festivals.

★ **Police Coordination:** Bring State Police Officials into the discussion regarding problems of local residents to insure they are aware the problems and the need for enforcement. Are we all on the same page?

Different approach to Pedestrians. Let's start educating them earlier.



MEMORANDUM

City of Dover
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: August 18, 2015

To: Safety Advisory and Transportation Committee

From: Ann Marie Townshend, AICP, Director of Planning & Community Development
Scott D. Koenig, P.E., City Manager

RE: 2015 Transportation Prioritization

Each year, the City Council develops a list of transportation priorities and shares these priorities with the Secretary of Transportation for consideration as the Department of Transportation develops the State's Capital Transportation Plan. We have met internally with the Department of Public Works and the Economic Development Office to review the priorities approved in September 2014 by City Council, and we recommend the following priority ranking for the coming year.

1. **Construction of Sidewalks within the Walk Zone of the New Dover High School** – Now that the Dover High School has been operational for a full school year, the critical sidewalk gaps that were identified in the Dover High Pedestrian Study performed by the Dover/Kent County MPO continue to be a high priority. The critical gaps that are of highest priority to the City and most critical in providing safe access to the school are listed below:
    a. Mifflin Road
    b. South Side of Route 8 West of Mifflin Road

    Students are routinely seen walking within the roadway and shoulder on the side of Route 8 between the Dover High School and Mifflin Road and along Mifflin Road. The City is concerned about the safety of pedestrians in this area. While there is currently no funding in place, the City believes that this is a safety issue that must be addressed.

2. **Kenton Road Corridor Upgrades** – Upgrading Kenton Road, including the addition of sidewalks along the road, continues to be a priority for the City. This project is currently in the Capital Transportation Plan.

3. **Loockerman Street/Forest Street Improvements** – This project has been a priority for the City to help spur redevelopment and improved traffic flow on the west side of Dover. It was initially identified in the West Side Redevelopment study performed in 2001. This project is currently funded in the Capital Transportation Plan. With the Downtown Development District Program, the implementation of this project is a priority for the City.

4. **Garrison Oak Connector Road** – Due to the increased activity and interest in the Garrison Oak Technical Park, the planning and construction of this connection to Delaware Route 1 is increasingly important. This project is not currently in the Capital Transportation Plan.

5. **College Road Corridor Upgrades** – This project is intended to upgrade College Road to include sidewalks and other road improvements. This project is not currently in the Capital Transportation Plan.

6. **Route 8/Hazlettville Road Connector** – This is planned to be a north/south access road that was identified in the Delaware 8 Concept Plan and Operations Study. With the construction of the new Dover High School, the construction of this connection is important to providing access to the school without causing additional burden on other roads in the area. This project is not currently in the Capital Transportation Plan.

7. **Crawford Carroll Avenue Extension** – The extension of Crawford Carroll Avenue south toward the Delaware State University Campus becomes a more critical priority with Delaware State University's lease of the Sheraton Hotel property. The extension of the Crawford Carroll Avenue will help avoid use of US Route 13 for local trips between the Sheraton property and the Delaware State University Campus. This project is included in the Capital Transportation Plan.

8. **Kings Highway/Route 13 Intersection Improvements** – The intersection of Kings Highway, US Route 13, and White Oak road needs improvement to meet an acceptable level of service standard. The current condition of the intersection hinders redevelopment of properties in this vicinity. This project is not in the Capital Transportation Plan.

9. **US Route 13 Service Road Corridor** – The construction of service roads along US Route 13 is a project that will help to alleviate congestion on US Route 13. This project is not in the Capital Transportation Plan.

10. **US Route 13 Sidewalk Construction** – Construction of sidewalks along US 13 continues to be a priority. This project is not in the Capital Transportation Plan. Construction of sidewalks is required when properties develop.

In addition to these projects, the City is also in support of implementation of the Bicycle and Pedestrian Plans developed by the Dover/Kent County MPO and approved by City Council in 2015. We are appreciative of the construction of Capital City Trail segments by the Department of Transportation and the active participation on the part of the Department in our efforts to make Dover more bicycle and pedestrian friendly.

We look forward to discussing this prioritization with the Committee on August 24th.