

## **POLICE COMMITTEE MINUTES**

December 20, 2005

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on December 20, 2005 at 4:01 p.m.

### COMMITTEE PRESENT

Kyle Jones, Chairman  
Claudia Walters  
Tom Rawles

### COMMITTEE ABSENT

None

### STAFF PRESENT

Mike Hutchinson

#### 1. Hear an update on the Police Department Aviation Program.

City Manager Mike Hutchinson noted that an update on the Aviation Program is being provided in order to address several questions that were raised during the budget process.

Police Chief Dennis Donna introduced the chain of command for the Aviation section, Commander Hector Federico, Lieutenant Kevin Kazmaier and Sergeant Brent Olson. He noted that in addition to the information provided in the Council report, a videotaped presentation would depict the types of operations addressed by the Police Aviation Program.

The videotaped presentation included local television news coverage of several incidents that were successfully addressed by the Mesa Police Aviation unit and provided the following information:

- Helicopters provide an expanded field of view and are not restricted by traffic congestion, which enables a rapid response to crimes in progress, such as vehicles fleeing from patrol officers.
- Providing support to patrol units is the primary mission, but helicopters also provide tactical assistance to the Mesa Special Weapons and Tactics (SWAT) unit and the Fire Department's search and rescue efforts. In the event of a large-scale disaster, helicopters are able to serve as an aerial command and control platform.
- Helicopters are equipped with a 30 million candlepower searchlight and a public address system and siren to give orders to suspects, make public safety announcements, or to enlist public assistance to locate lost children. A computer and monitor links the helicopter to the computer-aided dispatch system and maps available to officers on the street, and a thermal

imaging system is utilized to locate heat sources during wide area searches for suspects or as a part of search and rescue efforts.

- To date in 2005, the unit has responded to more than 6,400 calls for service, been involved in 28 vehicle pursuits, assisted in the recovery of more than \$677,000 worth of stolen property (primarily stolen vehicles), located 33 missing persons and been directly involved in 319 arrests.

Commander Federico said that the videotape demonstrated the capabilities of the aviation unit, and he stated the opinion that the incidents shown would have resulted in more serious consequences if the unit was not available. He advised that in addition to the full-time staff of one lieutenant, one sergeant, a chief pilot, eight helicopter pilots/tactical flight officers, two mechanics and a clerical assistant, the unit also has nine part-time personnel, three of whom are trained as fixed-wing pilots, one is a trained, commercial helicopter pilot, and the remaining five are tactical flight officers and/or observers. He stated that the unit presently is scheduled for two ten-hour shifts, seven days a week, from 8:30 a.m. to 3:30 a.m. Commander Federico explained that these two shifts typically include a total of ten hours of daily flight time. He reported that Mesa's helicopters have flown accident-free for over 36,000 hours since 1994, and he stated that this accomplishment is directly related to the safety procedures in place and the department's maintenance programs.

Commander Federico advised that the fiscal impact of the Aviation Section was \$1,634,599 in 2003/04 and \$1,490,736 in 2004/05, which represents 1.2 percent of the overall Police Department operating budget. He noted that although an aviation unit is a costly venture for a community, this resource provides additional safety for Mesa's citizens and police officers.

In response to a question from Chairman Jones, Commander Federico explained that three helicopters enable two to remain in service while one is undergoing maintenance.

Sergeant Olson advised that the three helicopters are on a 300-hour phased inspection schedule, and that as a helicopter completes 50 flight hours, it undergoes a two to four-day inspection. He noted that the oldest helicopter has in excess of 16,000 flight hours. Sergeant Olson explained that the parts have a "time life" at which the Federal Aviation Administration (FAA) requires that the part be replaced. He added that the recommended time life for a helicopter is 20 years or 10,000 flight hours.

In response to a question from Committeemember Walters regarding costs, Commander Federico advised that the difference between maintaining the existing equipment without flying and the additional cost to fly is that the flight hours would not accumulate on the aircraft and approximately \$9,000 per month in fuel costs would be saved.

Sergeant Olson responded to questions from Committeemember Walters by advising that only 91 of approximately 6,400 calls in the current year were from other agencies. He noted that Phoenix has their own aviation unit that has provided assistance to Mesa on occasion, and that the Mesa unit responds to emergency calls for assistance from Chandler, Gilbert, Tempe and the Salt River Indian Community.

Committeemember Walters stated the opinion that other Valley communities without aviation capabilities should share in the cost to provide this service.

Commander Federico noted that Mesa has a mutual aid agreement with other Valley communities, and he added that when Mesa's aircraft were out of service, the City of Phoenix unit provided assistance to Mesa.

Committeemember Walters stated that she understood the concept of the mutual aid agreement that exists with regard to like services, but she expressed the opinion that Mesa is providing a unique service without receiving any benefit in return.

Chief Donna said that this issue has been discussed in monetary terms in the past. He cited an example of a police pursuit that crosses jurisdictional boundaries. He explained that a tragic incident within the City of Mesa could be avoided if the pursuit is stopped in another jurisdiction.

Sergeant Olson advised that the aviation unit responds only to emergency requests from other cities, and that a Mesa emergency would result in the unit returning to address the situation in Mesa.

Discussion ensued relative to the fact that other Valley communities provide assistance in different areas of public safety; that many years ago, Mesa made a commitment to provide a high level of service; that helicopter units are more effective if they are already in the air; that response time increases if the helicopter is on the ground; that each of the two, ten-hour shifts typically include five hours of flight time; that the two daily shifts normally utilize the same helicopter; that attempts are made to have two helicopters available to fly while one is scheduled for maintenance; and that two helicopters are seldom in the air at the same time.

In response to a request from Mr. Hutchinson, Sergeant Olson explained that the City is accepting sealed bids on the fixed, low-wing Piper Dakota that was designed for transport. He said that the Cessna 172, a small plane with a high-wing configuration that allows the observer and the pilot to see the ground, is the most heavily used aircraft. He added that the Special Investigations Unit is the primary user of the Cessna for surveillance purposes.

Commander Federico confirmed that the department has no plans to replace the Piper Dakota with another plane. He noted that the Cessna 172 is a 1978 model that the department has used since 1986, and the Piper Dakota that is currently for sale is a 1979 model. Commander Federico noted that the aviation unit has an emergency response time of 1.2 minutes when a unit is in the air, which enables an effective response to emergencies.

Responding to a question from Committeemember Walters, Commander Federico advised that the fixed wing aircraft operational costs have not been broken down, but he could obtain that data for the Committee. He noted that the primary costs for fixed wing aircraft are maintenance, inspections and fuel.

Sergeant Olson explained that an outside vendor provides the maintenance for fixed-wing aircraft, and that the Purchasing area is attempting to gather that cost data. He advised that the Cessna undergoes three one-hundred-hour inspections at a cost of approximately \$900 each, and an annual inspection costing approximately \$1,800. Sergeant Olson said that the annual cost to maintain the Cessna is between \$5,000 and \$10,000, plus the cost of fuel.

Additional discussion ensued relative to the fact that the estimated value of the Piper Dakota cannot be discussed due to the fact that the department is in the process of accepting bids; that the future sale proceeds of the Piper Dakota would be returned to the asset forfeiture fund; and that the asset forfeiture fund can be utilized for equipment related to narcotics investigations.

Chief Donna acknowledged Police Helicopter Pilot/Instructor Steve Raether, who was present in the audience.

Chairman Jones thanked staff for the update.

2. Hear an update on the new state law requiring the impounding of vehicles for certain offenses.

Chief Donna advised that a new state law requiring the impounding of vehicles for certain offenses has impacted the department's operations. He introduced Lieutenant Ben Kulina and Detective Steve Badger and said they would provide additional information.

Lieutenant Kulina advised that the City Council Report (see Attachment 1) outlines legislative action that became effective on August 12, 2005 and updated provisions of the law that became effective on November 1, 2005. He added that the law also has provisions that enable the department to release the impounded vehicle under certain conditions to spouses, parents of the under age drinker, and the offender if the status of the driver's license and insurance is corrected.

Lieutenant Kulina stated that since November, the Mesa Police Department has impounded 270 vehicles and released approximately 75 of these vehicles. He advised that the fiscal impact of the new law on the department includes the salary and benefits for one Administrative Aide II (30% of the working day), one full-time detective (a position filled by Detective Badger) and a Traffic Program Coordinator. Lieutenant Kulina reported that Detective Badger handled 90 telephone calls related to this law on the previous Monday, and that the law has created a greater need for the services of a Spanish interpreter. He noted that the law permits agencies to charge an administrative fee up to \$150 for the costs associated with enforcement. Lieutenant Kulina added that the department developed a form to address this issue and that the back of the form (in English and Spanish) outlines information regarding the law. He explained that each individual has the right to a hearing within ten days. Lieutenant Kulina added that the Police Department is required to notify all interested parties (a lien holder or the registered owner) regarding the status of the impounded vehicle.

Detective Badger reported that a similar number of vehicles have been impounded by the cities of Scottsdale and Mesa, and that the City of Tucson impounded 740 vehicles in the first month and a half. He stated that the impact of this legislation is escalating.

Detective Badger advised that the City of Mesa is not presently charging a fee, but he noted that most of the other agencies have opted to do so.

Lieutenant Kulina stated that staff was present to request authority to charge the fee.

Committeemember Walters noted that the agenda item was not posted for action at this meeting, and she suggested that a fee recommendation be brought forward for Council consideration.

In response to a question from Committeemember Rawles, Lieutenant Kulina advised that the legislature established the fees to be paid by the offender to include an impound fee at a maximum rate of \$15 per day, the cost of the initial tow at the City's established contract rate, and an administrative fee up to a maximum of \$150.

Discussion ensued relative to the fact that the fee proposal could be presented directly to the Council without being considered by the Committee.

Chairman Jones thanked staff for the presentation.

3. Discuss and consider various issues associated with the Mesa City Court Home Detention Program.

- a. Hear an update on the pilot home detention program and permanent adoption of the home detention program.

Presiding City Magistrate Matt Tafoya introduced City Court Administrator Paul Thomas and Deputy City Court Administrators Albert Lemke and Janie Moreno. He advised that the pilot Home Detention Program saved the City \$43,000 in jail costs, and he expressed the opinion that continuing the program would result in additional savings to the City. He recommended that the Home Detention Program be continued on a permanent basis.

- b. Approve a request to develop a Request for Proposal to consolidate alcohol screening, home detention screening and electronic monitoring services into a single contract.

Judge Tafoya stated that the pilot program required additional staff time, and therefore staff's recommendation is that the Home Detention Program be continued on a permanent basis with the program administration outsourced utilizing a Request for Proposals (RFP), and that the cost of the program be charged to the defendant. He also noted that the recommendation for the RFP includes consolidating alcohol screening, home detention screening and electronic monitoring services into a single contract.

In response to a question from Committeemember Rawles, Judge Tafoya explained that permanent adoption of the Home Detention Program could include individuals found guilty of theft and disorderly conduct, in addition to those convicted of Driving Under the Influence (DUI).

Discussion ensued relative to the fact that the Pilot Program emphasized DUI cases; and that judges were reluctant to place other types of cases in the Pilot Program as a result of that emphasis.

Committeemember Rawles stated the opinion that judges should be encouraged to implement this type of sentence in lieu of jail sentences, and he expressed support for utilizing the RFP process.

Responding to a question from Committeemember Walters, Judge Tafoya advised that the State Statute requires the City to form a committee to recommend community service projects for those individuals who are unable to pay for the cost of home detention. He noted that the majority of individuals who participated in the Pilot Program were employed.

Ms. Moreno explained that the offender's identify is tracked utilizing an initial photograph that is taken for identification purposes. She stated that each time the person in home detention blows into the device, a camera is present that enables the monitor to visually confirm the identity of the individual.

It was moved by Committeemember Walters, seconded by Committeemember Rawles, to recommend to the Council that the Home Detention Program be adopted on a permanent basis and that administration of the program be outsourced utilizing an RFP process that combines alcohol screening, home detention screening and electronic monitoring services into a single contract.

Carried unanimously.

Chairman Jones thanked the City Court staff for the presentation.

4. Adjournment.

Without objection, the Police Committee meeting adjourned at 5:05 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Police Committee meeting of the City of Mesa, Arizona, held on the 20<sup>th</sup> day of December 2005. I further certify that the meeting was duly called and held and that a quorum was present.

---

BARBARA JONES, CITY CLERK

baa

Attachment (1)

**Date:** December 20, 2005  
**To:** Police Committee  
**Through:** Mike Hutchinson, City Manager  
**From:** Dennis Donna, Police-Chief  
**Subject:** 30-Day Impound

**Purpose and Recommendation:**

The purpose of this presentation is to provide an overview of the 30-day impound requirement under ARS 28-3511 and discuss issues surrounding this new law.

**Background:**

On August 12, 2005, ARS 28-3511 went into effect. This new law required law enforcement agencies to impound vehicles for a maximum of 30 days if **ALL** of the following exist:

- License is canceled, suspended, revoked or driver has never had a license
- **AND** does not have insurance
- **AND** is involved in an accident that causes damage, injury or death

Initially, the law only required the above violations, but on November 1, 2005 the Legislature made additional requirements mandatory. In addition to the above, violations, the law now requires a 30-day impoundment if **ANY** of the following violations exist:

- The driver has never had a drivers license
- License is revoked for any reason
- License is suspended for a DUI conviction
- License is suspended for a prior conviction of driving on suspended
- License is suspended for too many moving violations (points)
- Driver is arrested for Extreme DUI
- Driver is arrested for Aggravated DUI
- Driver is under 21 and has ANY alcohol in their body

To date, the Mesa Police Department has impounded 227 vehicles and released 75 of those vehicles because the owner has met the release requirements set forth under ARS 28-3511.

**Discussion:**

On November 1, 2005 ARS 28-3511 made it mandatory for law enforcement agencies to impound vehicles for 30-days. This has-increased the police department's responsibilities and required additional resources.

In anticipation of this new law, the police department developed a new tow form to be used strictly for 30-day impounds. This form includes information that vehicle owner needs to understand their rights and requirements under this law. This form is also provided in Spanish and on the City's website. Training has been given to all affected department members and the media was provided with general information regarding this law.

ARS 28-3511 also requires the impounding agency to provide a hearing to determine if the vehicle was impounded according to statute. This hearing is informal and can be conducted in person or telephonically, Monday through Friday, from 8:00AM to 4:00PM. To date, most citizen requests for hearings have centered on the release requirements of their impounded vehicles and not the legality of the impound. Because of the complexity of the release provisions in the law, the numbers of citizen contacts are increasing and some require a Spanish interrupter.

ARS 28-3513 directs agencies to establish a procedure for post impoundment hearings, and allows agencies to charge an administrative fee (not to exceed \$150) due to the costs associated with the impoundments and hearings. However, the impounding agency may waive the administrative charges.

**Fiscal Impact:**

The fiscal impact associated with this law includes the salary and benefits for one Administrative Aid II (30% of the working day), one full time detective, and the Traffic Program Coordinator. The law has required additional training and resources for all department members involved in processing 30-day impounds.

**Concurrence:**

The Mesa Police Department Patrol Resources Division and Police Administration collaborated to prepare this report.