



OFFICE OF CITY CLERK

## COUNCIL MINUTES

January 3, 2008

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on January 3, 2008 at 7:31 a.m.

### COUNCIL PRESENT

Vice Mayor Claudia Walters  
Kyle Jones  
Tom Rawles  
Scott Somers  
Darrell Truitt  
Mike Whalen

### COUNCIL ABSENT

Mayor Keno Hawker

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Vice Mayor Walters excused Mayor Hawker from the entire meeting.

1. Review items on the agenda for the January 7, 2008 Regular Council meeting.

All of the items on the agenda were reviewed among Council and staff and the following was noted:

Conflicts of interest declared: 7 g and h (Whalen)

Items removed from the consent agenda: None

Items added to the consent agenda: None

2. Hear a presentation and discuss the Police Department's End of Year Report, including crime statistics.

Police Chief George Gascón displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) to highlight the Mesa Police Department's (MPD) activities during the past year. He advised that MPD has focused on victims, suspects, places and activities that are identified as being of a "high risk." Chief Gascón reported on the crime and arrest statistics for the period of January through November 2007 (see Attachment 1). He added that the number of crimes per capita was reduced from 51.2 per thousand in 2006 to 48.0 per thousand in 2007.

Chief Gascón advised that MPD's law enforcement partnerships have been very effective and he provided the following information on the partnerships:

- The East Valley Gang and Criminal Information Fusion Center, which was formed to exchange information between agencies, streamline operations and enhance crime-fighting efforts. Participating agencies include Mesa, Chandler, Gilbert, Scottsdale and Tempe.
- The Violent Crime Impact Team (VCIT) consists of Special Agents from Alcohol, Tobacco and Firearms (ATF) and MPD detectives. This team arrested 60 individuals, including 15 who were designated as the “worst of the worst.”
- MPD personnel are currently assigned to the Immigration and Customs Enforcement (ICE) Agency. ICE participated in MPD’s gang suppression project, which resulted in 136 arrests, including 85 gang members.
- MPD assisted ICE in “Operation Coyote Inn,” which resulted in the arrest and conviction of 13 Mesa motel owners for knowingly harboring undocumented foreign nationals. \$390,000 of the \$1.5 million in fines will be awarded to MPD.

In response to a question from Councilmember Whalen, Chief Gascón advised that the 13 motel owners were required to sign an agreement acknowledging that a second conviction for a smuggling-related offense would result in the property being closed in addition to incurring a significant incarceration for the owner. He noted that “Operation Coyote Inn” is an ongoing effort.

Responding to a question from Vice Mayor Walters, Chief Gascón noted that a change in the motel ownership between a first and second offense would be investigated to determine the validity of the transaction.

Chief Gascón responded to a question from Councilmember Somers by advising that the Federal government pays the incarceration costs for prisoners detained on immigration-related charges. He added that the City’s costs for incarceration are \$189 for the first night and approximately \$80 for each subsequent night for individuals charged with misdemeanors and that the State reimburses the City for the costs to incarcerate individuals charged with felony offenses.

In response to comments from Councilmember Rawles, Chief Gascón explained that once ICE assumes custody for an illegal individual, that individual is deported within 24 hours and would no longer be available for prosecution or investigation regarding other criminal activity. He added that deported individuals involved in criminal activity often return to the country within a week.

Chief Gascón continued the PowerPoint presentation by reporting that in the period between September 4, 2006 and November 30, 2007, ICE responded 116 times to MPD incidents regarding drop houses, gang criminal activity and criminal arrests. He added that during this period, MPD transferred custody of 500 undocumented foreign nationals to ICE for disposition.

Responding to a series of questions from Vice Mayor Walters regarding drop houses, Chief Gascón advised that ICE generally handles the prosecution of individuals operating drop houses. He stated that once a house has been identified as a drop house, that location is not typically utilized again. Chief Gascón noted that a large supply of low-cost rental properties is available, and he added that the property owner is generally unaware that the renter is

operating a drop house. He said that citizens should report suspected drop house operations to MPD, and he added that crimes associated with drop houses include kidnapping, rape, abuse and murder.

Chief Gascón responded to Councilmember Somers by stating that he would confirm the exact number of drop houses closed in Mesa through November 30, 2007 and provide the information to the Council.

Chief Gascón advised that a Drug Enforcement Agency (DEA) Special Agent is embedded in MPD's Narcotics Unit and that MPD detectives are currently assigned to DEA task forces. He also reported that MPD detectives are assigned to the Federal Bureau of Investigations (FBI) Fugitive and Violent Gang Task Force and that gang detectives exchange information at monthly meetings of the East Valley Gang Task Force. Chief Gascón stated that community partnerships are extremely important in the prevention of crime. He advised that the Making Every Student Accountable (MESA) Program was implemented approximately one year ago in partnership with Mesa Public Schools (MPS) for youth at risk and that parents are included in the program. Chief Gascón advised that MPS is tracking the data and the results of the program. He added that MPD has participated in the City's Community Prosecution Team, which combines City resources to improve the quality of life in Mesa neighborhoods and fights crime. Chief Gascón said that the Police Chief's Community Forums have become organized and include the following groups: African Americans, business, clergy, disabilities, Hispanics, human rights, Native Americans, seniors and youth.

Chief Gascón said that he would like to clarify statistics previously provided to the Council regarding the Reed Park Opportunity Zone. He stated that in the period of January 1, 2007 through September 30, 2007, calls for service were reduced by four percent in addition to a corresponding reduction in crimes rather than the 18 percent increase that was previously reported to the Council.

Chief Gascón reported that District Community Policing Advisory Boards have been established for each patrol station to provide interaction with the community.

Councilmember Jones said that he attended a recent meeting at the Dobson Patrol District and he was very impressed with the community participation. He commended Chief Gascón for implementing this approach.

Chief Gascón noted that the Volunteers in Police Service (VIPS), a program that has existed in Mesa for many years, has contributed thousands of hours of service to the department.

Addressing the technological resources employed by the Police Department, Chief Gascón highlighted the following:

- Coplink – MPD will serve as the central node for the other East Valley cities and anticipates serving as one of four nodes when the statewide crime information-sharing network is implemented, which will also be connected to the Orange County, California system.
- COMPSTAT – a process of quickly accessing information and identifying where certain types of crimes are likely to occur and the best manner of addressing the activity.

Councilmember Whalen suggested that members of the Public Safety Committee consider attending the next COMPSTAT meeting on February 11, 2007.

Chief Gascón stated that the crime rate in Mesa was reduced in the past year, and he anticipates that greater improvements would be achieved in 2008.

Vice Mayor Walters reported that a constituent was very impressed with a Mesa Police Officer who, when responding to a noise complaint, requested the individual's name even though the individual was not being cited. She noted that the officer explained that in the event of a future complaint, he would know whom to hold accountable. Vice Mayor Walters added that officers assigned to neighborhood meetings have been very responsive in working with the residents.

Councilmember Rawles commended Chief Gascón for his efforts. He advised that he wanted to take this opportunity to comment on issues that have concerned him for some time. Councilmember Rawles reported that during the past year, the Council has received numerous emails and communications regarding the activity of Mesa Detective Matt Browning and other police-related issues, including demands circulating on the Internet that Chief Gascón and the City Manager be fired.

Councilmember Rawles emphasized that the City of Mesa is not a sanctuary city, and he said that the statistics provided by Chief Gascón in his presentation substantiate that fact. He noted that the Mesa Police Department has officers imbedded with ICE, participates in raids on drop houses, and actively addresses criminal activity associated with smugglers and undocumented individuals. Councilmember Rawles explained that the Council directed the Police Department not to ask witnesses or victims of crimes about their immigration status to improve law enforcement access to information that could assist in the apprehension and prosecution of violent criminals. Councilmember Rawles advised that the Council made a policy decision to cross-train detention officers on Federal immigration laws, but this type of training has not been authorized for street officers for the following reasons:

- Street officers would be sidetracked from their primary duties of protecting the public and addressing criminal activity.
- Immigration issues are legally complex and could result in liability issues that should be assumed by the Federal government.

Councilmember Rawles further stated that Chief Gascón's personal views regarding immigration are irrelevant because the Chief is following the policies established by the Council.

Councilmember Rawles said he would comment on two Police Department cases that received public attention: 1) the treatment of Sergeant Mike Doherty related to his on-duty conduct, and 2) the treatment of Detective Matt Browning for comments made during a Democratic Anti-defamation Hearing at the State Capitol. He noted that Detective Browning said in his speech that "some" people in the anti-immigration movement were racists, bigots and white supremacists; he did not say that "all" people in the movement were racists, bigots and white supremacists. Councilmember Rawles stated the opinion that Detective Browning's comments were correct, and he added that although he did not share their views, these individuals had the Constitutional right to be racists, bigots and white supremacists. He said that Detective Browning referred to individuals in the anti-immigration movement who resorted to violence as "domestic terrorists," and he noted that racists, bigots and white supremacists were not identified as being domestic terrorists. Councilmember Rawles further stated he agreed with

Detective Browning that citizens who employ violence to promote a political agenda are domestic terrorists. He also expressed concurrence with the conclusion of the Internal Affairs Department that Detective Browning acted properly, and he added that Chief Gascón was not involved in that determination.

Councilmember Rawles said that Sergeant Doherty, while on duty, wearing a Mesa Police Department uniform and driving a Mesa Police Department vehicle, made inappropriate, obscene gestures on two occasions to groups of protesters who were peacefully exercising their Constitutional right of free speech and assembly. He explained that Sergeant Doherty, as a member of the Police Department, has a responsibility to protect the rights of these individuals without interjecting his personal opinion.

Councilmember Rawles stated that Chief Gascón's personal views are irrelevant with regard to the disposition of these two cases or the general issue of immigration. He reiterated the fact that Chief Gascón is required to follow the policy direction of the Council through the City Manager. Councilmember Rawles said that comments on the Internet were generated by poor information, and he expressed confidence in Chief Gascón's leadership of the Police Department.

Chief Gascón thanked Councilmember Rawles for his comments. He noted that Detective Browning was not assigned to probe the anti-immigration movement, but he gained knowledge of these activities during his under-cover investigation of violent crimes, including homicide, which led him to certain individuals who are actively involved in the movement. Chief Gascón said that Detective Browning was not investigating any matter related to the anti-immigration movement.

Chief Gascón also clarified that Sergeant Doherty's disciplinary action included a requirement that he spend time with an Arizona State University Constitutional law professor to learn about the role of a police officer with regard to the First Amendment. He stated that Sergeant Doherty was then assigned the task of preparing a lesson plan to share his newfound knowledge with MPD patrol officers, which occurred at 46 different briefings.

Chief Gascón concurred with Councilmember Rawles that his personal views on immigration or any other issue are unimportant. He stated that he has enforced many laws throughout his career with which he did not personally agree.

Vice Mayor Walters said that although she and Councilmember Rawles have not always agreed on every issue, his defense of the Constitution has been absolute. She noted that immigration issues are very emotional and extremely complex. Vice Mayor Walters complimented Chief Gascón for his accomplishments in reducing crime in the City of Mesa, and she expressed disappointment that information on the Internet did not acknowledge his efforts.

In response to a question from Councilmember Truitt, Chief Gascón advised that offers to Apache Junction and Queen Creek to participate in the Fusion Center were declined. He said that efforts are ongoing with the Salt River Indian Community government, and he stated that participation in the Fusion Center is open to all East Valley communities.

City Manager Christopher Brady noted that Queen Creek does not have a Police Department at the present time.

Councilmember Whalen thanked Councilmember Rawles for his comments, and he expressed support for the efforts of Chief Gascón. He added that Chief Gascón has been concentrating his efforts on the criminal element and following the rule of law.

Responding to a question from Councilmember Somers, Chief Gascón reported that the Maricopa County Sheriff's Office has publicly indicated that they do not wish to participate in the Fusion Center.

Councilmember Jones agreed that the Council's emails reflect the fact that an incorrect perception exists throughout the country regarding the Mesa Police Department's handling of the illegal immigration issue. He stated the opinion that the morale of the Police Department has improved under Chief Gascón's leadership, and he thanked him for his efforts.

Vice Mayor Walters noted that border issues were ignored on the Federal level for many years despite local efforts to identify the problems. She commended Chief Gascón for the manner in which he has focused and utilized the limited resources that are available, and she thanked him for the presentation.

3. Acknowledge receipt of minutes of various boards and committees.

- a. Parks and Recreation Board meeting held on November 8, 2007.
- b. Transportation Advisory Board meeting held on November 20, 2007.
- c. Museum and Cultural Advisory Board meeting held on November 29, 2007.
- d. Transportation and Infrastructure Committee meeting held on December 13, 2007.

It was moved by Councilmember Somers, seconded by Councilmember Jones, that receipt of the above-listed minutes be acknowledged.

Vice Mayor Walters declared the motion carried unanimously by those present.

4. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Monday, January 7, 2008, TBA – Study Session

Monday, January 7, 2008, 5:45 p.m. – Regular Council meeting

Thursday, January 10, 2008, 7:30 a.m. – Study Session

Thursday, January 17, 2008, 7:30 a.m. – Study Session (Cancelled)

Thursday, January 17, 2008, TBA – East Valley Partnership's Breakfast with the Governor

Tuesday, January 22, 2008, TBA – Study Session

Tuesday, January 22, 2008, 5:45 p.m. – Regular Council meeting

Wednesday, January 23, 2008, TBA – Joint Meeting with the Town of Queen Creek

6. Items from citizens present.

There were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 8:45 a.m.

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KENO HAWKER, MAYOR

ATTEST:

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LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 3<sup>rd</sup> day of January 2008. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK

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Attachment (1)