

POLICE COMMITTEE MINUTES

November 9, 2000

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on November 9, 2000 at 7:30 a.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Jim Davidson
Pat Pomeroy

COUNCIL PRESENT

Mike Whalen

OFFICERS PRESENT

Mike Hutchinson
Barb Jones

(Agenda items were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

1. Discuss and consider a proposal regarding eliminating the charging of victims of crimes for police reports.

Assistant Police Chief Dennis Donna and Commander Gil Otanez provided the Police Committee with a brief overview of this agenda item. Chief Donna explained that it is the recommendation of the Police Department that police report fees be waived only for victims of criminal cases handled by the Center Against Family Violence. Chief Donna stated that currently, the Department is reluctant to waive fees for other individuals due to the significant costs involved in editing, researching and providing public records. Chief Donna remarked that crime victims would receive only the written report and no other investigative materials generated by the Department would be provided.

Commander Otanez reported that the Mesa Police Department charges a \$5.00 fee for police reports, and of the 65,000 copies generated in 1999, there were approximately 21,798 requests for public accident and incident reports. Commander Otanez added that the Department's annual cost of processing public record requests is estimated at \$257,000.

Chatham Kitz, Executive Director of Arizona Voice for Crime Victims, addressed the Police Committee regarding this agenda item. Mr. Kitz explained that his organization has contacted police departments and city councils statewide to urge the waiver of fees for police reports to all crime victims and their families. Mr. Kitz remarked that the response has been very favorable relative to the proposed policy change. Mr. Kitz added that victimization should not be a revenue stream and that such waiver should include all Part 1 crimes.

In response to a question from Committeemember Pomeroy, Chief Donna clarified that although the Department recognizes the validity of supplying police reports to all crime victims, the purpose of this presentation is to apprise the Police Committee of the fiscal impact on the Department and to seek further direction.

Committeemember Pomeroy requested a breakdown of crime victim requests versus other party requests for 1999 accident and incident reports.

Committeemember Davidson thanked Mr. Kitz for his input, but disagreed with Mr. Kitz's opinion that the City of Mesa does not show compassion to its crime victims as evidenced by assessing a \$5.00 fee for copies of police reports. Committeemember Davidson noted that the City has implemented a variety of programs and services in an effort to assist victims of crime. Committeemember Davidson requested additional input/information from staff regarding this matter.

Chairman Kavanaugh said that as a result of the voter-approved Victims' Bill of Rights in the Arizona Constitution, the Council will endeavor to explore the most appropriate means by which to implement such law. Chairman Kavanaugh also concurred with the opinions expressed by Committeemember Davidson and emphasized that providing free police reports to all crime victims would further enhance the services that Mesa already offers. Chairman Kavanaugh said that although he would support the waiver of police report fees for all Part 1 crime victims, he would like additional input regarding the actual breakdown of crime victim requests in an effort to effectively assess the fiscal impact on the Department.

City Manager Mike Hutchinson stated that if a consensus exists among the members of the Police Committee regarding this issue, staff will provide additional input at a future presentation, placing a primary focus on Part 1 crimes.

Committeemember Pomeroy remarked that despite the fact he is sympathetic to crime victims, additional information is required in order to make an informed decision.

Committeemember Davidson indicated that he is not in support of the waiver of fees to all crime victims.

Chairman Kavanaugh stated that this matter will be continued to a future meeting and requested that staff provide additional input to enable the Police Committee to make a more informed recommendation to the full Council.

Chairman Kavanaugh thanked staff and Mr. Kitz for their input.

2. Discuss and consider several recommendations concerning changes to the Crime Free Multi-Housing Program.

Police Chief Jan Strauss addressed the Police Committee regarding this agenda item and introduced Crime Free Multi-Housing Supervisor Tim Zehring. Mr. Zehring referred to graphics displayed in the Council Chambers and explained that he is seeking input from the Committee regarding their interest in Crime Prevention Through Environmental Design (CPTED) standards for apartment communities as well as Police Department representation on design and review panels.

Discussion ensued regarding the history of CPTED and its success throughout the country; the fact that developers' construction costs are reduced through the utilization of CPTED standards, and the fact that the Arizona Multi-Housing Association supports the Crime-Free Multi Housing Program.

Committeemember Pomeroy requested additional input from staff relative to the design process.

Committeemember Davidson spoke in support of this agenda item and strongly encouraged the incorporation of CPTED design standards into Mesa's infrastructure including residential, commercial, industrial and light manufacturing.

Mr. Hutchinson indicated that if there is interest among the Police Committee regarding this issue, staff will conduct further research and revisit the matter at a future meeting prior to presentation before the full Council.

Chairman Kavanaugh concurred with the opinions of the Committeemembers and stressed the importance of obtaining additional information, including a determination of other communities' positions regarding this matter.

Discussion ensued relative to the fact that the Las Vegas City Council and other city councils nationwide have adopted ordinances which require participation by all apartment communities in the Crime Free Multi-Housing Program and the fact that a lack of participation results in the withdrawal of certificates of occupancy; the fact that the U. S. Court of Appeals, 9th Circuit, ruled that the City of Las Vegas has the right to enforce the Crime Free Multi-Housing Program, and the fact that city councils across the country have passed similar ordinances in an effort to strengthen the effect of the Crime Free Multi-Housing Program in their apartment communities.

Mr. Zehring stated the opinion that the program should be voluntary rather than mandated by ordinance and added if the City decides to require apartment communities to participate in the Crime Free Multi-Housing Program, thought should be given to tightening the language in the contracts to provide enforcement.

Chairman Kavanaugh expressed the opinion that situations may arise on a case-by-case basis where the City participates as a partner, providing enforcement mechanisms are in place.

Committeemember Davidson stated that he will reserve making his remarks pending the receipt of additional information regarding the Multi-Family Housing Program.

Pat Gilbert, Executive Director of the Mesa Community Action Network (Mesa CAN), addressed the Police Committee relative to this matter. Mr. Gilbert said that Mesa CAN provides "safety net" poverty services for the City of Mesa and noted that an unintended consequence of Crime Free Multi-Housing exists, namely the fracturing of families. Mr. Gilbert explained he has witnessed men being released from the prison system, being unable to reunite with their families and locate housing in better/safer sections of the City.

Discussion ensued relative to the fact that one half of the City's multi-housing components is not crime free, the importance of developing a program that supports families, and the fact that persons who have committed felonious acts should be allowed to re-enter society and obtain safe, adequate housing once they have suffered the consequences of their actions.

Committeemembers Pomeroy and Davidson requested additional input from staff relative to the enforceability of the proposed ordinance.

Additional discussion ensued relative to the fact that mobile home parks, mini storage lockers, hotels, motels, condominiums and townhomes within the City of Mesa participate in the Crime Free Multi-Housing Program; the fact that prohibiting felons from moving into apartment communities is not endorsed by the Crime-Free Multi Housing Program; the fact that half of Mesa's properties participate in Crime-Free Multi-Housing Program, however the remaining facilities, in accordance with Arizona Revised Statute 33-1368, deny housing to felons per the Crime Free Lease Addendum, and the fact that if the Crime Free Multi-Housing Program did not exist in the City of Mesa, the exclusion of felons would continue to occur under the authority of the above listed statute.

In response to questions from Committeemember Davidson, Mr. Zehring indicated that the Crime-Free Multi-Housing Program currently operates in 44 states, and added that every state which participates in such programs has adopted laws that enforce the Crime Free Addendum.

Chairman Kavanaugh noted that due to the complex nature of this agenda item, the Committee is requesting that staff perform additional research to enable the Committee to render a well-informed recommendation to the full Council. Chairman Kavanaugh added that although the community has acknowledged strong support for the Crime Free Multi-Housing Program, it is imperative that the Council be cognizant of the program's impact on the community. Chairman Kavanaugh said that he supports the program, but added that the City mission is to ensure that affordable housing is available to all residents.

Chairman Kavanaugh requested that staff research similar policies in effect in other communities and obtain input from the entities relative to this issue. Committeemember Davidson concurred with Chairman Kavanaugh's comments and noted that HUD and other federal agencies publish data reports regarding the effects of some of these social programs. Committeemember Davidson encouraged staff to research this issue on a national basis and added that further discussion regarding "inclusionary zoning" should occur in the future.

Mr. Hutchinson suggested that staff provide a presentation on the City's crime free prevention programs at a future meeting.

Chairman Kavanaugh thanked everyone for their input.

3. Hear an update on the location of the proposed new Falcon Substation

Assistant Police Chief G.T. Fowler addressed the Police Committee regarding this agenda item. Chief Fowler explained that at a recent public meeting regarding the new Falcon Substation, Department representatives received positive citizen support for a police presence in their neighborhood. Chief Fowler also indicated that a determination has been made that the site does not meet the future design needs for both substations and reported that a parcel of land located at Greenfield Road and University Drive has been identified as a more appropriate location. Chief Fowler added that Real Estate Services is currently investigating the availability of the parcel and said that staff has met with the surrounding business owners and a nearby apartment complex and has received positive feedback regarding this proposal. Chief Fowler said that staff will keep the committee updated on this issue.

Chairman Kavanaugh thanked Chief Fowler for the update.

4. Hear an update regarding club drugs.

Police Commander Dan Saban provided a brief overview of this agenda item. Commander Saban stated that in March of this year, the NBC newsmagazine "Dateline" targeted the City of Mesa as a City that is experiencing an increase in rave parties and the use of club drugs. Commander Saban assured the Police Committee that prior to such time, the Mesa Police Department had established its own intelligence gathering and research channels in an effort to pro-actively curb such activities. Commander Saban noted that as a result of this process, the Department has developed a six-point strategic plan including: 1) demand reduction, whereby multiple agencies can immediately arrest violators; 2) identify and formulate an enforcement strategy relative to the location of the rave parties, the suppliers of the club drugs and their means of distribution; 3) greater enforcement and education; 4) the incorporation of this drug phenomenon into the Department's ongoing narcotics investigations; 5) shared resources with other State and local law enforcement agencies, and 6) develop a liaison with the County Attorney's Office.

In response to a question from Committeemember Pomeroy, Commander Saban clarified that in an effort to tap into the drug resources within the community, the Department has made several arrests and added that officers recently purchased 1400 Ecstasy tablets from a narcotics dealer.

In response to a question from Councilmember Whalen, Commander Saban commented that the drug Ecstasy can be identified through means of the horizontal gaze nystagmus (HGN) test and is also identifiable through blood and urine samples.

In response to a question from Chairman Kavanaugh, Commander Saban remarked that the Department is aware of the ongoing locations of rave parties, but due to the age of the participants (13 to 25), infiltration by undercover officers is extremely difficult.

Chairman Kavanaugh thanked Commander Saban for his presentation.

5. Adjournment.

Without objection, the Police Committee meeting adjourned at 8:45 a.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 9th day of November 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK