

POLICE COMMITTEE MINUTES

July 12, 2004

The Police Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on July 12, 2004 at 3:07 p.m.

COMMITTEE PRESENT

Kyle Jones, Chairman
Tom Rawles
Claudia Walters

COUNCIL PRESENT

Mayor Keno Hawker

STAFF PRESENT

Mike Hutchinson

1. Hear a report and consider recommending proceeding with a pilot Home Detention/Electric Monitoring Program for the Mesa Municipal Court.

Special Assistant to the City Manager Eric Norenberg provided a brief historical overview of this agenda item. He reported that in August 2003, the previous Police Committee heard a presentation related to a series of legal and practical issues concerning the concept of a home detention program for the Mesa Municipal Court. He explained that following the presentation, staff was directed to research the matter further and consider the possibility of bringing forward a pilot program for use in Mesa.

Mr. Norenberg commented that relative to the home detention program, a defendant may serve part or all of his sentence at home with restrictions on his movement. He indicated that typically, the defendant is required to wear a small transmitter (usually on the ankle) 24 hours a day and noted that a receiver is placed in the defendant's home and connected to the monitoring company's computer system by the defendant's telephone line. Mr. Norenberg advised that the program offers a series of options such as the ability to obtain breath samples from equipment installed in the defendant's home, as well as voice recognition or video capture features. He added that the home detention program would also reduce jail costs and provide the City magistrates with greater flexibility relative to the sentencing of defendants. Mr. Norenberg briefly summarized the statutory requirements for the establishment of a home detention program.

Mr. Norenberg explained that in the fall of 2003, an internal staff team was formed and evaluated the City of Chandler's home detention program. He commented that Tempe has also begun a home detention program and is using Chandler's vendor, General Security Services Corporation. He stated that the vendor has expressed his willingness to contract with the City of Mesa for these services under the same terms and conditions as the Chandler contract.

Discussion ensued relative to the fact that second offense DUI cases are the most common offense for which a defendant would be sentenced to a home detention program; that most defendants are sentenced to 60 days in jail, with 30 days suspended if the defendant successfully completes an alcohol-screening program as defined by the statute; that the first 15 consecutive days of the mandatory sentence must be served in jail and the remaining 15 days may be served under home detention if the individual meets the criteria and the judge orders such a sentence.

Mr. Norenberg informed the Committee that the basic components of the Chandler program include, but are not limited to, a defendant must be at home and available for random calls from the monitoring company; a breath alcohol monitoring test is conducted randomly three times each day during the period in which the defendant is scheduled to be home; and daily reports are provided to the probation officer via fax and telephone calls.

Mr. Norenberg concluded his remarks by stating that it is the recommendation of the staff team that the City Council authorize a one-year pilot home detention program using the same vendor as Chandler and the same contract terms. He commented that after a six-month period of time, it is further recommended that a preliminary assessment of the program be conducted to determine whether sufficient data has been gathered to warrant the initiation of an RFP process.

Committeemember Walters noted that as a member of the previous Police Committee when the concept of a home detention program was discussed last year, the Committee voiced concerns regarding a lawsuit filed against Chandler relative to the issue of mandatory sentencing. She noted, however, that staff's report has adequately addressed such concerns. Committeemember Walters also referred to a copy of the proposed City of Mesa Home Detention Program and questioned the following passage: "A defendant is eligible for home detention if: 4.) When employed: a. such employment is within Maricopa County." She stated that in her opinion, the language suggests that individuals who have employment could not leave Maricopa County to engage in that employment during the time of their home arrest and would therefore be ineligible to participate in the program. She suggested that modifications to the passage may be appropriate.

Committeemember Rawles remarked that in reviewing the statute and staff's proposal, he noticed that the sentencing requirements are not treated any differently for the first time DUI and first time extreme DUI offenses and stated that he would prefer to see a gradation in severity of sentencing in relation to the offense. He commented that the same holds true for second offense DUI and second offense extreme DUI cases. Committeemember Rawles added that Arizona Revised Statute 9-499.07 sets forth the requirements for the establishment of home detention programs in Arizona and suggested that in accordance with subsection M of the statute, a specific finding of necessity be added to the resolution in order to legally comply with enabling legislation.

Committeemember Walters concurred with Committeemember Rawles' suggestions and stressed that she has no sympathy for individuals convicted of drunk driving.

In response to a motion made by Committeemember Rawles and seconded by Committeemember Walters, Presiding City Magistrate Matt Tafoya clarified that various elements of the motion, (i.e., Committeemember Walters' comments regarding 4a, and the suggested modifications to the sentencing guidelines) cannot be altered in the proposed home detention program due to certain statutory requirements.

Committeemember Rawles withdrew his motion and Committeemember Walters withdrew her second to the motion.

It was moved by Committeemember Rawles, seconded by Committeemember Walters, to recommend to the Council that staff be authorized to proceed with a one-year pilot home detention program for the Mesa Municipal Court for evaluation purposes, utilizing the current Chandler contract with General Security Services Corporation, and that a specific finding of necessity be added to the resolution in order to legally comply with enabling legislation.

Discussion ensued relative to provisions contained in the statute indicating that "a city or town may establish a prisoner work, community service work and home detention program for eligible sentenced prisoners which shall be treated the same as confinement in jail"; that "a community service work assignment may be made by the city or town to a program recommended by the community service work committee"; and that the statute does not clearly define the composition of the community service work committee.

Carried unanimously.

2. Discuss and consider changes to the current alarm permit fee waiver granted to residents over 65 years of age.

Chairman Jones declared a potential conflict of interest and said he would refrain from discussion/participation in this agenda item. He yielded the gavel to Committeemember Walters for action on this agenda item.

Committeemember Walters stated that in the interest of time and with the concurrence of Committeemember Rawles, it was unnecessary for staff to make a full presentation to the Committee regarding this matter.

Committeemember Rawles commented that in comparing the practices of various municipalities relative to the waiver of alarm permit fees, he prefers Phoenix's model that no longer waives the fees on the basis of age, but rather uses Federal guidelines to waive the fees based on limited annual income.

Committeemember Walters expressed support for the matter proceeding forward to the Council for consideration. She also stated that the purpose of the alarm permit fee waiver for residents age 65 and over is to protect those citizens who are least able to protect themselves.

In response to a question from Committeemember Walters, Police Commander Rick Clore clarified that Phoenix uses the Department of Health and Human Services poverty guidelines to assess whether an individual qualifies for the alarm permit fee waiver. He explained that although he does not have the specific figures, he estimated the yearly income levels would range between \$15,000 and \$18,000.

Committeemember Walters stated that it would be important for her to know what constitutes the actual limited annual income before she could vote in support of this item.

Police Chief Dennis Donna assured the Committeemembers that staff would research Committeemember Walters' inquiry and bring back the issue for discussion and consideration at a future Police Committee meeting. He added that staff would also confer with the City

Attorney's Office to assess whether language that addresses the income levels should be incorporated into the ordinance.

It was moved by Committeemember Walters, seconded by Committeemember Rawles, that the agenda item regarding changes to the current alarm permit fee waiver granted to residents over 65 years of age be referred back to staff for the purpose of conducting additional research, and that the matter be brought back to the Police Committee for discussion and consideration at a future meeting.

Upon tabulation of votes, it showed:

AYES - Rawles-Walters
NAYS - None
ABSTAIN - Jones

Committeemember Walters declared the motion carried unanimously by those voting.

Committeemember Walters yielded the gavel back to Chairman Jones.

3. Hear an update and consider proceeding with the development of a Request For Proposal for the continuation of the Photo Safety Program.

Chief Donna, Police Commander Hector Federico, Police Sergeant Greg Beck and Police Officer Terry Dorn addressed the members of the Committee relative to this agenda item.

Sergeant Beck displayed graphics in the Council Chambers and provided a brief overview of Mesa's Photo Safety Program. He reported that the program was designed to reduce injury accidents and to concentrate on motorists speeding or running red lights. He explained that since the program's inception in 1996, the City has been successful in reducing collisions throughout the community. He also conducted a comparative analysis of two City intersections (County Club Drive/Southern Avenue and Power Road/Main Street) relative to traffic volumes in 1996 and today.

Sergeant Beck highlighted a series of statistical data relative to the Photo Safety Program as follows: since 1996, there has been a 46% reduction in injury/fatal collisions, a 27% reduction in injury-related collisions, and an 18.4% decrease in intersection-related collisions (with an increase in Mesa's population by 90,000 residents); that a single accident costs the City approximately \$10,000; and that the cost of one fatal accident, based on a national average, is estimated at \$3.4 million (\$1.2 million in monetary costs and \$2.2 million in quality of life losses).

Sergeant Beck further reported that there are 13 red light cameras located at specified intersections throughout the community and that the Traffic Unit also operates five photo radar vans. He explained that Affiliated Computer Services, the current vendor for the program, owns and maintains all of the equipment, processes all of the photos, and works in conjunction with the Photo Safety Unit in the issuance of citations. Sergeant Beck added that in the past 12 months, the Photo Safety Program has filed 31,922 citations, for an intake amount of \$1,628,003; however, Mesa's operating cost for the program was \$1,847,822, thereby resulting in an average monthly deficit of \$15,000.

Discussion ensued relative to the fact that Affiliated Computer Services does not charge the City for unpaid citations or citations that are dismissed for statutory reasons; and the manner in which the \$10,000 per accident cost to the City is calculated.

Committeemember Walters commented that when citizens assess the Photo Safety Program, they are often surprised to learn that it is not "a big money maker" for the City. She stressed that the goal of the program is to prevent injuries and save lives and said that in that regard, it has been a great success. Committeemember Walters added that it is important to note that the national cost projection of a single accident costing Mesa approximately \$10,000 does not include, for instance, the time the Police Department expends investigating and cleaning up an accident scene, which would be an additional savings to the City not reflected in the projection.

Further discussion ensued relative to the manner in which staff calculated the 46% reduction in injury/fatal collisions Citywide; that the Photo Safety Program is just one element of the Police Department's overall traffic safety strategy to save lives and prevent injuries; and that there was a 21% reduction overall in collisions at the 13 red-light monitored intersections.

Committeemember Rawles requested that staff obtain data, if possible, regarding the occurrence of accidents since 1996 at 13 intersections which do not have red light cameras to assess whether there has been a similar 21% reduction overall in collisions as compared to the monitored sites. He suggested that if there were such a reduction at the non-monitored intersections, one would have to question the extent to which the Photo Safety Program is responsible as compared to the overall success of the Department's comprehensive safety program. Committeemember Rawles added that although he was not opposed to the Photo Safety Program, he would like to see the empirical data to substantiate its success.

City Manager Mike Hutchinson recommended that staff be given the opportunity to research Committeemember Rawles' request and to bring back the item for further discussion at a future Police Committee meeting.

Committeemember Walters concurred with Mr. Hutchinson's suggestion and added that due to time constraints, she would reserve her questions until a future time regarding the manner in which traffic citations are delivered to red light runners.

Committeemember Rawles also requested that staff provide additional information to the Committee concerning the timeframe within which the citations are issued.

Chairman Jones stated that the matter would be continued to a future Police Committee meeting.

4. Hear a report on a plan to change the color scheme for marked patrol cars.

Chief Donna, Assistant Police Chief Les Portee and Police Lieutenant Steve Farago addressed the Committee relative to this agenda item.

Chief Portee reported that in 2001, the Police Department contracted with a research group to survey the community regarding methods the Department could pursue to improve services throughout Mesa. He explained that there was an overwhelming response calling for the Department to increase its visibility and presence in neighborhoods. Chief Portee commented that changing the color scheme of the marked patrol vehicles to black and white was one method by which this could be accomplished. He added that it was also the opinion of the

Police Department helicopter pilots that black and white patrol cars would provide more visual contrast on the ground and assist them in directing the units to crime scenes.

Lieutenant Farago provided a brief cost analysis regarding the conversion of the patrol cars to a black and white color scheme. He stated that according to Fleet Services, it would cost the City approximately \$400 per vehicle to have the police cars painted the black and white color at the factory. He noted, however, that such costs would be offset by utilizing smaller bolt-on hubcaps (as opposed to full wheel covers) and added that due to the fact that CNG police cars are no longer being manufactured, the Department would realize a \$7,000 savings per car through the purchase of regular gas vehicles.

Discussion ensued relative to the fact that the black and white color scheme has been widely used throughout the country for law enforcement purposes; that Gilbert, Peoria and Buckeye have recently reverted back to black and white patrol vehicles; that the Mesa Police Department replaces approximately 45 patrol cars per fiscal year; and that with 287 marked cars assigned to the Patrol Division, it would take approximately six years to convert the entire fleet to the black and white color scheme.

Committeemember Walters stated that she often receives comments from her constituents that they never see patrol cars drive through their neighborhoods. She expressed support for staff's recommendation and added that she hopes the conversion of the patrol cars to a black and white color scheme would make their presence more visible throughout the community.

It was moved by Committeemember Walters, seconded by Committeemember Rawles, to recommend to the Council that a plan to change the color scheme for marked patrol cars be approved.

Carried unanimously.

5. Adjournment.

Without objection, the Police Committee meeting adjourned at 4:00 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 12th day of July 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK