



Ad Hoc Committee to Study Police Oversight

May 12, 2004

The Ad Hoc Committee to Study Police Oversight met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 12, 2004 at 4:05 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Mike Campbell
Henry Castillo, Jr.
Sharon Corea
Graciela Herrera
Michael Hughes
Phil Lowry
Pat Pomeroy
Ken Salas
Mary Lou St. Cyr
Janie Thom
Claudia Walters

COMMITTEE ABSENT

Lynda Bailey
Linda Flick
Kevin Kotsur

STAFF PRESENT

Mike Hutchinson
Chief Dennis Donna
Debbie Spinner
Eric Norenberg
Bonnie Andersen

OTHERS PRESENT

Karen Kurtz

Chairman Kavanaugh excused Lynda Bailey, Linda Flick and Kevin Kotsur from the entire meeting.

1. Approval of minutes of the April 28, 2004 meeting.

It was moved by Committeemember Walters, seconded by Committeemember St. Cyr, that the minutes of the April 28, 2004 meeting be approved.

Chairman Kavanaugh declared the motion carried unanimously by those present.

Discussion ensued relative to the fact that the date of the next Committee meeting, May 26, 2004, coincides with graduation ceremonies at local schools; that by consensus the Committee agreed to cancel the May 26th meeting; and that the next meeting of the Committee would be held on June 9, 2004, at 4:00 p.m.

2. Hear and discuss a report on feedback received from Town Hall meetings and the web-based survey.

Karen Kurtz, a consultant for the City, advised that the Committee packet included a copy of the report, "Analysis of Town Hall and Survey Responses" (a copy is available for review in the City Clerk's Office). She stated that the report summarizes 195 responses from the following sources: 50 residents who attended town hall meetings, 45 police officers and 100 web surveys. Ms. Kurtz highlighted the six major areas of concern that were identified:

- The topic that was listed most frequently was "civilian review," but the comments indicated a variety of definitions, including an advisory board, a board that would review only use of force issues, an appeals board for Internal Affairs' cases, and a board that would improve communication between the public and the Police Department.
- The "use of force" issue generated strong opinions with some public recognition of the need for public education regarding Police Department policies and training. Police officers expressed frustration relative to being judged "after the fact" based on incomplete information.
- Responses to "what the public liked or disliked" concerning the Police Department were similar in nature, which indicates that these characteristics are important in terms of public satisfaction regarding Police Department services: open communication, open dialogue, sharing information, personal interaction with police officers, and officers taking the time to listen to citizens. Programs that were frequently mentioned as being effective included: block watch, crime prevention, neighborhood and community meetings, community action teams and school resource officers.
- "Cultural awareness" relative to Police relationships with the Hispanic community was listed several times as an area of concern. Other areas of concern include the Police Department's relationships with youth and low-income persons as well as a lack of understanding and knowledge on the part of officers when interacting with disabled citizens.
- Citizens expressed frustration relative to Police Department "levels of service" when responding to reports of property crimes, nuisance violations and traffic enforcement, but many also recognized the impact of budget reductions on the service levels. Police officers noted frustration with the time constraints that require officers to move quickly from one call to the next.
- "Public education" was another issue identified in the survey, and citizens listed the following as important topics: use of force, policies and procedures, call priorities and response times, legal constraints faced by the Police Department, recruiting and training of officers, and the proper way for citizens to interact with Police officers. Police officers emphasized public education regarding actions required that insure officer safety, the pressures faced by officers when making "use of force" decisions, and the reasonable conduct that the public should expect from officers. A comment frequently listed by Police officers was that the public often held unrealistic expectations as a result of television shows that inaccurately depict police operations.

3. Discuss and consider future work and possible recommendations of the Committee.

In response to a question from Chairman Kavanaugh regarding whether there was a need for additional data, the consensus of the Committeemembers was that sufficient information has been provided, and that the Committee was prepared to discuss possible recommendations.

Discussion ensued relative to the fact that the comments offered in Committeemember Flick's letter (see Attachment 1) reflected the viewpoint of several of the Committeemembers; that a key element to be addressed relates to the establishment of a review board; that many East Valley communities have some type of police review board; that some Committeemembers believed the Ad Hoc Committee was formed in response to a public outcry, and others believed that the Committee was formed in response to a small, proactive segment of the community; that the Police Department does an exemplary job in addressing issues, but the City should be proactive in creating a citizen review board that would assist the Police Department in addressing citizen complaints; and that a citizen review process could reduce the number of lawsuits filed against the Police Department.

Committeemember Walters stated that a recommendation to create a Police Oversight Committee would require voter approval of a Charter change. She expressed the opinion that the Phoenix model was preferable to the Tempe model, and that an oversight process could benefit the Police Department by educating the public regarding their difficult jobs. Committeemember Walters added that the next opportunity to place a Charter change on the ballot would be in 2006.

Chairman Kavanaugh expressed the opinion that additional marketing and communication efforts are required by the Police Department. He added that the Mesa Police Department is an excellent organization that performs extremely well; that the community is not fully aware of the services provided; that the Citizen Police Academy was created based on the recommendation of the 1990's citizen panel; that effective utilization of Channel 11 could promote public education regarding police issues; that the City should be proactive rather than reactive regarding police issues; that public confidence in the Police Department could be enhanced by utilizing the Phoenix model of police oversight; and that the Committee should continue to discuss the possibility of recommending a Charter change in order to remove the prohibition regarding citizen interaction on police issues.

Further discussion ensued relative to the fact that a citizen review panel would utilize resources and incur additional expense for the City; that the positive benefits of a citizen review panel would outweigh the negative aspects; that representatives of other communities expressed the opinion that citizen review has been beneficial and improved the public's perception of the community and the police department.

Committeemember Walters expressed concern that a Charter change might provide a body other than the Council with the ultimate authority in situations that arise. She noted that the Phoenix model of police oversight was desirable due to the fact that the process was advisory and recommendations are presented to the Chief.

Chairman Kavanaugh noted that several years ago an Ethics Code change was adopted by the Council as an ordinance contingent upon voter approval of Charter changes. He stated that a similar ordinance could be adopted which proposed a form of police oversight.

City Attorney Debbie Spinner stated that the Council could adopt an ordinance with an effective date other than the typical 30 days. She advised that the ordinance would have to include a date certain contingent on the Charter change, and stated that she would investigate the subject further.

In response to a concern expressed by Committeemember Walters that an ordinance could be changed by a future Council to expand the powers of civilian review, Ms. Spinner advised that the Charter amendment could be worded to stipulate that a citizen review committee would serve only in an advisory capacity and make recommendations to the Chief of Police.

Chief of Police Dennis Donna expressed the opinion that discussion of the Phoenix model was appropriate, and that the model could operate in concert with the department's existing Board of Inquiry, which is staffed by police officers. He added that in the current environment of citizen involvement, the Department was seeking a positive course of action. Chief Donna stated that if the Committee chose to recommend a Charter change, the Police Department was not opposed to the Phoenix model of civilian participation.

Committeemember Pomeroy indicated support for a review panel that was advisory to the Chief of Police, but he expressed opposition to any form of review that provided civilian powers greater than that of the Phoenix model.

Chief Donna complimented Committeemember Flick for the comments in her letter and noted that item number two, a strong public relations or marketing program, is included in the Department's strategic plan. He stated that the Department appears to be missing an element of coordination relative to their community outreach programs, and he solicited recommendations from the Committee to improve the Department's public relations and marketing efforts.

Committeemember Campbell stated the opinion that substantial concern exists in the community relative to police oversight, and that recommending the creation of an advisory board would send a positive signal to the citizens of Mesa. He further stated that the perception exists in the community that whenever an incident occurs, a committee is appointed that does nothing to address the problem.

It was moved by Committeemember Hughes, seconded by Committeemember Castillo, that the Committee recommend a Charter change to enable the Council to adopt a citizen review/oversight process based on the Phoenix model.

Additional discussion ensued relative to the fact that the comments made in Ms. Flick's letter should be included in the motion as well as the comments of Chief Donna.

Committeemember Hughes amended his motion to state that in addition to following the Phoenix model, the Committee recommends a stronger Police Department public relations program that would provide public education relative to the role and limitations of police officers, the ongoing training requirements, the method of handling citizen complaints, and the intensity of officer-involved shooting investigations in addition to creating greater opportunities for positive interaction between police officers and citizens.

Committeemember Castillo, speaking as the second to the motion, stated that the amendment was acceptable.

Committeemember Thom expressed concern relative to the budget issues currently being addressed by the Council, and she suggested that the Committee identify a source of funding to implement the recommendation.

Chairman Kavanaugh stated the opinion that the Committee has provided staff with sufficient direction relative to preparing a recommendation that proposes a Charter change for voter consideration in order to facilitate the creation an advisory committee.

Committeemember Salas expressed support for an advisory board, but he suggested that Chief Donna prepare a draft based on the Phoenix model that is tailored to meet the needs of the City of Mesa.

Chairman Kavanaugh stated that if the motion on the floor was approved, the Committee would cooperate with the Police Department and City staff to prepare a draft report for review and concurrence by the Committee prior to submitting the report to the Council.

Chief Donna explained that the Police Department's Board of Inquiry, consisting of five members led by a commander, reviews each use of force incident in which a serious injury or death occurred. He noted that the Phoenix model operates in a similar manner except that two citizens are included as members of the board, which serves in an advisory role to the Chief of Police.

Chairman Kavanaugh summarized that his understanding of the motion on the floor was that the Committee's recommendation would include a proposed Charter change to enable two citizens to serve on the Board of Inquiry; that language from the Phoenix model would be adopted relative to creating a pool of citizens to serve on a rotating basis; and that training criteria be established as a prerequisite for citizens serving on the Board. He noted that the Committee's recommendations regarding marketing, communications and training would be unrelated to any potential Charter change.

Discussion ensued relative to the fact that the recommendation could be broad in nature or the recommendation could have specific boundaries; that the concern regarding the Tempe model was the absence of boundaries; and that staff would consider the points discussed by the Committee when preparing the report.

In response to questions from Committeemember Thom, Chief Donna stated that the existing Board of Inquiry addresses use of force incidents that result in serious injury or death. He expressed concurrence with Ms. Flick's comments that improved public relations and public education are required in order to address citizen concerns unrelated to the use of force issue.

Committeemember Thom stated that the Committee should be careful in formulating the recommendation to ensure that any type of citizen participation would be advisory in nature and incapable of exerting influence on the manner in which the police perform their duties.

Chairman Kavanaugh called for the vote.

Upon tabulation of votes, it showed:

AYES - Campell-Castillo-Corea-Herrera-Hughes-Lowry-Pomeroy-Salas-St.Cyr-Walters-
Kavanaugh

NAYS - Thom

ABSENT - Bailey-Flick-Kotsur

Chairman Kavanaugh declared the motion carried by a majority vote of those present.

Chairman Kavanaugh stated that the Committee would work with Chief Donna, the City Manager's staff and other members of City staff to encapsulate the suggestions of the Committee into a draft report. He stated that the draft document would be presented for Committee review and approval at the June 9th meeting prior to forwarding a recommendation to the City Council.

4. Items from Citizens Present.

There were no items from citizens present.

5. Adjournment.

Without objection, the meeting of the Ad Hoc Committee to Study Police Oversight adjourned at 5:14 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Ad Hoc Committee to Study Police Oversight meeting of the City of Mesa, Arizona, held on the 12th day of May, 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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Attachment

Eric,

Since I will be away and miss the meeting May 12th, I thought I would offer my thoughts:

1. There does not appear to be a public outcry for Citizen's Police Oversight based on the input at public meetings and the surveys completed.
2. I feel that the community and the police department could benefit from a stronger public relations or marketing program that is designed to help citizens understand:
 - a) the role and limitations of the police officers
 - b) training requirements that are on-going
 - c) how complaints from citizens are handled
 - d) the intensity of an officer involved shooting investigation
3. Funding for programs that can create more interaction between police and the citizens (concentration on neighborhoods) would be well received.
4. I am not opposed to a Citizen's panel in some form. The Phoenix model might be more appropriate in Mesa than the one in Tempe. A carefully conceived program might lead to a greater confidence among the citizens of Mesa for their police department. However, I would like to explore the potential success of items 2 & 3 first.

My apologies for being brief with my comments and for missing the meeting. I remain committed to the process and will attend our future meetings.

Regards,

Linda Flick

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