

## **POLICE COMMITTEE MINUTES**

February 26, 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 February 26, 2004 at 10:00 a.m.

**COMMITTEE PRESENT**

Dennis Kavanaugh, Chairman  
Janie Thom  
Claudia Walters

**COUNCIL PRESENT**

None

**STAFF PRESENT**

Mike Hutchinson

1. Hear a presentation on the 2003 Uniform Crime Report.

Police Chief Dennis Donna addressed the members of the Committee relative to this agenda item. He displayed graphics in the Council Chambers and provided a brief overview of the Mesa Police Department's Uniform Crime Report statistics for the year ending 2003. Chief Donna noted that the report, copies of which have been distributed to the Committeemembers, contains a wide range of statistics, but due to time constraints, his presentation will be limited to a few pertinent findings.

Chief Donna reported that the Department experienced a 1.84% decrease in calls for service (approximately 7,000 calls) from 2002 to 2003. He commented that this figure is somewhat remarkable considering the fact that an estimated 60% of the calls that the Police Communications Center receives come from cell phones.

Chief Donna stated that 2003 Patrol response times Citywide have remained relatively flat. He reported that the average response time for emergency calls was 3.7 minutes, an increase from 3.6 minutes in 2002. Chief Donna added that the average response time for Priority 1 calls decreased to 7 minutes from 7.2 minutes.

Chief Donna advised that Mesa's crime rate for serious crimes (Part 1 crimes), per 1,000 residents, dropped approximately 16% overall in 2003. He cautioned, however, that the spike in the crime rate in 2002 is attributable to a change in processing procedures at the end of 2001 and the beginning of 2002 by which reports were entered into the Department's database.

In response to a question from Committeemember Walters, Chief Donna assured the Committeemembers that there has, indeed, been a genuine drop in the City's crime rate in

2003. He noted that some of the programs which may have attributed to the decrease include the "bait car," burglary reduction and Vehicle Identification Number (VIN) etching programs.

Discussion ensued relative to the fact that domestic violence calls for service were down slightly in 2003 (0.75%); that there was a 20.8% decrease in homicides; that a top priority for the Police Department was to close 25 drug houses (24 were closed at the end of December); that Mesa auto thefts decreased by 10.34% and the Department recovered 1075 stolen vehicles; that there was an 8.07% reduction in burglaries, and that the Department apprehended 74 out of 123 burglary suspects on its "Top 10" list; that vehicle burglaries have decreased 17.55%; that the number of traffic accidents with no injuries decreased 9.26% and accidents with injuries declined 7.63%; and that there was a 38.09% rise in the number of fatal traffic accidents in Mesa.

In response to a question from Chairman Kavanaugh, Chief Donna clarified that all of the Arizona Chiefs of Police are supportive of the primary seatbelt legislation currently being considered in the State legislature and added that the Governor's Office is advocating the initiative as well.

Chief Donna provided the Committee with statistical data relative to the number of traffic accidents in Mesa according to the time of day and day of the week.

Chairman Kavanaugh expressed appreciation to Chief Donna for his presentation. He commented that it is important for Mesa residents to understand that the City's reduction in crime is due in part to the interdisciplinary work that the Police Department engages in with other City departments and also an increased emphasis on registered neighborhoods and Block Watch programs.

Committeemembers Walters and Thom requested that Chief Donna convey their thanks and appreciation to his entire staff for their efforts and hard work to keep Mesa a safe community in which to live and work.

2. Hear an update on the Computer Forensics Unit.

Criminal Investigations Division Commander Dave Ash stated that the Computer Forensics Unit and the Sex Offender Notification Enforcement and Tracking (S.O.N.E.T.) Unit comprise two crucial components of the Center Against Family Violence. He explained that the units target sex crimes, domestic violence and crimes against children. Commander Ash acknowledged the presence in the audience of Lieutenant Lance Rogers, the new Director of the Center. He also introduced Police Sergeant Adriana Ortega and Police Detective Jim Mills who would be making the presentation.

Detective Mills addressed the members of the Committee and provided a short synopsis relative to computer forensics. He explained that computer evidence is often volatile and must be handled by trained professionals and noted that the storage capacities of computers are increasing almost daily. Detective Mills also noted that suspects are becoming more sophisticated and advised that there are a variety of "point and click" software programs that make it more difficult for an investigator to retrieve data.

Detective Mills reported that the Computer Forensics Unit (CFU) investigates crimes ranging from homicide, home invasion/robbery, identity theft, forgery, counterfeiting, money laundering

and threats, but emphasized that the unit's primary focus is the sexual exploitation of a minor (i.e., child pornography). He commented that such cases, which often deal with children as young as infants, generally depict the abuse through the use of movie clips and still images. Detective Mills added that in a recent case, real time video was used to display the molestation of an eight-year-old boy.

Detective Mills stated that the Committeemembers have been provided with a summary of the CFU's 2003 cases. He commented, among other things, that the unit investigated over 60 cases, many high-profile investigations, and received positive press coverage on its efforts; that pornographers do not fall into any particular stereotypical category; that with regard to the CFU's current backlog, there are more than 200 suspects with a sexual interest in children that are pending investigations; that 120 of those suspects were brought to the CFU's attention by other agencies; that while some cases can be solved quickly, the vast majority take a minimum of 100 hours to complete; that one of the primary reasons an investigation can be so lengthy is the fact that the investigators must identify each of the seized CDs and diskettes that contain contraband; and that the CFU has an obligation to identify local victims which, in turn, makes the unit's investigations more tedious and lengthy.

In response to a question from Committeemember Walters, Detective Mills clarified that although child pornography web sites are illegal and are often shut down quickly, thanks in part to the FBI's Innocent Images Task Force, child pornography is an international problem. He explained that even when the FBI, Interpol and other international law enforcement agencies shut down these web sites, it is only a matter of time before new sites emerge.

Detective Mills provided the following statistical data regarding various computer media: that a simple diskette holds 1.4 megabytes (1.4 million bytes) of data; that a CD contains 650 megabytes, the equivalent of approximately 400 diskettes; that a DVD contains 4.7 gigabytes (4.7 billion) of data; that a tower contains 200 gigabytes; that an average case for the CFU would include its review of over 600 gigabytes of data, and that if such data was printed and stacked together, it would envelope the Mesa City Plaza building.

Detective Mills concluded his remarks by commenting that the CFU is in need of additional computer forensic detectives to assist with the unit's ever-increasing caseload. He explained that sworn officers must fill the positions in order to meet the Maricopa County Attorney's requirement for the handling of child pornography. He stated that the detectives would receive training and have one year to complete their certification process; that certification is necessary in order to "take primary" (i.e. become case agent) on cases and testify in court; that the trainees will be able to assist the unit immediately with the completion of many tedious tasks while working toward certification and would also be assigned as liaisons with the other units within the Criminal Investigations Division. Detective Mills stressed the importance of the detectives being certified and commented that when computers are seized at a crime scene, it is imperative that the computers are "taken down" in such a manner so as not to destroy crucial data.

Committeemember Walters voiced concerns relative to the fact that when budget issues are taken out of the budget cycle process, it is difficult to assess "the whole picture." She commented that Detective Mills' overview of the CFU presents many compelling reasons why additional computer forensic detectives are needed, especially in light of the fact that there are over 200 child pornography cases in Mesa that still must be investigated. She asked Chief

Donna whether he is recommending that the Committee act on this issue today or simply bringing the issue forward in anticipation of the budget hearings later this year.

In response to Committeemember Walters' comments, Chief Donna clarified that the purpose of today's presentation was to educate the Committeemembers relative to the status of the CFU and also to demonstrate the overwhelming tasks that it faces on a daily basis. He commented that the CFU is often confronted with the daunting task of making its way through a mountain of materials in a single case and also preserving crucial data to ensure that future court challenges against the Department do not arise.

Committeemember Walters expressed appreciation for the update and noted that she would be remiss if she did not mention the fact that it was Chairman Kavanaugh who previously stressed the importance of the Police Department focusing some of its resources on computer forensics. She added that it imperative that the Council address this issue in its upcoming budget hearings.

Committeemember Thom commented that the funds from the voter-approved Quality of Life sales tax were allocated for, among other things, Police and Fire protection and also the construction of the Mesa Arts Center. She stated that with the looming completion of the Center, she is supportive of the allocation of additional funds for various Public Safety needs, and in particular, the area of computer forensics.

Chairman Kavanaugh stated that there is no question that cyber crime is a growth industry and that the City of Mesa must be responsive to that trend. He commented that he hoped future Councils would take that concern into consideration during the budget hearing process. He added that when the capital construction portion of the Quality of Life sales tax is eliminated, it might be appropriate to request Mesa voters to maintain that level of revenues, but to allocate the funds for Public Safety purposes.

3. Hear an update on the Sex Offender Notification Enforcement and Tracking Unit (S.O.N.E.T.).

Commander Ash introduced Sergeant Mark Stevens and Detective Phil Quintana who would be making the presentation.

Detective Quintana provided a brief overview of the origin of sex offender community notification. He reported that as a result of two landmark cases regarding the abduction and murder of two young children, Federal legislation (Megan's Law) was enacted and eventually signed into law by President Bill Clinton in 1996. He stated that the bill required all states to participate in a mandatory community notification process whenever a registered sex offender moved into a neighborhood.

Detective Quintana explained that the Mesa Police Department's Sex Offender Notification (SON) Unit, which was formed on May 20, 1996, consisted of one sergeant and two detectives and was housed in the Center Against Family Violence. He advised that at that time, the only State requirements for a sex offender were, upon conviction, to register and update a change of address form with the Sheriff's Office within ten days. Detective Quintana stated that June 1, 1996 was the official start date for the sex offender community notification process as it exists today. He commented that State legislation was introduced which not only required an individual convicted of a sex crime to register with the Sheriff's Department, update his/her address and any name change, but also to obtain a sex offender driver's license or identification

card. Detective Quintana further reported that in October 1999, the name of the unit was changed to the Sex Offender Notification Enforcement and Tracking (S.O.N.E.T.) Unit and that three additional detectives joined the team. He added that the unit aggressively tracked not only Mesa's sex offenders who would fall under the new State law, but also those individuals who committed similar crimes prior to 1996.

Discussion ensued relative to Mesa's high profile abduction cases, i.e., Sara Skidmore and Mikelle Biggs; the fact that the responsibility for community notification in Mesa lies solely with Chief Donna or his designees (SONET unit); that if there is no chief law enforcement agency in a municipality, the sole responsibility lies with the Sheriff of the county; that individuals convicted of a sexual offense must register in accordance with ARS Title 13 or under the Federal Code; that sex offenders include juveniles, adult males, adult females and individuals with out-of-state convictions who move into the City or state; that a sex offender must register with the Sheriff's Department within 10 days after their release from a confining agency, coming into a new county or moving from a county, and within 72 hours of moving within the county or directed to register by a court; the various risk levels of the sex offenders (Levels 1, 2 and 3); the method by which home notifications are conducted by the S.O.N.E.T. Unit; the fact that citizens in the community, daycare centers, the media, churches with schools, other law enforcement agencies and a sex offender's employer are notified when the individual is released back into the community; and the manner in which notification is accomplished through the distribution of flyers.

Detective Quintana provided the Committeemembers with samples of notification flyers that are distributed in accordance with the Community Notification on Sex Offenders Law and highlighted some of the components of the document. He explained that one of the main differences between Level 2 and Level 3 flyers is that for a Level 3 sex offender, the individual's exact address is listed as compared to a more general description (i.e., the 100 block of Main Street) for a Level 2 sex offender.

Additional information was provided relative to the enforcement and tracking of a sex offender by the S.O.N.E.T. Unit; that per the Mesa Police Department's sex offender notification policy, pre-1996 and Level 1 sex offenders are monitored by the S.O.N.E.T. Unit every 18 months, Level 2 every 12 months, and Level 3 every six months; the assessment process of an individual upon release from the Department of Corrections, which may result in treatment at the Arizona State Hospital (if determined to be a sexually violent person or predator) subsequent to release back into the community; that the S.O.N.E.T. Unit has become the frontrunner in community notification and is one of very few agencies in the county that uses a Victim Advocate as part of the notification team; and that the S.O.N.E.T. Unit has conducted Statewide trainings and gained a well-respected reputation nationwide.

Detective Quintana provided the following statistical data: that Mesa currently has 727 registered sex offenders; that there are currently 2100 sex offender files assigned to the five-member S.O.N.E.T. Unit; and that the Unit's detectives maintain approximately 300 to 600 files each.

Committeemember Thom suggested that the height and weight descriptions in the "Sex Offender Notification" flyers be modified to make them more understandable.

Chairman Kavanaugh thanked staff for the presentation.

4. Discuss and consider a proposal to adopt an ordinance amending Title 3, Chapter 6 of the Mesa City Code which would add a new section regarding volunteer parking enforcement.

Police Staff Attorney Pete Thompson addressed the Committeemembers relative to this agenda item. He reported that it is the recommendation of staff that the Council adopt an ordinance to the Mesa City Code adding subsection 3-6-3 "Volunteer Parking Enforcement." Mr. Thompson explained that the new section would authorize civilian volunteers in police service to issue citations for the unauthorized use of physically disabled parking spaces and also result in a formalized codification of the Volunteer Handicap Parking Enforcement Program which was initiated by the Mesa Police Department on October 1, 1996.

Mr. Thompson advised that State law allows a municipality to create an ordinance to appoint unarmed police aides to issue citations for violations of State statute and City ordinances specifically with regards to Physically Disabled Parking. He noted that in the City of Mesa, the Police Department has utilized volunteers to staff the program only for handicapped parking enforcement within the City limits. Mr. Thompson commented that the volunteers receive formal training with regard to State and local laws and must undergo an interview, a criminal background investigation and polygraph examination. He explained that the volunteers are authorized to issue civil parking citations for violations of ARS 28-884 and Mesa City Code 10-3-21 (K). He added that it is staff's opinion that the adoption of an ordinance adding section 3-6-3 to the City Code would further define the authority of the civilian volunteers and specifically authorize them to issue citations for State and City of Mesa disabled parking violations.

Chairman Kavanaugh commented that Mesa's Volunteer Handicap Parking Enforcement Program has been in existence since 1996 and staff's proposal is merely to bring City practices into conformance with State law.

In response to a series of questions from Committeemember Thom, Mr. Thompson clarified that the issuance of parking citations by civilian volunteers is conducted in the same manner as any other parking violation, with the only distinction being that the City is authorizing, under State law, that those individuals serve in the capacity of unarmed police aides. He added that the issuance of a parking citation by a civilian volunteer, as opposed to a sworn officer, would not hinder the prosecution of the violator.

It was moved by Committeemember Walters, seconded by Committeemember Thom, to recommend to the Council that an ordinance adding Mesa City Code subsection 3-6-3 (authorizing civilian volunteers in police service to issue citations for unauthorized use of Physically Disabled Parking), be adopted.

Carried unanimously.

Chairman Kavanaugh expressed appreciation to staff for the presentation. He noted that the Police Committee's upcoming topics of discussion include photo radar and a home arrest program. Chairman Kavanaugh also commended Chief Donna and his staff for their ongoing efforts and hard work relative to the Ad Hoc Committee to Study Police Oversight.

5. Adjournment.

Without objection, the Police Committee meeting adjourned at 11:15 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 26<sup>th</sup> day of February 2004. I further certify that the meeting was duly called and held and that a quorum was present.

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BARBARA JONES, CITY CLERK

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