

POLICE COMMITTEE MINUTES

July 1, 2002

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 1, 2002 at 3:00 p.m.

COMMITTEE PRESENT

Rex Griswold, Chairman
Janie Thom
Claudia Walters

COUNCIL PRESENT

Kyle Jones
Mike Whalen

STAFF PRESENT

Mike Hutchinson

1. Hear a report and consider issues associated with neighborhood nuisance abatement regulations.

Police Chief Jan Strauss, Commander Les Portee and Lieutenant Ron Kirby addressed the Committee concerning this item. Commander Portee advised that staff recently compared the City's nuisance abatement process and governing City Code to the process used by the City of Phoenix. He reported that a few years ago the City of Phoenix developed a nuisance abatement process that also incorporates use of Arizona State law, which provides for prosecution of residential and business landlords who fail to address criminal activity on their property. He noted that commercial property owners can be found guilty of a Class 5 felony and residential property owners can be found guilty of a Class 6 felony under this process. He further reported that staff's research into this issue revealed that the new process used by the City of Phoenix has successfully reduced repeat calls for service to problem properties and resultant arrests.

In response to a question from Committeemember Walters, Commander Portee stated that the process used by the City of Phoenix could be successfully used in Mesa as an additional tool to address abatement of problem properties in the City. He added that the criminal abatement process can be difficult and would require significant partnership efforts with other City departments and the impacted neighborhoods.

Committeemember Walters commented that her previous inquiry into this issue revealed that a limited number of problem properties in the City account for an inordinate number of calls for police service and voiced the opinion that because some landlords are not responsive to complaints of criminal activity on their property and are unwilling to take the steps necessary to

eradicate the criminal element, taxpayers bear the burden of financing repeat police services on these properties.

In response to a question from Committeemember Thom regarding the City of Phoenix ordinance, Commander Portee reported that the City of Phoenix Nuisance Abatement Ordinance is limited to a civil process and a Class 1 misdemeanor violation. He added that violations pursued by Phoenix under the State statute, which authorizes more severe penalties including a maximum sanction of \$10,000, are prosecuted by the County Attorney's Office.

Further discussion ensued regarding the distinction between the applicability of State law versus City ordinances; and the fact that the City of Mesa has not pursued prosecution of nuisance abatement cases under the State statute.

In response to a question from Committeemember Walters, Commander Portee advised that amending the City's existing Nuisance Abatement Ordinance to conform to the provisions of the Phoenix ordinance would provide the City with additional tools to address nuisance abatement.

Committeemember Walters stated support for proceeding with efforts to amend the City's Nuisance Abatement Ordinance in this regard.

Committeemember Thom stated that the primary complaint she hears from citizens is that police officers do not respond in a timely manner to calls for service and suggested that patrols be increased to aid enforcement of existing laws rather than writing new laws.

Commander Portee explained that staff's goal concerning this issue is to identify and address the root cause of repeat calls for service. He added the opinion that amending the Nuisance Abatement Ordinance to allow law enforcement to prosecute property owners who fail to address unlawful activity on their property would impact the perpetrators and help deter the activity.

Committeemember Walters stated that certain areas of the City are more impacted by this issue and suggested that reducing repeat calls for service to problem properties would result in the increased availability of patrol officers to respond to other calls for service.

Chairman Griswold voiced support for pursuing a proactive approach to this issue rather than a reactive approach to repeat calls for service.

Committeemember Thom voiced concerns regarding shifting responsibility for illegal activity to property owners and stated the opinion that tenants responsible for the activity will relocate to another property when pressured to do so, resulting in a continual shift of responsibility from property owner to property owner.

Discussion ensued regarding remedies available to landlords through the Crime-Free Multi-Housing Program (Crime-Free Lease Addendum) concerning this issue.

Committeemember Walters commented that a limited number of landlords do not require leases, conduct background checks or enforce standards and voiced concerns regarding the fact that the City's current nuisance abatement process does not include landlord accountability. She noted that responsible landlords also have problems with tenants and suggested that the

City's nuisance abatement process continue to provide landlords ample opportunity to correct problems on their property.

City Manager Mike Hutchinson advised that staff will further develop this issue based on the input of Committeemembers and return to this Committee for further direction.

Chairman Griswold voiced appreciation to staff for the report.

2. Hear an update on gang issues.

Commander Dave Zielonka and Lieutenant Greg Penrose addressed the Committee concerning this agenda item. Commander Zielonka reported that Lieutenant Penrose is over the Gang Unit in the Special Investigations Division, and that the unit also includes two sergeants, 11 detectives, a civilian who manages the gang database and a civilian who manages various prevention programs. He stated that the Gang Unit utilizes numerous methods to combat the gang problem in Mesa, including proactive prevention programs, intelligence gathering, and highly visible street enforcement.

Lieutenant Penrose reported that the Positive Alternative to Gangs (PAG), the Positive Alternative for Youth (PAY) and the Gang Resistance Education and Training programs are conducted in conjunction with the Mesa Public Schools. He explained that the PAG program places Counselors in alternative high schools and middle schools, including Canyon High School, Mesa Vista High School, McKellips Middle School and Power Middle School, who help to identify and counsel at-risk youth. He further explained that the PAY program is a six-week summertime program that serves approximately 200 students each year by providing opportunities to earn money while learning life skills. He further reported that the Gang Resistance Education and Training Program is also a summertime program that the Department has utilized for several years that is offered to students at various Mesa middle schools. He added that the sessions have recently been extended from a 9-week program to a 13-week program and is offered at eight of the City's 14 middle schools.

Lieutenant Penrose advised that School Resource Officers are used to help identify gang members and at-risk youth to the Gang Unit to ensure that these youths are counseled and programs are made available to them.

Lieutenant Penrose reported that the Gang Unit is in the process of revising its gang suspect information database in order to be interactive with a number of local police agency databases. He explained that the Phoenix, Tempe and Chandler Police Departments, together with the Arizona Department of Public Safety, electronically share information in their gang suspect databases. He added that this system capability should be operational within approximately two months.

(Councilmember Whalen joined the meeting at 3:10 p.m.)

Commander Zielonka stated that the Gang Unit is expanding investigation methods to include covert police activities in response to the fact that gang activity and behavior has changed during the last several years. He reported that gang behavior is not as visible as it once was and law enforcement is seeing increased covert criminal activities including bank fraud, check

fraud, credit card fraud, and cell phone fraud. He added that gangs are typically highly involved in drug activity.

Commander Zielonka reported that there are approximately 27 gangs, 1500 gang members and 450 gang associates that are presently in the City's gang database.

In response to a question from Chairman Griswold, Lieutenant Penrose advised that the gang population in Mesa has steadily increased as the City's population has increased. He added that another factor impacting the City's gang population is that a significant number of gang members who were imprisoned in the early to mid 90s are being released and returning to the community.

In response to questions from Committeemembers Thom and Walters concerning the impact of older gang members on younger gang members, Lieutenant Penrose advised that during the last 10 years, as younger gang members have aged from the mid-teens to the mid-twenties, they have progressed into advanced levels of criminal activity to maintain their lifestyle, and have become very influential gang members who pass on their knowledge to younger gang members. He reiterated that gang members are typically involved in narcotics, especially older gang members.

Commander Zielonka commented that older gang members who return to criminal activity in the City after being released from prison have a larger network of associates.

Discussion ensued regarding the Mesa Gang Intervention Project, the fact that although the City is not continuing this particular project, the Mesa Gang Steering Committee will conduct a strategic planning session in the near future to discuss the numerous lessons learned from this project and how best to benefit from this knowledge.

In response to questions from Councilmember Whalen concerning the presence of Mexican National gangs in the City, Commander Zielonka advised that Mexican National gangs are considered to be among the more sophisticated and violent gangs in the City and that the Gang Unit's investigations team is helping to gain intelligence concerning these gangs.

Councilmember Whalen requested that staff provide him with information concerning the number and geographical location of Mexican National gangs in the City and the volume of gang members.

Chairman Griswold commended staff for their proactive efforts relative to gang issues.

Discussion ensued regarding the Gang Unit's covert investigative efforts; and the fact that although documented gangs in the City vary in size, a small number of gangs account for the majority of documented gang members in the City.

City Manager Mike Hutchinson advised that staff will provide Councilmembers with additional detailed information with respect to gang volumes and geographical locations.

3. Discuss issues associated with neighborhood drug houses.

Commander Zielonka addressed the Committee regarding this agenda item and introduced Lieutenant Ron Kirby who is in charge of the Narcotics Section in the Special Investigations Division, which includes the Neighborhood Drug Interdiction Team (NDIT) and the Narcotics Squad. Commander Zielonka said that the NDIT was started by now Assistant Chief Greg Fowler, who at the time was the Commander of the Special Investigations Division. He stated that the NDIT is a pro-active community based narcotics squad that focuses on the problem of neighborhood drug houses and consists of a sergeant and six detectives in addition to one civilian investigator. He further reported that the NDIT's activities are fueled in part by information gathered through the narcotics hotline, which is a hotline for citizens to report information concerning suspicious neighborhood activity. He further reported that prior to June 2002 the hotline was a message service only, and since June 2002, when the Narcotics Task Force provided personnel to staff the hotline, it has sustained increased activity and provided additional information to the NDIT. He noted that the key to operating a successful hotline is the ability to extract as much information as possible from callers.

Commander Zielonka reported that NDIT activity for 2001 included 32 search warrants related to narcotic activity in the City, 116 felony arrests, and approximately 1,200 drug complaints that were forwarded for prosecution. He added that the team seized over 85 pounds of marijuana, 6 pounds of methamphetamine, approximately 1.5 pounds of cocaine-based crack, and 171 ecstasy tablets.

Lieutenant Kirby commented on the NDIT's activity related to the investigation of clandestine labs during 2000, 2001 and to date in 2002 and also commented on the tremendous resources utilized in connection with lab clean ups. He further reported that in some cases, the investigation of clandestine labs in the City also involves the Drug Enforcement Administration and the High Intensity Drug Trafficking Area Unit Task Force. Lieutenant Kirby discussed the significant risks associated with investigating and cleaning up methamphetamine labs and noted that law enforcement is seeing an increased number of mobile labs, which can be found in the trunks of cars, storage lockers, hotels and back packs. He stated that the average time spent investigating and dismantling drug labs is approximately 4-6 hours, not including pre-investigation and follow-up investigation efforts. He noted that lab clean-ups require a minimum of three lab certified personnel in addition to other officers and that generally, the size of the lab determines the number of personnel involved in clean-up efforts. He added that lab clean-up costs are currently funded through federal funds.

Commander Zielonka outlined highlights of the NDIT's activities to date in 2002, including 12 drug related search warrants, the seizure of approximately 5 pounds of methamphetamine in one case, the seizure of \$400,000 in a package interdiction case, and initiation of parcel interdiction in response to increased narcotics trafficking through commercial parcel services (UPS, Fed Ex). He added that the NDIT participated in the Department's investigation of the recent triple homicide at the Jack-in-the-Box restaurant on East Main Street; investigated and dismantled a marijuana grow house and confiscated approximately 5 pounds of marijuana, 200 small plants and 40 full grown plants; identified two suspects for molestation and kidnapping in a case involving a 6-year old victim; and participates in Rave investigations in conjunction with other Valley law enforcement agencies. He added that the NDIT is committed to the protection and safety of children who have been exposed to the methamphetamine manufacturing process and ensures that children who have been exposed to this process are examined by physicians.

Committeemember Walters voiced approval concerning the fact that the narcotics hotline is now manned by a person.

In response to a question from Committeemember Walters concerning the volume of drugs confiscated, Commander Zielonka advised that the volumes reported are in conjunction with the NDIT only and do not reflect the total volumes confiscated by the Department.

Discussion ensued regarding the fact that the NDIT's primary efforts are related to smaller neighborhood drug dealers and drug activities that impact neighborhoods.

In response to questions from Chairman Griswold concerning the methods utilized by the NDIT to help rid neighborhoods of drug houses, Commander Zielonka advised that the team utilizes a number of strategies based on the particular activities and problems surrounding each case. He explained that the underlying goal of the NDIT and the Department is to ultimately gain convictions of suspects involved in drug activity and added that displacing the activity from one neighborhood to another is not as effective on an overall basis. He further advised that in cases where there is an ongoing neighborhood problem and investigative tactics have not proven successful, the NDIT conducts high-visibility tactics to help rid the neighborhood of the drug activity.

Further discussion ensued regarding tactics used by the NDIT and the Department to address drug activity in the City; the fact that drug investigations commonly take longer than what the public anticipates; and the fact that the NDIT endeavors to respond to citizen inquiries concerning ongoing investigations without compromising investigations.

Chairman Griswold commended staff for their efforts concerning this issue.

(Councilmember Jones joined the meeting at approximately 3:45 p.m.)

4. Hear a presentation on the Burglary Reduction Program.

Police Commander Fred Ruhland addressed the Committee concerning this agenda item. He stated that the Burglary Reduction Program is a new program that was implemented on June 1, 2002 and the goal of the program is to reduce the number of burglaries in the City by identifying and arresting various individuals responsible for a large number of the City's burglaries. Commander Ruhland reported that the eight key points of the new program include: 1) having patrol officers respond to all residential burglaries and no longer taking burglary reports through telephone call back as previously conducted; 2) enhancing communications between investigative units, patrol and the County Attorney's office; 3) educating victims and crime prevention techniques; 4) providing refresher training to all patrol officers for crime scene investigation and searches, print examinations, victim witness interviewing and neighborhood canvassing; 5) ensuring that all crime scenes are processed for trace evidence; 6) conducting semi-monthly burglary reduction meetings with representatives from numerous areas of the Department; 7) developing a top 10 list of burglary suspects that can be targeted and eventually posting those on the City's web site; and 8) coordinating this program with the Repeat Offender Program to ensure that career criminals are sentenced appropriately.

Commander Ruhland commented on the success of the program during the first month of operation, including the arrests of four of the City's top 10 burglary suspects.

In response to a request from Chairman Griswold, Commander Ruhland commented on the City's DNA lab capabilities and reported that the City has one of the best DNA labs in the State, which is being utilized to help identify burglary suspects.

Committeemember Walters voiced overwhelming support concerning this program and commended staff's efforts. She also commented that citizens report feeling unsafe when neighborhoods sustain an excessive number of burglaries.

Chairman Griswold voiced appreciation to staff for the update.

5. Adjournment.

It was moved by Committeemember Thom, seconded by Committeemember Walters, that the Police Committee meeting adjourn at 4:05 p.m.

Carried unanimously.

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 1st day of July, 2002. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK