

POLICE COMMITTEE MINUTES

February 5, 2001

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 5, 2001 at 3:25 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Jim Davidson
Pat Pomeroy

COMMITTEE ABSENT

None

OFFICERS PRESENT

Mike Hutchinson

1. Hear an update on photo safety program issues.

Police Commander Richard Clore addressed the Committee regarding this agenda item and detailed the history of Mesa's photo safety program, which included:

- In December of 1996, Council authorized a photo safety program consisting of 10 photo red light equipped intersections and 3 photo radar vans;
- In March of 1999 Arizona State University completed a 2 year study at the Police Department's request which indicated a clear decline in crash rates at the designated intersections;
- Subsequent to March 1999 Council adopted photo safety as an effective traffic safety tool for the Police Department;
- On November 2, 1999 Mesa entered into a 3 year contract with Lockheed Martin IMS for Citywide photo-safety services including 5 vans and 13 red light equipped intersections (11 straight through camera sets and 6 left turn camera sets).
- On October 10, 2000 Mesa contracted with AAA Service to serve violations to non-responsive registered owners.

Commander Clore stated that the Police Department currently has 9 full time employees dedicated to Mesa's photo safety program.

Commander Clore provided statistics regarding photo safety complaints issued, including: 1) 17,000 complaints (5,900 red light violations, 11,000 speed violations) issued in 1999; 2) 46,000 complaints (23,000 red light violations, 17,000 speed violations) issued in 2000; 3) of the 46,000 citations issued in 2000, 19,000 (11,000 red light violations and 8,000 speed violations) were adjudicated with either fines or defensive driving school; 4) of the 46,000 citations issued in 2000, 23,000 complaints were dismissed for numerous reasons, predominantly the 30 day time limit to serve civil process.

Commander Clore reported that since October 10, 2000, when Council approved contracting with AAA Process to serve violations to non-responsive registered owners, the program has achieved an 80% service

rate. Commander Clore discussed costs and revenue associated with the photo safety program, including: 1) Lockheed Martin IMS receives \$48.50 for each photo safety citation that is adjudicated; 2) in 2000 Lockheed Martin IMS received payments totaling \$884,023; 3) in 2000 the City incurred expenses totaling \$471,977; 4) in 2000 the City received revenue totaling \$462,040; 5) in 2000 the net loss to the City was approximately \$10,000.

Commander Clore stated that a study of the 6 original photo safety intersections revealed a 10% reduction in over-all traffic accidents, which supports the public safety benefit the City receives as a result of the \$10,000 annual cost. Commander Clore expressed the opinion that the 10% reduction in traffic accidents is a positive step, especially in consideration of the increases in traffic and population since the program began.

Commander Clore discussed the operation of the photo red light enforcement system and referred to graphics on display in the Council Chambers. Commander Clore explained that when the traffic signal turns red, after a .3 second delay, power is sent to 2 inductor loops and the vehicle must then trigger both loops to enact the photo sequence. Commander Clore noted that the biggest problem the Police Department has encountered is the public's perception of where the intersection begins, which differs from where a crosswalk begins. Commander Clore discussed the definition of an intersection and referred to graphics which depicted where an intersection begins in contrast to where a crosswalk begins.

In response to a question from Committeemember Pomeroy regarding the net cost of the program, Commander Clore advised that due to increased violations and revenue within the last few months, the over-all cost of the program had decreased. Commander Clore clarified that the program had achieved an 80% service rate of violations since October 10, 2000, when process service was initiated. Commander Clore added that it was still too soon to assess the full impact associated with serving the violations.

Committeemember Davidson commented on the fact that staff's report indicates that only a 10% reduction in traffic accidents at the original 6 intersections has been realized and said that he had anticipated a more substantial decrease in accidents.

Commander Clore advised that the reduction was determined from validated information obtained through the ASU study, which was the first of its kind performed in the nation. Commander Clore added that a number of cities promote before and after (photo safety) traffic accident numbers that appear more impressive but are not verified, accurate statistics.

Discussion ensued regarding graphics on display in the Council Chambers relating to fatal accident statistics. In response to Committeemember Davidson's comments relative to traffic fatality statistics, Commander Clore pointed out that fatalities dropped from 39 in 1996, when the photo safety program was instituted, to 29 in 2000.

Chairman Kavanaugh pointed out that increased traffic throughout the City between 1995 and 2000 is also a factor to be considered when evaluating the effectiveness of the photo safety program.

Committeemember Pomeroy noted that intersection related fatalities decreased from 20 in 1995 to 10 or less during the last four years, and stated the opinion that the numbers reflect a significant reduction.

Commander Clore commented that the department's goal is to seek drivers' voluntary compliance regarding speed limits and traffic signals and said that photo safety is an effective tool with which to gain compliance.

Committeemember Davidson expressed support for expanding the program to hopefully achieve an even more significant impact in saving the lives of motorists.

Commander Clore discussed the number of red light violations being recorded at the designated 13 intersections and the fact that Mesa is ranked 3rd in the nation with respect to red light violations. Commander Clore noted that in November 2000, the City increased the yellow signal phase at left turn intersections from 3 seconds to 4 seconds which resulted in a dramatic reduction of red light violations. Commander Clore informed the Committee that in the interest of public safety and to help establish a zero tolerance policy for red light running, the department recommends eliminating the .3 second time delay that occurs after a traffic signal turns to red and before the 2 inductor loops are powered. Commander Clore also reported that a public safety announcement was presently being drafted to educate the public on red light violations and to communicate the importance of braking on yellow and stopping on red.

City Traffic Engineer Alan Sanderson spoke regarding the increase to the yellow light sequence that occurred at dual left turn lane intersections in November 2000. Mr. Sanderson explained that after receiving numerous complaints from motorists who were convinced that they did not run a red light while making a left turn, the City's dual left turn intersections were reevaluated. Mr. Sanderson noted that standard three-second-yellow, one-second-all-red turn phases were established many years ago prior to the use of dual left turn lanes. Mr. Sanderson advised that staff's evaluation concluded that the yellow light sequence at dual left turn intersections should be increased from 3 seconds to 4 seconds. Mr. Sanderson added that traffic engineering staff is also reevaluating all clearance intervals at the other left turn locations and through traffic sequences.

In response to a question from Chairman Kavanaugh, City Manager Mike Hutchinson explained that Lockheed Martin IMS requested that the .3 second delay associated with red light violations be eliminated and noted that the contract allows the company to eliminate the delay without City approval.

Committeemember Davidson expressed support for additional information regarding expansion of the photo safety program.

Committeemember Pomeroy voiced opposition to expanding the program at this time and indicated support for future evaluation of the present program.

Chairman Kavanaugh expressed support for reviewing expansion options and evaluating associated costs at a future Police Committee meeting. Chairman Kavanaugh thanked Commander Clore for his presentation.

2. Hear a presentation on the City's crime free prevention programs.

Crime Free Program Supervisor Timothy Zehring addressed the Committee regarding this agenda item. Mr. Zehring explained that the Crime Free Multi-Housing Program is a 3 phase certification program that was developed by the Mesa Police Department in June of 1992 to combat illegal activity in rental properties. Mr. Zehring said that although the program has been successfully adapted to work in townhomes, condos, mobil home parks, mini storage lockers, hotels and motels, his presentation would provide an overview of the program geared specifically to multi-family rental housing. Mr. Zehring noted that 1/3 of Mesa residents live in rental housing and said that residents of rental communities are less likely to get involved in crime prevention because they have less of a financial investment in their residence. Mr. Zehring added that apartment renters are also more likely to move if crime is a problem.

Mr. Zehring identified several factors that contribute to the success of the Crime Free Multi-Housing Program in rental communities, including: 1) an apartment community manager can deny residency to a person who has a history of criminal convictions for serious crimes; 2) in apartment communities a resident can be evicted from his/her apartment for repeated disturbances of any type and for criminal activity at or near the rental community, and 3) there are now strict penalties for those who bring drugs or any other type of criminal activity into or near rental communities in the program. Mr. Zehring noted that although Federal fair housing

laws define protected classes for people who apply for rental housing, convicted criminals are not a protected class.

Mr. Zehring reported that in 1993 a “*one-strike-you’re-out*” policy was instituted in Mesa with the creation of the Crime Free Lease Addendum, which was subsequently codified into State law in 1994, A.R.S. §33-1368. Mr. Zehring added that the law provides that any single, material and irreparable breach of the provisions stated in the Crime Free Lease Addendum permits the immediate eviction (12 to 24 hours) of any person committing, facilitating or allowing criminal activity at or near their rental property. Mr. Zehring further reported that in 1997 the “*one-strike-you’re-out*” policy was put into effect by President Bill Clinton for all government subsidized rental housing across the United States.

Mr. Zehring described the 3 phase program:

- The first phase requires the property managers and their staff to complete an intense 8 hours of training provided by the Mesa Police Department, a landlord/tenant attorney and other experts in the rental housing industry.
- The second phase of the program involves security assessments of each property conducted by law enforcement. Each participating property must meet rigid safety and security standards according to Crime Prevention Through Environmental Design (CPTED) criterion.
- The third phase of the program requires property management to sponsor community crime prevention awareness meetings at their property on a regular bases which are conducted by the Mesa Police Department who talk with the residents about crime prevention, crime reporting and guidelines for living in the apartment community.

Mr. Zehring stated that if a rental property completes all requirements of the program, they receive a one year membership in the Crime Free Multi-Housing Program and must qualify to renew each year. Mr. Zehring added that managers of the rental properties carry out most of the duties and responsibilities of the program and that law enforcement primarily plays an educational role in the process.

Mr. Zehring advised that the Crime Free Multi-Housing Program developed by Mesa has been adopted by cities throughout the nation and also internationally. Mr. Zehring discussed the establishment and role of the Arizona Crime Free Programs Association and the various activities of the association and noted that last year Chief Jan Strauss opened the second annual Crime Free Conference in San Diego with a key note address before more than 250 international delegates.

Mr. Zehring reported that during the first year of the program in Mesa, apartment communities averaged up to a 67% reduction in police calls for service in the worst properties. Mr. Zehring further reported that presently there are approximately 700 rental properties that have completed the first phase of the program and approximately 300 properties that have completed all phases of the program. Mr. Zehring noted that properties unable to meet the qualifications of the 2nd phase of the program are still considered successful because they conduct criminal background checks, enforce the Crime Free Addendum and cooperate with the Mesa Police Department.

Mr. Zehring said that in February 2000 the 9th U.S. Circuit Court of Appeals ruled that the “*one-strike-you’re-out*” policy is legally authorized and is a reasonable step toward making rental housing safe and drug free. Mr. Zehring informed the Committee that to date, there are 23 Arizona police agencies and numerous other national and international agencies that have adopted Mesa’s crime free programs.

Committeemember Davidson expressed appreciation to Mr. Zehring and the Police Department for their successful efforts and commented that the program positively impacts the City of Mesa.

In response to a question from Committeemember Davidson regarding the possibility of eliminating the aspect of the program that allows managers to do criminal screenings and deny residency to a person who has a history of criminal convictions for serious crimes, Mr. Zehring advised that property managers are now committed to keeping criminals out of their property. Mr. Zehring added that not all criminals are excluded, only those with a history of assaultive crimes or any type of crime that can be considered a threat to residents.

Mr. Zehring stated that due to a recent Arizona Supreme Court ruling, a property manager can be held liable for failing to deny residency to a person with a criminal history. Mr. Zehring expressed the opinion that if property managers had to eliminate one aspect of the program, they would eliminate the "*one-strike-you're out*" aspect before eliminating the criminal screenings.

Committeemember Pomeroy stated the opinion that the Crime Free Multi-Housing Program is an excellent program and expressed appreciation to Mr. Zehring and the Police Department for their efforts.

Chairman Kavanaugh commended Mr. Zehring and his staff on the success of the program and commented that the program clearly illustrates the innovativeness of the Mesa Police Department. Chairman Kavanaugh noted that Committeemember Davidson raised a valid point regarding the need to have housing available for all residents of the community. Chairman Kavanaugh requested that the Committee be periodically updated on the program.

3. Hear an update on the activities of the Homicide Unit.

Police Commander Dave Zielonka addressed the Committee regarding this agenda item and said that his update would include activities of the Major Incident Response Team (MIRT). Commander Zielonka explained that MIRT is comprised of the crimes against persons/criminal investigations section which includes the homicide squad, the robbery squad and the violent crimes squad. Commander Zielonka advised that the unit is made up of 1 lieutenant, 18 detectives and 3 sergeants who are divided into 2 teams which rotate being on call every other week, 24 hours per day, 7 days a week. Commander Zielonka noted that a third team will be added this month so that each team will be on call every third week. Commander Zielonka identified the types of calls MIRT responds to including shootings, stabbings, violent crimes involving large complicated crime scenes, kidnapping cases, missing children cases, officer-involved shootings, car-jackings and home invasions. Commander Zielonka advised that MIRT responded to 38 call-outs during 1999 and 76 call-outs during 2000, representing a 100% increase. Commander Zeilonka added that 50% of the MIRT call-outs during 2000 were one team response calls, the other 50% required both teams. Commander Zielonka said that the Ira Pomerantz murder investigation was the largest investigation of 2000 and accounted for 8 MIRT call-outs.

Discussion ensued relative to the numerous activities engaged in by MIRT, including: crime scene investigation; evidence gathering at major scenes; neighborhood canvassing; interviewing witnesses, suspects and victims; preparing and executing search warrants; responding to hospitals for interview and evidence collection, and coordinating with City legal staff, the County Attorney's office and evidence techs in the crime lab, and the fact that MIRT cases are very time consuming and often require significant resources.

Commander Zielonka discussed the duties and responsibilities of the homicide squad; the fact that MIRT homicide detectives investigate all death cases in the City including homicides, suicides, accidental deaths and natural deaths; the fact that Mesa had 20 homicide investigations during 2000 with a 90% clearance rate; the fact that homicide detectives were assigned 731 death cases in 2000 and also responded to medical examiner/suspicious death cases. Commander Zielonka added that the homicide team also works the 37 unsolved homicide cases dating back to 1978.

Commander Zielonka also discussed the robbery squad and noted that of the 418 robbery cases during 2000, 365 cases, including 21 bank robberies, were assigned to the 4 detectives on the robbery squad. Commander

Zielonka reported that 858 violent crimes cases, consisting mostly of assaults and aggravated assaults, were assigned to the 8 detectives on the violent crimes squad during 2000.

Commander Zielonka said that MIRT members were recently awarded a unit citation for work performed during 2000. Commander Zielonka spoke about the personal sacrifices MIRT members make to be on call 24 hours a day, 7 days a week; the demanding nature of the work; the fact that homicide detectives are the most highly respected detectives in their field, and the fact that it takes many years of experience, training and education to become proficient in homicide work, and even more years to excell. Commander Zielonka also spoke about the types of tragedies homicide detectives deal with on a daily basis and commended them on their performance.

Committeemember Pomeroy thanked Commander Zielonka for his presentation and expressed appreciation for the excellent work performed by MIRT. Committeemember Pomeroy also expressed appreciation for the reminder that extensive record keeping responsibilities also accompany detective work.

In response to a question from Chairman Kavanaugh regarding the addition of a third MIRT unit to be on call every third week, Commander Zielonka stated the opinion that the addition of a third unit will impact stand-by pay more than overtime pay.

In response to a question from Chairman Kavanaugh regarding an apparent increase in death cases, Commander Zielonka reported that the number of suicides and unexplained deaths in our community is a constantly changing phenomena.

Chairman Kavanaugh complimented and congratulated Commander Zielonka and MIRT for the excellent work performed and thanked Commander Zielonka for the detailed briefing.

4. Adjournment.

Without objection, the Police Committee meeting adjourned at 4:30 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 5th day of February 2001. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2001

BARBARA JONES, CITY CLERK