



OFFICE OF THE CITY CLERK

PUBLIC SAFETY COMMITTEE

February 13, 2012

The Public Safety Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on February 13, 2012 at 4:02 p.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Christopher Glover
Dave Richins

COMMITTEE ABSENT

None

STAFF PRESENT

John Pombier
Alfred Smith

1. Items from citizens present.

There were no items from citizens present.

2-a. Hear a presentation and discuss the UCR definition change.

Police Lieutenant Patrick Foster stated that he was assigned to the Mesa Police Department's (MPD) Center Against Family Violence, which is charged with handling the sex crime and family crime investigations that occur in Mesa.

Lieutenant Foster displayed a PowerPoint presentation (**See Attachment 1**) and reported that in September 2011, he represented the MPD at a Police Executive Research Forum (PERF) Executive Session. He explained that the focus of the meeting related to the investigation and reporting of sexual assaults by law enforcement agencies across the nation via Uniform Crime Reporting (UCR) statistics.

Responding to a question from Chairman Kavanaugh, Lieutenant Foster clarified that the Federal Bureau of Investigation (FBI) gathers crime offense statistics from law enforcement agencies nationwide through its UCR Program and develops a uniform set of standards for such crimes. He cited, as an example, the Part I crimes, which are typically reviewed during the Department's COMPSTAT reporting each month.

Lieutenant Foster advised that the attendees at the PERF Executive Session discussed whether there was a need to change the current UCR definition, and in particular, to create a new and broader definition that would allow law enforcement agencies to report more complete sexual assault offense data through the UCR Program to ensure that all victims of such a crime were accounted for. He recounted that during the meeting, a question arose whether there was a

difference between the UCR definition and the Arizona Revised Statutes (A.R.S.) regarding sexual assault which, in fact, was the case.

Lieutenant Foster pointed out that the UCR definition, which was established in 1963, was very narrow in scope, whereas the A.R.S. Title 13 sexual assault definition encompasses a wide array of acts that a lay person would typically consider as sexual assault.

Lieutenant Foster further remarked that in 2010, 187 cases were investigated as sexual assaults in Mesa and only 133 (71.1%) were considered UCR sexual assaults with respect to Department reporting. He advised that in 2011, 132 (75.4%) of the 175 reported sexual assaults investigated by the detectives were considered UCR sexual assaults. Lieutenant Foster noted that in each of those two years, approximately 30% of the sexual assaults reported and investigated in the City of Mesa were not counted as UCR sexual assaults in the reporting.

Responding to a question from Chairman Kavanaugh, Lieutenant Foster clarified that the importance of the above-referenced data was to establish a new definition that would provide "a closer link" between the UCR definition and what law enforcement agencies nationwide were actually investigating in order to have a better understanding of the actual number of sexual assault victims.

Lieutenant Foster reviewed the UCR definition of forcible rape. (See Page 3 of Attachment 1) He reported that prior to the PERF Executive Session, a survey was distributed to approximately 500 law enforcement agencies and noted that of the responding agencies, 80% did not believe that such a definition adequately reflected the work being performed by their detectives.

Lieutenant Foster highlighted certain categories that the UCR definition did not include (See Page 4 of Attachment 1) and said that the newly proposed definition of forcible rape (See Page 5 of Attachment 1) was revised after the PERF Executive Session. He explained that this came about when the Director of the Office of Violence Against Women met with him and reviewed the A.R.S. Title 13 statute, which included additional verbiage the Executive Session members had not previously considered. Lieutenant Foster added that it was important to note that the new UCR definition was more inclusive and better reflected not only Arizona law, but also criminal codes in other states.

Lieutenant Foster, in addition, stated that in October 2011, the new UCR definition was agreed upon by the UCR Subcommittee; submitted and approved by the Advisory Policy Board; on December 14, 2011, ultimately approved by the Director of the FBI; that U.S. Attorney General Eric Holder updated the Congress with respect to the new definition; and that the new definition for reporting standards would most likely not go into effect until January 2013, although Attorney General Holder advised Congress that it could occur as early as May of this year.

Discussion ensued relative to the possible impacts on the MPD as a result of a change to the UCR definition; that there would be little effect on the detectives as accountability measures are already in place; that MPD's Records/UCR Unit would be required to learn a new definition and classify cases accordingly; and that a sudden surge in Part 1 sexual assault crime statistics might alarm social service organizations and the community.

Chairman Kavanaugh clarified that the sudden surge in Part 1 sexual assault crime statistics does not mean that the MPD has had a dramatic increase in the number of such crimes, but rather that the number of cases included within that definition are being reported. He stated that was where the confusion could arise from the public.

Lieutenant Foster confirmed Chairman Kavanaugh's statement. He explained that the MPD could actually experience a reduction in the number of sexual assaults that were reported and investigated; however, because of the change in the definition, the Part 1 crime UCR numbers would increase.

Chairman Kavanaugh also commented that because this was a national standard, this was a phenomenon that law enforcement agencies across the country would be required to deal with.

Lieutenant Foster remarked that the MPD has implemented a number of strategies to address concerns related to the change in the UCR definition, such as educating stakeholders relative to the changes prior to implementation and gathering statistics for A.R.S. sexual assaults vs. UCR sexual assaults. He stated that MPD also intends to work with its Public Information Office to notify and educate the community prior to and after implementation of the new UCR definition.

Responding to a series of questions from Chairman Kavanaugh, Lieutenant Foster clarified that he would anticipate that the media/community outreach efforts would occur this spring or summer. He noted, however, that if the new UCR definition is implemented in May, then such efforts would take place in March or April.

Further discussion ensued relative to the fact that in the last two years, MPD reported a 30% difference in UCR reporting of sexual assaults as compared to A.R.S. reporting, but when the Department adjusts for the change in the UCR definition, the difference is actually closer to 2% or 3%.

In response to a question from Chairman Kavanaugh, Police Chief Frank Milstead clarified that the members of the East Valley Chiefs Association and the Arizona Association of Chiefs of Police will make a Statewide announcement regarding the new UCR definition in order to ensure a more regional impact.

Deputy City Manager John Pombier referred to Page 2 of Attachment 1 and noted that in 2011, MPD investigated 175 reported sexual assaults as defined under the A.R.S. statute.

Lieutenant Foster confirmed and noted that the new UCR definition for sexual assault "almost mirrors" the current A.R.S. definition.

Mr. Pombier clarified that if the MPD used the new UCR definition and applied it to those 175 cases, the MPD would expect that number to stay the same and not expand. He added that MPD has two years of data to compare to the changes that are being made with the new UCR definition.

Chairman Kavanaugh commended Lieutenant Foster for his efforts and hard work, which resulted in "the powers that be" being persuaded to modify and broaden the UCR definition to more closely track the Arizona Revised Statute Title 13 sexual assault definition.

Chairman Kavanaugh thanked staff for the presentation and said that he looked forward to the Committee being briefed concerning MPD's media/public relations efforts to apprise the community of this issue. He added that the members of the Public Safety Committee would be happy to assist the MPD in any way that they can.

2-b. Hear a presentation, discuss and provide direction on the TOPAZ Regional Wireless Cooperative (TRWC) and the Regional Communications Systems Connection (RCSC) Intergovernmental Agreements.

Chief Technology Officer Dale Shaw, who also serves as Executive Director of the TOPAZ (Trunked Open Arizona) Regional Wireless Cooperative (TRWC), Assistant Police Chief John Meza and Assistant Fire Chief Jim Bloomer introduced themselves to the Committee.

Mr. Shaw reported that at the November 21, 2011 Public Safety Committee meeting, staff was asked to present regular updates to the Committee regarding TRWC activities. He explained that two items for the Committee's consideration today include the Amended and Restated Intergovernmental Agreement (IGA) to continue the operation of the TRWC, and also the IGA to establish the Regional Communications Systems Connection (RCSC) with several State agencies.

Mr. Shaw displayed a PowerPoint presentation (**See Attachment 2**) and briefly discussed the TRWC, which was established in 2008. He stated that it is a P25 – 700/800 MHz Radio System, and used predominately for public safety and other municipal purposes. He indicated that several jurisdictions share in the use of the radio system. Mr. Shaw also noted that the partners/founding members of the TRWC that participate on the TRWC Board of Directors include the City of Mesa, City of Apache Junction, the Towns of Gilbert and Queen Creek, the Apache Junction Fire District, and newly added with the execution of the IGA, the Rio Verde Fire District.

Mr. Shaw remarked that at the November 21st Committee meeting, staff presented the revised TRWC IGA and governance changes. He stated that the only modification since that time was that the Board of Directors revisited the addition of new members and will ensure that all IGA changes are brought back to the full Council or the respective governing bodies for their consideration.

Mr. Shaw pointed out that the addition of the Rio Verde Fire District as a member agency would add approximately 12 subscribers to the system, which would be implemented in conjunction with contracted dispatch services with the City of Mesa. He said that there would be relatively low impact to the existing members by Rio Verde joining the system.

Mr. Shaw summarized a number of TRWC improvements that are currently taking place. (See Page 5 of Attachment 2) He noted that the microwave links between some of tower sites have been upgraded in order to improve network reliability and reduce interference.

Mr. Shaw also reported that with respect to public safety wireless broadband, staff anticipates receiving responses this week to a Request for Proposals (RFP) to establish a "4G" LTE network in order to support the data needs of the users in the field.

Chairman Kavanaugh commented that through his work with the National League of Cities, the establishment of the "4G" LTE network was "a very big development." He added that he hoped the City received some good proposals in this regard.

Mr. Shaw also remarked that work was underway with the Department of Public Safety (DPS) at Thompson Peak to construct a new 180-foot radio tower to modernize the current facility. (See Page 6 of Attachment 2 for photos of the area.)

Mr. Shaw said that another improvement with respect to the TRWC is soliciting user feedback and working to establish an end-user group so that the individuals in the field can provide direct feedback to the network administrators to ensure that the system meets their needs.

Mr. Shaw pointed out that one of the items before the Committee is the RCSC IGA, which would link TRWC, the City of Phoenix (on behalf of the Regional Wireless Cooperative (RWC)), the Department of Public Safety, (DPS), Maricopa County and the Yuma Regional Communications System (YRCS) for major event response.

Discussion ensued relative to the Tech Sharing IGA, which is underway with Mesa Community College (MCC) and already established with Mesa Public Schools, and would allow the TRWC to give access to its radio network for educational purposes; that the TRWC/RWC partnership is thriving and recently executed a joint board resolution establishing a foundation for the future of the partnership; that the resolution would ensure that end-user needs are met, and there is a proper sharing of radio resources across the region so that neither entity's infrastructure is over built; and that the RCSC IGA was crafted being mindful of the possibility of adding partners as other radio systems are built.

Responding to a question from Chairman Kavanaugh, Mr. Shaw clarified that the TRWC and the RWC, in partnership, have applied for State funding in order to do some joint strategic planning. He noted that the entities also intend to expand those efforts to the Federal level. Mr. Shaw explained that the Federal government often looks favorably on cohesiveness and added that it would strengthen both entities if they worked together.

Assistant Police Chief Meza commended Mr. Shaw for his efforts and hard work associated with the development of both IGAs.

Assistant Fire Chief Bloomer noted that the IGAs address many concerns that the Fire Department has had in the past and are "definitely a step in the right direction." He added that he looked forward to seeing the progress that would be made in the future.

Chairman Kavanaugh requested that the Committee remain "in the loop" with respect to any other changes to the IGAs so that it can monitor such changes for the full Council.

Mr. Shaw assured the Committee that it was his intention to engage in a regular dialogue with the Committee and would be happy to return whenever the Committee deemed it appropriate.

It was moved by Committeemember Richins, seconded by Committeemember Glover, to recommend to the full Council that the TRWC and RCSC Intergovernmental Agreements be approved.

Committeemember Richins commented that one of the Council's priorities is regional leadership and said that staff's efforts with regard to these IGAs exemplify such a priority.

Chairman Kavanaugh called for the vote.

Carried unanimously.

Chairman Kavanaugh thanked everyone for the presentation.

3. Adjournment.

Without objection, the Public Safety Committee meeting adjourned at 4:31 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Committee meeting of the City of Mesa, Arizona, held on the 13th day of February 2012. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

pag
(attachments – 2)

Mesa Police Department Center Against Family Violence

Update on recent changes to FBI/UCR definition of Sexual Assault



Is there a need for a change?

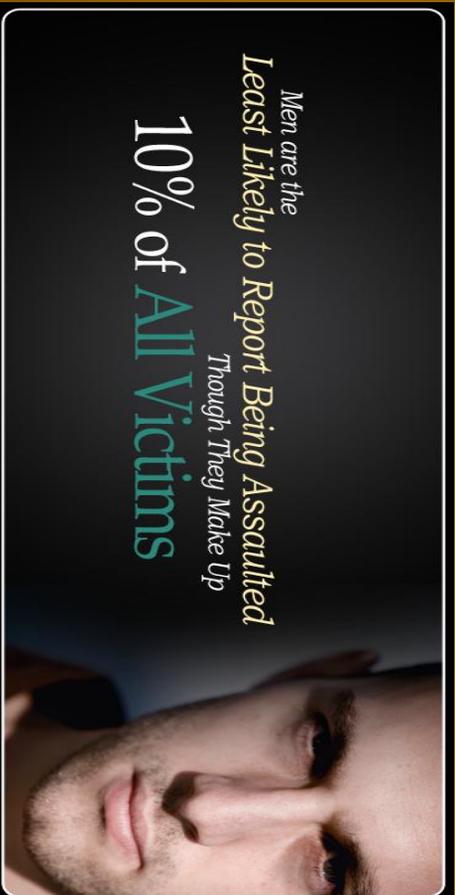
- A new and broader definition will allow law enforcement agencies to report more complete rape offense data throughout the UCR program to ensure all victims of this crime can be accounted for.
- Is there a difference between the UCR definition and the Arizona Revised Statutes regarding sexual assault?
- In Mesa, 187 cases were investigated as sexual assaults in 2010. Only 133 (71.1%) were considered UCR sexual assaults. In 2011, 132 of the 175 (75.4%) reported sexual assaults were considered UCR sexual assaults.

UCR Definition of 'Forcible Rape'

Forcible rape is the carnal knowledge of a female forcibly and against her will. Attempts or assaults to commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded.

Almost 80% (239) of responding agencies do NOT believe this is an adequate definition.

What the former UCR definition didn't cover



- Male victims
- Female suspects
- Incidents of sodomy or forced oral/physical sexual contact
- Incidents involving assault by objects into victim's vagina or anus
- Consent never established

Newly proposed definition of 'Forcible Rape'

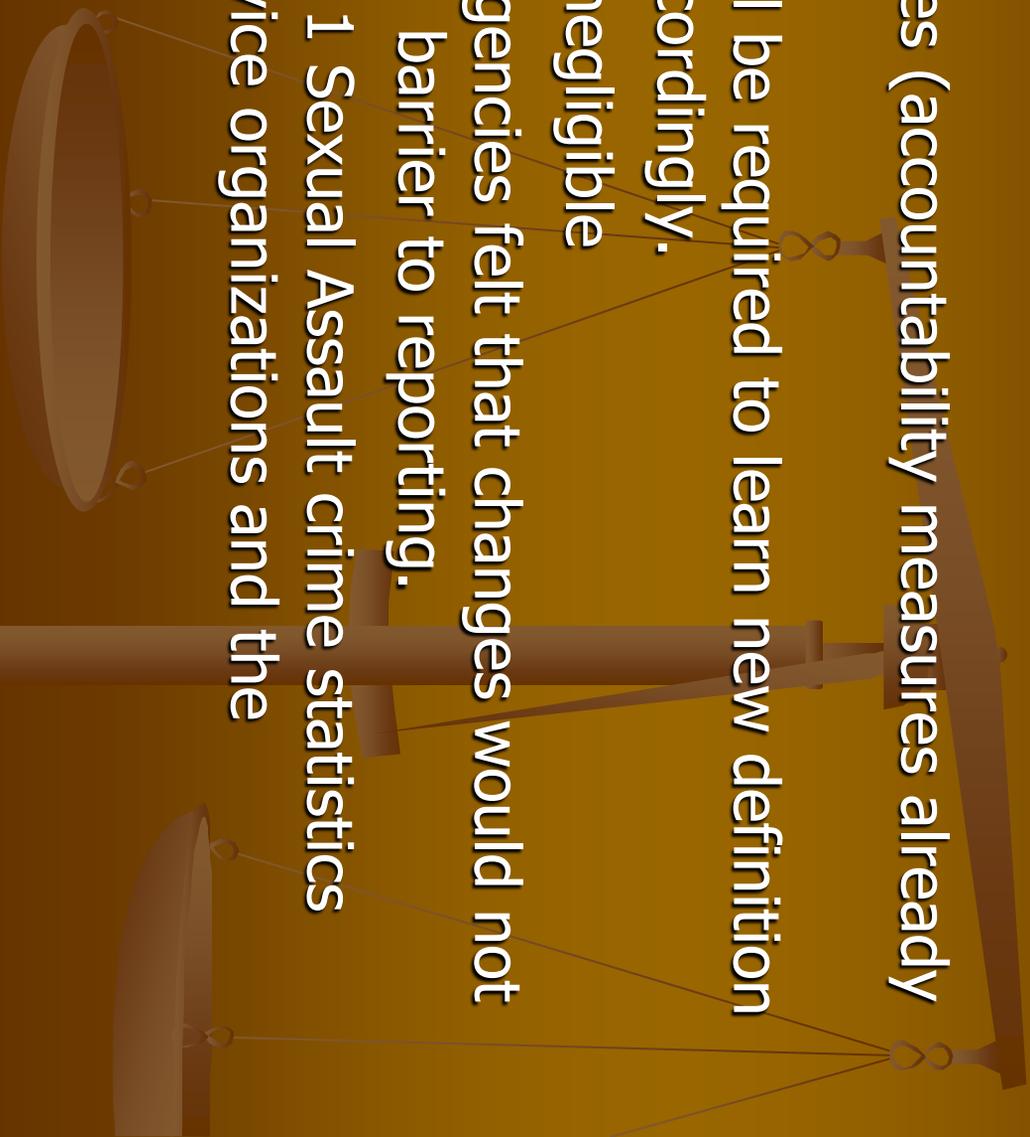
Forcible rape is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

This definition includes any gender of victim or perpetrator. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. The ability of the victim to give consent must be determined in accordance with state statute. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

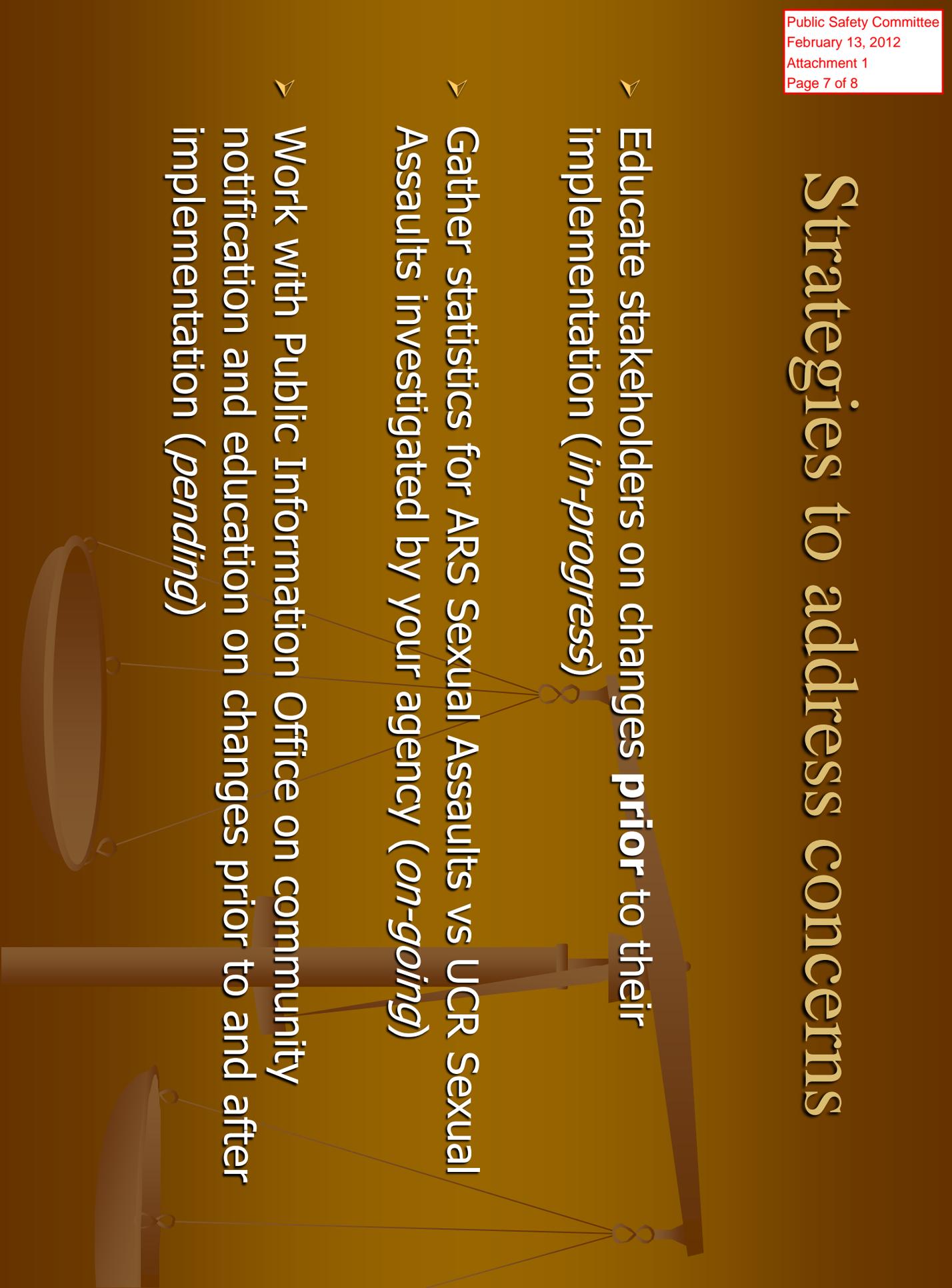
This definition was agreed upon at the UCR Subcommittee meeting in Baltimore on 10/18/11. It was submitted to the Advisory Policy Board and approved and then approved by the Director of the FBI on December 14th ..

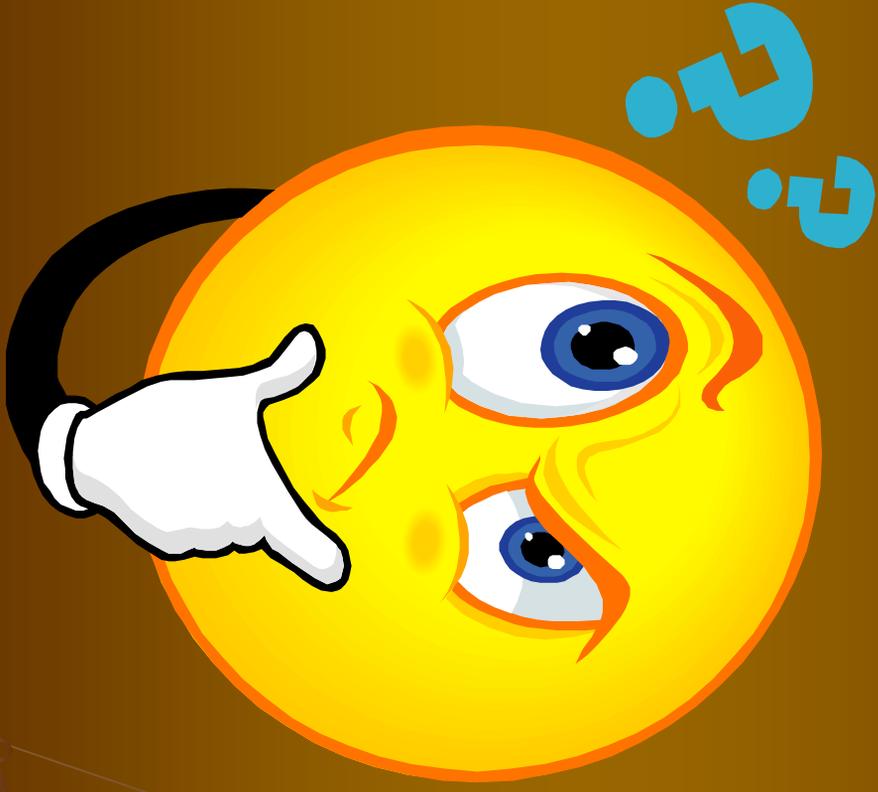
Impacts of a change to the UCR definition

- No effect on detectives (accountability measures already in place)
- Records/UCR Unit will be required to learn new definition and classify cases accordingly.
- Costs of change are negligible
- 96% of responding agencies felt that changes would not serve as a significant barrier to reporting.
- Sudden surge in Part 1 Sexual Assault crime statistics may alarm social service organizations and the community

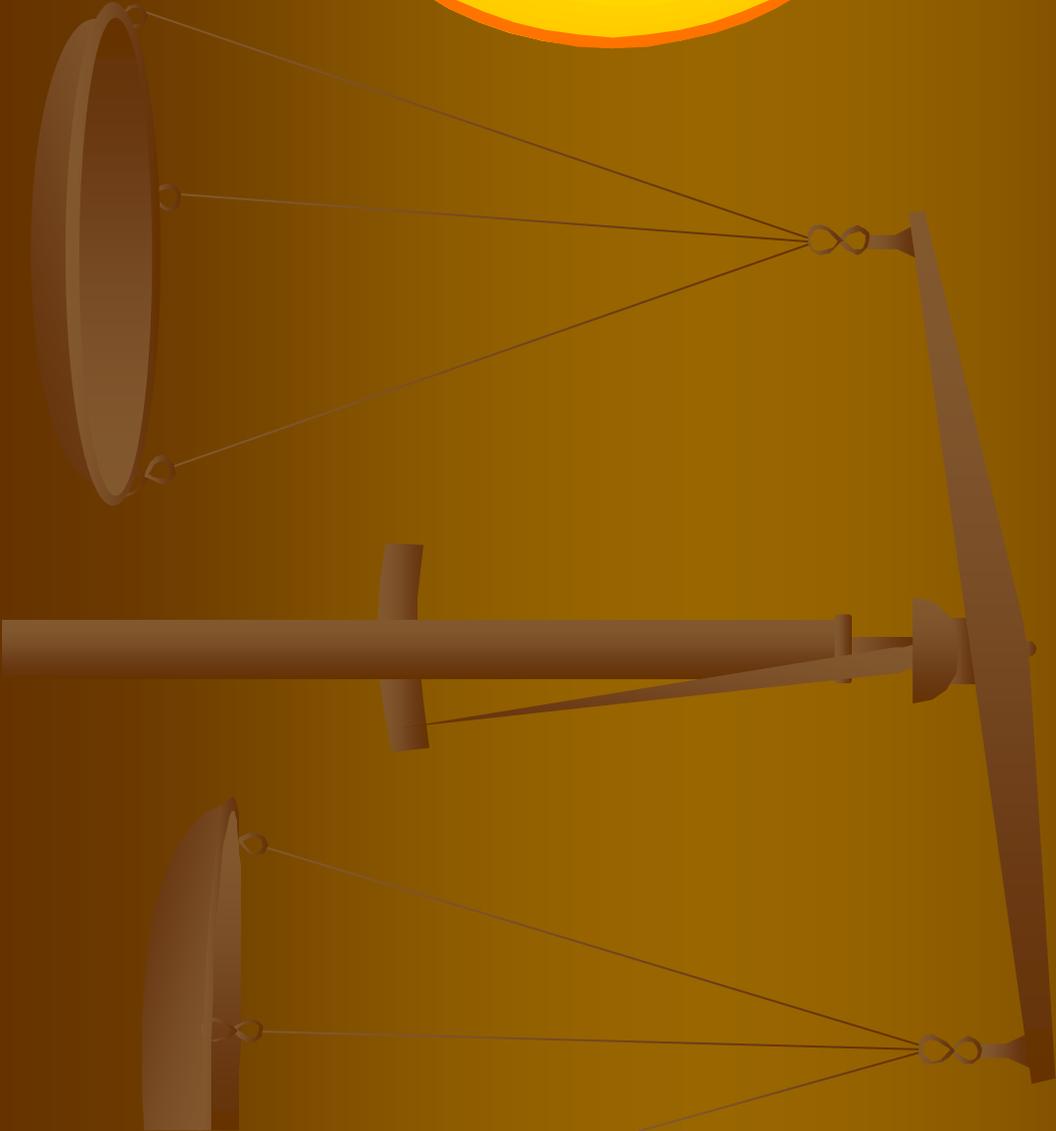


Strategies to address concerns

- Educate stakeholders on changes **prior** to their implementation (*in-progress*)
 - Gather statistics for ARS Sexual Assaults vs UCR Sexual Assaults investigated by your agency (*on-going*)
 - Work with Public Information Office on community notification and education on changes prior to and after implementation (*pending*)
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Questions





TRWC Overview, IGA Discussion, and Project Updates

Mesa Public Safety Committee

February 13, 2012



TRWC – Review

- Established in 2008
- P25 700/800 MHz Radio System
- Used for Public Safety and Municipal
- Shared by many jurisdictions
- Over 20 partners - Local to Federal
- Highly economical – low entry and O&M

TRWC Board of Directors

John Kross (Chair), Town Mgr, Queen Creek
 Alex Deshuk (Vice Chair), Mgr of Tech & Innov, Mesa
 Collin DeWitt, Fire Chief, Gilbert
 Jerry Ward, Comm Admin, Apache Junction
 Steve Blum, Dep Chief of Ops, AJ Fire District
 Gary Bradbury, Fire Chief, Rio Verde Fire District **

**Pending

Executive Director
 Dale Shaw, CTO, Mesa

Mesa Communications Department

Executive Committee

Ajay Joshi, (Chair) CIO, Gilbert
 Ron Knight, Asst Fire Chief, QC Fire Dept.
 John Meza, Asst Police Chief, Mesa
 Jim Bloomer, Asst Fire Chief, Mesa
 Troy Mullender, Police Sergeant, Apache Junction
 Dave Montgomery, Deputy Fire Chief, AJ Fire District
 Kim Scott, Police Support Services Div Admin, Gilbert
 Wes Kemp, Battalion Chief, Gilbert

Ad Hoc Technical Subcommittee

Randy Thompson (Chair) Communications Admin, Mesa
 Various Technical Staff from TRWC Members

Participating Agencies

AZ Dept. of Public Safety
 Central AZ Project
 Chandler Fire
 FBI
 Gila River Fire
 Glendale PD
 Maricopa Co Medical Examiner
 Mesa Community College
 Mesa Public Schools
 Phoenix Fire
 Phoenix Water Dept.
 Rural Metro FD
 Scottsdale Fire
 SW Ambulance
 Tempe Fire
 Tempe PD
 Union Pacific RR



Revised IGA and Governance Changes

- Allows the Board to adopt a more equitable cost recovery model
- Adds Rio Verde Fire District as a member agency
- Clarifies risk and liability among TRWC partners
- ~~Streamlines new member addition process~~
- Other minor clerical revisions

Revisited new member addition process, and will ensure all IGA changes come back to Council



Rio Verde Fire District Addition

- Will add approximately 12 subscribers to the system
- Implemented in conjunction with contracted dispatch
- Conducted study – no anticipated negative impact on existing members
- Will conduct full cost recovery as with any other member

TRWC Improvements

- **Network Reliability Improvements** – Upgrading microwave links between some tower sites to reduce interference and improve reliability
- **Public Safety Wireless Broadband** – RFP to implement “4G” LTE network to support public safety and municipal data needs
- **Thompson Peak** – Working with DPS to construct a new 180-foot radio tower to modernize the current facility
- **Service Delivery** – Developing end-user group to align “boots on the ground” input with strategic direction



Local, Regional, & State Partnering

- **Regional Communications Systems Connection** - IGA to link TRWC, RWC (PHX), DPS, Yuma, and Maricopa County for major event response
- **Tech Sharing IGA** - Completing IGA with Mesa Public Schools and Mesa Community College to facilitate access to radio resources and other IT sharing
- **TRWC/RWC Partnership** - Executing on joint board resolution between TRWC and RWC to share radio resources to better support public safety

More on the Resolution...

- Provides foundation for future partnering
- Ensures proper sharing across the region
- Commitment by all to support public safety operations
- Mindful of possibility for additional partners as other systems are built



RWC - TRWC
Joint Board Resolution
January 26, 2012



The Board of Directors of the Regional Wireless Cooperative (RWC) and Topaz Regional Wireless Cooperative (TRWC), in support of continued partnering between regional radio systems, our member agencies, and the fostering of consistent interoperable communications in the larger region, while continuing to meet the critical needs of our public safety and municipal users, have agreed and resolved to the following objectives:

- Connect participating regional systems in a way that supports operational roaming to a mutually agreed upon performance standard.
- Seek funding as a collective body to grow capacity and improve connectivity for shared use.
- Conduct multi-regional system strategic planning that aligns with State and Federal plans.
- Ensure the proper management of limited public resources by adopting a consistent network partner cost recovery model that discourages the build out of overlapping infrastructure.
- Proactively work together on national issues to ensure the broader region is represented in regulatory, homeland security, funding, and other areas of mutual concern, benefit, or interest.
- Ensure continued compatibility and capacity of the participating regional systems through a commitment to closely coordinate technology roadmaps and operational plans.
- Reinforce the commitment of these objectives through a multi-party Intergovernmental Agreement (IGA) to be executed by each participating regional network managing body.

Having obtained approval by majority vote by each Board, and in compliance with the respective governance requirements of the Cooperatives, signed by:

Handwritten signature of Charlie Meyer in black ink.

Charlie Meyer
RWC Chairman

Handwritten signature of John Kross in black ink.

John Kross
TRWC Chairman

Requested Action for today...

Support and recommendation for approval to the Mesa City Council:

- Revised Topaz Regional Wireless Cooperative (TRWC) Intergovernmental Agreement
- Regional Communications Systems Connection (RCSC) Intergovernmental Agreement

Questions?