

**PUBLIC SAFETY POLICY COMMITTEE
HIGHLIGHTS
Thursday, April 7, 2011
Ontario, CA**

ATTENDANCE:

Members: Grimes, Ed (Chair); Arbuckle, Jan (V.Chair); Allan, Dave, Allen III, Walter; Baker, Jason; Bankhead, Don; Bonta, Rob; Coe, Frank; Colapietro, Marge; Constant, Pete; DeWerk, Art; Delach, Francis; Derr, Michael; Dorst-Porada, Debra; Enea, Richard; Ferrara, Tony; Garbarino, Richard; Gingles, Jack; King, Tom; Kuehne, Donald; Layba, Mina; Marble, Bill; Matas, Scott; Morris, Paul; Nagel, Steve; Norman, David; Park, Greg; Plass, Gary; Preziosi, Tarquin; Sessions, Kelly; Simonoff, Marty; Vania, Neville; Wapner, Alan; Webster, Vince; Wilson, Kurt; Woiwode, Michael

League Staff: Dorothy Holzem

i. Special Order of Business: Joint Policy Committee State Budget and Redevelopment Update

The Housing, Economic and Community Development, Public Safety, Community Services, and Employee Relations Policy Committees came together for a joint briefing on major issues of the budget. Chris McKenzie, the League's Executive Director, gave a general overview of the first few months of the year. He explained that the Legislature and Governor don't like how Proposition 22 reads. The Governor says that California can't afford redevelopment any longer, and the League's counter argument is that California can't afford to lose redevelopment.

Mr. McKenzie discussed legal options and strategies that cities have if redevelopment is eliminated. Dan Carrigg, the League's Legislative Director, followed by giving detailed information on the votes that have been taken regarding redevelopment and explained that the legislature has now returned to a traditional budget schedule. Michael Coleman, the League's Fiscal Policy Advisor, presented a PowerPoint on the current condition of the State Budget.

Each of the League's lobbyists briefed the joint meeting on specific issue areas, including Transportation, Public Safety, Pension Reform, and Fees Paid by Local Agencies and Grant Programs. Mr. Coleman's PowerPoint presentation can be found at <http://www.californiacityfinance.com/PolicyComms110406p.pdf>, and a summary of the briefing from the lobbyists can be found at http://www.cacities.org/index.jsp?displaytype=11&story=28454&zone=locc§ion=advo&sub_sec=adv_o_leg&tert=advo_leg_issues.

Following the presentation, staff received questions from policy committee members regarding how the Redevelopment proposal will impact current pass-through agreements to schools; how inmates will be ranked for release; if the Governor's savings assumptions are realistic; and what is being done about the structural deficit.

I. Welcome and Introductions

Chair Grimes convened the Public Safety Policy Committee Meeting and asked members and guests to introduce themselves.

II. Committee Leadership and Staffing Update

Chair Grimes gave an update on the committee leadership and staffing for the remainder of the 2011 calendar year. Mayor Jan Arbuckle, City of Grass Valley, has been appointed to the position of Vice Chair following the resignation of Vice Chair Joe Palla in February. Also, Dorothy Holzem was promoted to be lead staff to the public safety policy committee and associate legislative representative on public safety legislation in January.

III. Public Comment

Bob Brown, General Manager, Ontario Convention Center, shared information on the Western States Police and Fire Games that will be held in Ontario June 4 -11. More information about the games can be found at: <http://www.wspfg2011.org/>. Art Andres, Executive Director of Operations for the event and a representative of the Ontario Fire Department leading the organization of the games urged all cities to participate as a way to build camaraderie, promote fitness, and raise funds for important charities, including the American Red Cross.

IV. Automated Speed Enforcement Programs – School Zone Regulations *(Handouts Attached)*

Tamara Dietrich, Redflex Transportation Systems, provided an overview of proposed legislation that would authorize local governments to implement automated speed enforcement systems in school zones.

The system is somewhat similar technically as automated traffic enforcement cameras, or red light cameras, but the implementation would be different. The measure would create an administrative penalty, instead of a criminal penalty, making it more similar to a parking ticket. Rather than go through the criminal justice system, the citations and penalties would all be handled by the local agencies.

Citations would be sent directly to the registered owner of the vehicle and not the driver, but the registered owner would have ample opportunity to get out of the ticket if they were in fact not the driver. The current proposal would require the speeding vehicle to be traveling at over 5 mph to trigger the speed enforcement system.

Seventeen other states currently use automated speed enforcement systems, including Washington state, which uses it only in school zones. In California, current red light violations range from \$400 to \$500 dollars by the time the additional state and court penalties are added to the local fine of roughly \$80 dollars. The total fine would be reduced to approximately \$200 dollars, with the majority going back to cities, schools, and the state.

Committee members shared recent tragedies in their communities related to school zone traffic accidents. Some members commented about the lack of school funding for crossing guards and adequate safety precautions in school zones. The cities are often the ones who provide staff or funding for these needs.

Committee members shared that the intent of the bill was noble and heading the right direction to protect a vulnerable population. The additional funding for school traffic safety programs was welcomed. However, they had concerns that the driver would not be given the citation, nor would these citations show up as a point on the driving records nor be reported to the DMV. As a result, drivers would not see the related increase to their automobile insurance rates.

Committee members had questions about how the funding would be split between the city, county, school(s), and the state, as well as the vendor. These are details that are still being worked out. Some members were in favor requiring schools to use any revenue from this type of program on school traffic safety measures only. In addition, no school should be able to approve a speed enforcement program and it would be up to the local city or county to give final approval.

League staff will continue to work with the sponsors of this bill and this item may be brought back to the committee as well as the Transportation, Communication, and Public Works policy committee in June.

V. Subcommittee Reports

Emergency Preparedness/Homeland Security

Tony Ferrara, subcommittee chair, shared the work plan for review and approval by the committee with some minor changes. A California Emergency Management Agency representative will present to the committee in June to share what trainings and local

preparedness measures are available. From that, the subcommittee will develop a check list of best practices to ensure city officials are well prepared for disaster response in the community.

Technology

Greg Park, subcommittee chair, updated the committee on three bills they are currently tracking. AB 701 would require all phones to have GPS tracking capabilities that would be activated upon customer approval for access by law enforcement agencies, in effort to help with missing persons searches. AB 449 would require cell phones at point of purchase have an “in case of emergency” contact number, unless the customer opts out of that choice. Finally, AB 770 seeks to change the members on the state 911 board.

In addition, the California Technology Agency did a road show to collect feedback on what is needed or desired for the Next Generation 911 system. A representative will be invited to the committee in June to share their findings. Also, as an update to the presentation by Chief Reggie Chappelle to the committee in January, the new Allied Agencies reporting system would allow local agencies who report collision data to the CHP to do so electronically. Finally, the next CLETS advisory committee meeting will be held at the end of April and League representative Fran DeLach, City of Azusa, should be contacted with any questions.

Wildland-Urban Fire Response

League staff shared that the committee met twice by phone to discuss implications of the Governor’s budget proposal to shift fire response duties in some state responsibility areas to local agencies. Since that proposal was dropped in early March, the subcommittee has not met. Moving forward, the subcommittee will continue to study the budget and legislative proposals for impacts to local wildland-urban fire response efforts.

VI. Committee Work Program

Staff referred committee members to the revised work program, explaining that it reflected the changes they requested during the January meeting to keep all of the 2010 work program items and expand certain areas. The work program is also now framed in more proactive language, rather than reactive and passive, also at the request of the committee. There was a motion to approve the work program, and it was seconded. The motion carried UNANIMOUSLY.

VII. State Legislative Update

- AB 1087 (Brownley). Cities and counties: Public safety services: contracts

The committee was charged with reviewing AB 1087 (Brownley), related to law enforcement contracts between cities and counties, and to make a recommendation to the board.

Committee members spoke in strong opposition to the measure, stating the inherit problems with letting the county dictate contract requirements for cities. All contracts currently have escape clauses and a method to end services between parties. City council and their staff are responsible and would pull out of a contract when it’s the right move based on local economic and other conditions.

In addition, asking cities to provide crime projections based on outcomes that may have resulted from county-based services is not a fair reflection of local conditions. Further, creating an arbitrary six month notice to terminate services is unreasonable. Most cities, when seeking to create their own police department, requires six months to a year of planning. Finally, this is setting a poor precedent to allow further regulation on how municipalities may or may not contract with each other.

A motion was made to OPPOSE the measure. This was seconded. Further discussion from members reinforced the message that AB 1087 ties the hands of cities in law enforcement contracting.

The committee voted to recommend an OPPOSE position to the board measure UNANIMOUSLY.

- AB 1215 (Blumenfield). Vehicles: electronic processing of documents

The committee was charged with reviewing AB 1215 (Blumenfield), related to electronic vehicle registration, and to recommend a position to the board.

Committee members recognized the merit of this bill and the potential benefits of statewide participation in this program that will expedite registration and processing of plates. A motion to SUPPORT the bill as currently written was made. This was seconded.

Further discussion by committee members included the idea of requiring all dealerships to have the option of electronic registration but not require the consumer use it, to avoid the additional fee. However, it was determined the program cannot be effective unless there is uniform use of electronic registration.

A substitute motion was made to remain neutral on the measure. This was seconded. The motion was based on the fact consumers did not have the choice about electronic registration, nor the additional costs that would be passed on to them either in a direct fee or in the price of the vehicle. With no further discussion, the substitute motion before the committee was voted on first. The motion to recommend a NEUTRAL position passed on a vote of 24-10.

- Current Public Safety Legislation with Registered Positions

Staff referred the committee to Attachment S-4, the current list of public safety legislation with registered positions.

VIII. Parole System Under Proposed Statewide Realignment Programs

Chief Pat Williams, City of Desert Hot Springs Police Department, provided an update on his area's activities in opposition the Governor's corrections realignment proposal. The Governor's proposal has been endorsed by the major statewide law enforcement associations including the California Police Chiefs Association and California State Sheriffs Association but Chief Williams expressed concern that those groups are not seeking the best public safety outcomes for Californians in their negotiations with the administration and legislative leadership.

Chief Williams also expressed concern that redevelopment associations were getting all of the attention of cities while realignment has not been adequately brought to the attention of League members. According to Chief Williams, for some cities the cost of realignment will eclipse any potential loss resulting from redevelopment agencies being eliminated.

Chief Williams was also concerned that the League has been publicly silent, and felt that the League has been deferring to public safety associations, including the California State Sheriffs Association and California Police Chiefs Association. He stated many of these associations have taken a support position only because if they don't, they will get cut out of any potential funding.

AB 109 and AB 111, the corrections realignment bills, have been signed by the Governor but without a funding mechanism. The Governor's signing message included a pledge that realignment would not move forward until sufficient funding was identified and secured. Chief Williams asked the committee to make his informational item an action item so the League will publicly engage on this budget issue and provide their own fiscal analysis of the corrections realignment package and the impact on cities.

A motion was made to make this information item an action item. This was seconded, and approved unanimously by the committee.

After additional discussion about the lack of funding mechanism for corrections realignment currently in place, a motion was made to recommend a position to oppose any legislation that would enact the provisions AB 109 or AB 111. This was seconded.

Committee members asked what information there was on offenders who are let off of parole, and their rates of recidivism. Chief Williams responded that because this population is no longer under supervision, these numbers aren't readily available.

The committee also asked that if funding mechanism is identified, could locals provide corrections and public safety services better than the state. Chief Williams replied that that is a possibility, but doubts the state can provide sufficient dollars.

A committee member offered an amendment to the motion on the table, to clarify that the committee recommends an oppose position unless adequate funding can be identified. The maker of the original motion refused those amendments and the member who suggested the clarifying amendments withdrew the amendments in lieu of pursuing this clarification as a substitute motion.

The committee took up the motion to recommend an OPPOSE position to the board on legislation enabling the enactment of AB 109 and AB 111 and it carried UNANIMOUSLY via voice vote.

IX. State Budget Discussion Continued – Public Safety Items

Following the extensive budget discussion under earlier agenda items, committee members had no further issues to discuss. Staff referred the committee to Attachment S-1, which compares the different proposals to extend COPS program funding and other local law enforcement grant dollars beyond the June 30 sunset.

X. Federal Issues Update

Staff provided a federal update on California League activities reflecting the League priorities and activities during the NLC Lobby Day. In addition, the federal government shut down as imminent at the time of the committee meeting but was averted by last minute negotiations the evening following the committee meeting.

XI. NLC Public Safety and Crime Prevention Committee Report

Committee member Pete Constant, who also serves as Vice Chair to the National League of Cities Public Safety and Crime Prevention Committee reported out on the current activities of that body. They are looking at the need to develop a national strategy for cyber-attacks that preserves internet freedom. They are also exploring human trafficking, homeland security grants, and the committee agreed to continue efforts to build public safety network and to monitor all public safety funding opportunities. The committee has asked NLC staff to monitor emergency services and flood plan management, considering any other emerging issues. Their next meeting will be held in Waco, Texas.

XII. Next Meeting: THURSDAY, June 16, 2011, Sacramento Convention Center

With no further business to address Chair Grimes thanked the committee for their attendance and adjourned the meeting. The next meeting will be held on June 16 in Sacramento.



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SCHOOL ZONE SAFETY PROGRAM

Proposed Legislation to Allow Automated Speed Enforcement in School Zones

NOTE: The below summary is merely a proposal at this point, and is subject to change based on input received from cities and counties, law enforcement, or other interested stakeholders.

SUMMARY OF PROPOSAL

Limited to "school zones"

- "School zones" is already defined in statute (Section 22352 (2B) of the California Vehicle Code) Speed limits are 25 mph when children are present and 40 mph at other times

Administrative system (not a criminal system) .

- Comparable to procedures used to enforce parking violations and street sweeper violations
- Intended to make process more efficient and lessen resort to the courts, thereby easing burden on judicial system

No up front costs to local jurisdiction for installation of system (like red light cameras)

Local jurisdictions will have flexibility to determine penalty amounts, except that:

- Total penalty may not exceed \$250
- Penalties must be staggered according to the amount by which the violation exceeds the speed limit
- No penalty shall be imposed for a violation of less than 5 mph above speed limit

Owner responsibility:

- Registered owner responsible unless he or she can show speeder used vehicle without registered owner's consent.

Procedure to challenge citation = 3 step process

- Step 1 = Informal administrative review:
 - performed at request of alleged speeder:
 - citation can be dismissed if local jurisdiction is satisfied that the violation did not occur, or if it believes extenuating circumstances make dismissal appropriate "in the interests of justice"
- Step 2 = Request for administrative hearing
 - Must occur within 90 days
 - Alleged speeder given the choice of a hearing by mail or in person
 - Hearing must provide an independent, objective, fair and impartial review
 - Hearing officer must be independent from the citation collection or process function, and shall not be managed or controlled by a person whose primary duties are automated speed enforcement or citation processing or collection
- Step 3
 - Can seek review of administrative hearing in Superior Court
 - Limited civil case
 - Article 3 judge not required

Penalties

- Will be split between: (1) state; (2) county; and (3) programs or organizations dedicated to promoting safety for school children and potentially law enforcement.

Unpaid penalties

- Local jurisdiction may file itemization with court which registered owner must pay before car can be re-registered
- If 3 or more citations are unpaid, proof can be filed with court with the same effect as a civil judgment

School Zone Safety Crisis

Across the U.S. 100 school-aged pedestrians are killed every year during school arrival and dismissal times.

On average, more than 4,500 school-aged pedestrians are injured during school arrival and dismissal times

Source – California Association of School Transportation Officials

New Research Shows One of Every Six Drivers in School Zones is Distracted

WASHINGTON, Sept. 1 /PRNewswire-USNewswire/ -- As kids head back to school, new research from Safe Kids USA shows that one out of every six drivers in school zones is distracted by the use of cell phones, eating, drinking, smoking, reaching behind, grooming and reading.

NHTSA stats

- 20 mph - in a car accident involving a pedestrian there is a one in 40 chance the pedestrian will be killed.
- 30 mph - in a car accident involving a pedestrian there is a one in five chance the pedestrian will be killed.
- 35 mph - in a car accident involving a pedestrian there is a one in two chance the pedestrian will be killed.
- 40 mph - in a car accident involving a pedestrian there is a nine in ten chance the pedestrian will be killed.

20 mph... takes 23 ft to stop * 30 mph... takes 41 ft to stop * 40 mph... takes 68 ft to stop

Primary Cause of Death in Children

20% of all children's deaths between the ages of 5-9 are due to traffic accidents