

## LEGAL AND LEGISLATIVE/SAFETY COMMITTEE

JUNE 14, 2011

3:50 P.M.

Councilman Murphy, Chairman, called the meeting of the Legal and Legislative Committee to order with Councilpersons Ladd, Berz, Rico, Scott, Benson, Gilbert and McGary present. City Attorney Michael McMahan and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included John Feagans, Chief Parker, Chief Carroll, Chief Maffett, Chief Kennedy, Dan Johnson, Larry Zehnder, Chief Dodd, Paul Page, Brian Kiesch, Daisy Madison, Richard Beeland, Susan DuBose, Sgt. Craig Joel and Sgt. Toby Hewitt.

**On motion of Councilman Rico, seconded by Councilwoman Ladd, the minutes of the previous meeting were approved as published.**

Chairman Murphy stated that he had been approached by Safety people about the issue today and that two sergeants were present. He asked Sgt. Craig Joel and Sgt. Toby Hewitt to come forward.

**Sgt. Joel** stated that they had asked for some intervention; that smaller vehicles had been purchased for efficiency—the Ford Focus. He stated that this was an issue for them. First, they were concerned about the amount of equipment they were able to carry, including rifles, etc. Secondly, investigators were having to use these vehicles to catch criminals; that if they spotted them, they could not perform traffic stops in these cars; that they could not do their jobs; that the volume of gear required by the SWAT Team was staggering. He stated that some of his most crucial equipment was at his home, in his garage. He stated that this was an operative issue for safety. He went on to talk about the safety issue, mentioning that if there was a crash in a Ford Focus, the people would have long-term injuries, which would be a great cost to the City. He again mentioned the equipment that they were not able to carry. He asked that the City stop purchasing these cars for them—that they were not functional, and they needed some intervention.

Councilman McGary asked what their recommendation would be for a larger vehicle? Sgt. Joel stated that the Crown Victoria was no longer an option and above his pay grade; that the next step up is a Ford Fusion and then there was the Taurus. He stated that they would like to have some input as to what was chosen for them.

Councilman Gilbert asked about the new Volkswagens. He asked if they would be big enough. Sgt. Joel stated that they would be going above the Focus. He stated that they were glad to offer suggestions; that they were eager to participate to get a larger vehicle.

Chairman Murphy asked if they could effect a traffic stop? Sgt. Joel stated that they would not pull over a car in a Focus; that that was his concern; that their vehicle was the only blockade between the policeman and the bad guy; that this was their barrier and the Focus was not much of a shield. Chairman Murphy noted that they had brought some data on safety and asked them to pass this information out. Sgt. Joel stated that they would give the Council a moment to interpret this, with Chairman Murphy asking them to give the Council a second to look at this.

Councilman Benson stated that he believed in participatory management; that management needed to get the advice of the people using these cars. He asked who the “we” was that had never been asked for advice? Sgt. Joel stated that he was sure that Chief Dodd had had some degree of input; that he was speaking for about 400 policemen.

Councilman Rico stated that Administration was trying to save money, but we can’t always look at the cost; that when we are talking about special equipment, we can’t think about saving money—that we have to save lives—that we have to look at this.

Sgt. Joel stated that these cars might be all right for General Services, who might not have the need for the space for equipment; that the Police did not have any many take-home cars, and a lot of his equipment was in his garage; that investigators could not effect their jobs—that these cars were not practical.

Chairman Murphy stated that he was 5’7” and might could get into a small car, but this car presented issues for taller officers. Sgt. Joel agreed that trying to get out of this car with all their equipment was difficult.

Councilman McGary questioned if the complaint originated with investigators? Sgt. Joel noted that they were the principal drivers. Councilman McGary asked how many investigators we have and was told there are 90 positions but not all are filled. He asked if other officers share this concern? Sgt. Joel noted that this is a large dollar item.

Councilwoman Berz stated that she would like an understanding as to who makes this decision. Sgt. Joel stated that as he understood it, it was the Fleet Management person and General Services, under Mr. Page with collusion with the Police Chief; that this was a cost-effective measure. Councilwoman Berz stated that she could see that it was cost-effective and a more efficient car. She asked if Paul Page made these decisions.

Mr. Page stated that the decision was made based on what the rest of the country was doing, which was decreasing the size of cars; that the Federal Government was doing the same thing with cars smaller than the Crown Victoria. He said that it was all about an adjustment; that these cars got better gas mileage, and we had greater savings. He went on to say that New York is using Prius’ for their detectives—that this trend is universal; that they are not as

comfortable; that this year's Focus is as big as last year's Fusion and gets 40 mph to a gallon, which is nice. He went on to say that several employees had asked for these cars—that they were nice looking and ran good; that they would be having a special meeting between now and August; that they might be looking at Dodges or Chevrolets.

Councilwoman Berz asked if these policemen would be asked for input? Mr. Page stated that the Police Dept. would be included—that they could choose.

Councilman McGary asked if there was any consideration for separate models? Mr. Page responded "some"—that they had purchased 50 Focuses and 30 were for the Police Dept.—that out of this number, eight policemen had asked for a larger size by Chief Dodd. Councilman McGary noted that it had been stated that we have 90 inspectors and that only eight was a short number. Mr. Page stated that new cars are more desirable—that detectives across the nation are using Prius. He stated that the Focus has a five star classification.

Chairman Murphy noted that this was five star classification among their size. He questioned if under FPO medical payments, if we would be paying out more insurance for a Focus than a Taurus? Mr. Page agreed that that was possible; that he did not have any data on the Focus.

Councilman Benson pointed out that what the City was buying, you could see that the trunk had no possibility of carrying the equipment that was needed—that there was no room for the necessary equipment.

Chairman Murphy stated that the committee could take an excursion outside to view the vehicle.

Sgt. Joel stated that he owned a Fusion as a personal car, and it was still too small; that the other cities that they had talked about had specialized units and did not double up like we do. (New York and others).

Councilman McGary stated that there had been a lot of conversation about the Focus; that it would be helpful to him to know how the decision was being made.

Sgt. Hewitt stated that it was strictly on claims; that there were two factors—safety as to the size and weight. He talked about the nature of their job; that they spent more time on the road and in their vehicles and were more likely to be in a crash.

Chairman Murphy noted that Chief Dodd was here, along with three of his assistants. He asked him if research had been done on an adequate vehicle.

Chief Dodd stated that he took exception to all this; that there was more height and width in a larger car; that no research had been done on safety. He stated that he had not been consulted on the front end; that this was a budgetary driven measure. Councilman McGary asked him if he had never been approached about these cars? Chief Dodd stated that he was between “a rock and a hard place”; that he had never been contacted concerning this; that he gone to Paul Page and had gone above Paul Page—that he had asked him whether to go with a Chevy or a Ford since the Crown Victorias were going away.

Councilwoman Berz stated that Mr. Page should be consulting with those who would be using the cars. She mentioned a Cost Benefit Analysis to cover all the things that these gentlemen had listed. She questioned on future purchases, buying without input from the people who would be using them; that the Chief should have been made available to General Services before the fact.

Chairman Murphy noted that in his ride-alongs that he had noticed the habit of when the car got down to 15 mph, that the officer would take his seat belt off. He asked if this should cause concern? Chief Dodd stated that officers don’t want to be strapped in; that in talking about the Focus, there was a problem with getting enough energy to have the proper equipment installed; that the charging system was not strong enough to run the blue lights—that you could not run the blue lights and the siren at the same time. Chairman Murphy asked if we would have homicide detectives who could not turn on their lights and their sirens?

Councilman Gilbert stated that it seemed the Focus could not come close; that it would not work and would be putting our policemen and the public in danger; that we needed to look at another car and get with the experts, who would be the ones performing the duties, to get an opinion. He could not understand not asking the ones doing the work—that this was poor purchasing.

Chief Dodd stated that he could get a group together and discuss this in-house and get input from all. Councilman Gilbert stated that this would be good management.

Councilman Benson thanked all of them for coming, stating that their lives could be endangered. He asked Mr. Page how deep we were into this? Mr. Page responded that we have 30 Ford Focuses. Councilman Benson again stated that he believed in participatory management; that the people on the front line needed to be involved.

Dan Johnson stated that he believed in safety, also; that patrolmen have Crown Victorias; there was one thing he was not in agreement with—the cross-over with different vehicles; that non-patrolmen should not be carrying a rifle in their trunk—that this was not their job; that all patrolmen on the street have a Crown Victoria; that there are other cars coming down the road—that our community is not on the “cutting edge” of smaller vehicles.

Chairman Murphy noted that Mr. Johnson said patrol officers, questioning if homicide detectives do not also pull suspects over? Mr. Johnson stated that he would not get into this issue as to policemen always being on duty. Chairman Murphy stated that if a homicide detective sees a suspect, he felt he should be able to pull him over.

At this point, Brian Kiesch stated that the Focus can do blue lights and a siren at the same time; that they had researched this.

Chairman Murphy mentioned a tactical rifle on the street, questioning what Administration was giving officers?

Chief Dodd mentioned that in the 1980's we had crack cocaine and sub-machine guns; that our officers were "outgunned"; that he had been involved in a shootout, and his weapon of choice was a shot gun and now it is a patrol rifle—that these can be carried. Chairman Murphy noted that a longer weapon can shoot a further distance. Chief Dodd agreed that there was more accuracy with a long gun. Chairman Murphy asked about "stop sticks". Chief Dodd responded that now they could "chase" and that all pursuits are dangerous; that "stop sticks" are a tool—that they can puncture all four tires.

Councilman Gilbert noted that Mr. Kiesch had said that the Focus could have both blue lights and a siren, asking how long they had had this information. Mr. Kiesch stated that the Chief and himself had had this conversation, and they will handle both units; that typically unmarked cars don't have the big bar lights and require less current; that these cars are four cylinder and are economical.

Chairman Murphy stated that the committee would step outside and see examples.

Before going outside, Councilman McGary stated that he would like a confirmation that whatever vehicle is chosen—a Crown Victoria or down, that the purchasing supervisor will not purchase a vehicle without the involvement of the Police Dept. Councilman Gilbert agreed that we need specifications for police cars as to what can work and what can't.

The meeting adjourned to outside at 4:20 P.M.