

BACKGROUND:

The Police Department has a long history of working with tow contractors to remove vehicles that are evidence to a crime, abandoned, involved in a collision, or an obstruction to traffic. There are currently 14 towing companies that have agreements with the City of Riverside to provide these services.

In an effort to maximize the service to the community and provide a fair process to uphold the regulations set forth in Riverside Municipal Code (RMC) Chapter 5.15 regarding Regulation of Riverside Police Official Police Tow Truck Service, the Riverside Police Department, in conjunction with the City Attorney's Office, is proposing to make the following changes as outlined in this report.

DISCUSSION:

Changes to RMC Chapter 5.15 regarding Regulation of Riverside Police Official Police Tow Truck Service include the following:

Section 5.15.020 Definitions

The definition of "Tow Board" is being added to the RMC. The Tow Board is being created to investigate violations of the Official Police Tow Truck Service (OPTTS) Agreement. The Tow Board will consist of uninvolved members of the Riverside Police Department Traffic Division that would review evidence of any alleged violation(s) of the Riverside Municipal Code or Official Police Tow Truck Service Agreement. The tow company will have the opportunity to appear before the board and present evidence on their behalf.

The definition of "Passing" will also be added to the RMC. "Passing" will be defined as refusing, for any reason, any tow assignment or call for service from the City or from the Riverside Police Department.

The definition of "Complaint" will be added to the RMC as well. "Complaint" will be defined as a documented allegation against an official police tow service company which will be investigated. The definition will also include examples of the types of complaints that would be investigated including but not limited to: Violations of City Ordinances or of Municipal Codes; Deficient facility security; Deficient facility storage conditions; and Failure to perform according to.

Section 5.15.095 Franchise fee

Section 5.15.095 of the RMC requires the Official Police Tow Service Contractor to pay a monthly franchise fee to the City. The proposed change to this section will provide the Official Police Tow Service Contractors with two (2) franchise fee credits currently set at \$65 (per agreements entered into pursuant to Section 5.15.080) if a vehicle that they tow to a police station on an evidence hold is released and not returned to the original contractor that towed it to the police station.

Section 5.15.110 Standard rules of operation

Section 5.15.110 B.4. of the RMC currently allows the Official Police Tow Service Contractor to release a vehicle to its legal owner with either verbal or written authorization from an authorized Police Department employee. To prevent miscommunication, the proposed change will remove the last sentence of the RMC Section, which allows verbal release of a vehicle, and will only allow written authorization for the release of a vehicle.

Section 5.15.110 J of the RMC currently requires that the Official Police Tow Service Contractor leave two (2) feet of separation between the stored vehicles at the tow yard. The proposed change will increase the required distance for police tows to three (3) feet of separation between the stored vehicles so the investigators have more room to collect and process evidence.

Section 5.15.120 Response time

Section 5.15.120 B of the RMC currently requires that the Official Police Tow Service Contractor has a 20-minute average response time in any 30-day period. The proposed change will require a response time not to exceed 30 minutes for each tow request.

Section 5.15.140 Grounds for cancellation, revocation or suspension.

Language which states the Official Police Tow Service Contractor “shall be given five days’ notice to appear before the Traffic Bureau Commander to show cause why the contract should not be revoked....” will be removed and will be handled through the revised process outlined in Section 5.15.145 as described below.

Section 5.15.145 Procedure for action against official police tow service.

This section is proposed to be completely revised to more clearly define how complaints and/or allegations of violations against tow companies will be handled. All complaints and allegations of violations will be heard through the Traffic Bureau Administrative Sergeant or designee. If the complaint or violation is founded, a hearing will be held through the Tow Board, defined in Section 5.15.020, hearing process. The new procedure provides a method of due process for the Official Police Tow Service Contractors and an opportunity for them to appeal an unfavorable decision. The proposed revision also provides the City of Riverside with the ability to impose disciplinary action up to and including suspension and/or termination of an agreement.

Section 5.15.150 – Liquidated damages

The title of this section is proposed to be changed from “Liquidated damages” to “Penalties for passing on a call for service”. The Liquidated damages section assessed a fee of \$500 for each liquidated damage and every time the Official Police Tow Service Contractor failed to meet the response time in any 30 calendar day period. Additionally, a \$200 fee was assessed each and every time the Official Police Tow Service Contractor failed to meet the response time for a single request for services by the Police Department. The wording in this section and the process to handle these failures to meet response times is not clear and is difficult to track. The proposed change is for these violations to be handled through the Tow Board process.

The new process will provide the Police Department with the ability to impose penalties for passing on a call for tow service. Therefore, if the Official Police Tow Service Contractor refuses, for any reason, to respond to a tow assignment, they will be suspended from the tow rotation as follows:

- | | |
|--|---|
| 1 st offense: | 3-day suspension from the tow rotation |
| 2 nd offense: | 7-day suspension from the tow rotation |
| 3 rd offense (and any pass thereafter): | 30-day suspension from the tow rotation |

After the Public Safety Committee met, Police Department and City Attorney Staff proposed the following additional changes to the ordinance:

Section 5.15.095 – Per tow fees: It is proposed to be change the title of this section from “Franchise Fees” to “Per tow fees”. Towing contractors are not actually granted a franchise, instead they submit applications to provide tow services and upon approval enter into a contractual agreement to provide tow services. Changing the title of this section will help eliminate any potential confusion regarding this minor distinction.

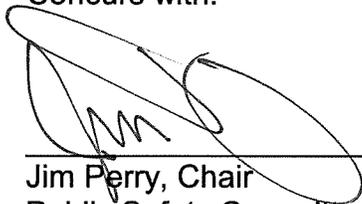
Section 5.15.145 I and J: This section has been revised to provide the Public Safety Committee with the authority to make termination decisions regarding the towing agreements. The Police Chief will have the authority to make findings for disciplinary action, such as suspension, for all other matters other than termination.

FISCAL IMPACT:

There is no fiscal impact associated with adoption of the proposed Amendment to Chapter 5.15 of the Riverside Municipal Code entitled, Regulation of Riverside Police Official Police Tow Truck Service.

Prepared by: Sergio G. Diaz, Chief of Police
Certified as to availability of funds: Edward Enriquez, Interim Chief Financial Officer/Treasurer
Approved by: Lea Deesing, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Concurs with:



Jim Perry, Chair
Public Safety Committee

Attachments: Proposed Ordinance, Chapter 5.15, Entitled, Regulation of Riverside Police Official Police Tow Truck Service