

PROPOSED CHANGES TO CHAPTER 5.15 OF THE RIVERSIDE MUNICIPAL CODE AND BRIEFING ON AB 2876 AMENDING VC 22650

RIVERSIDE POLICE DEPARTMENT

Public Safety Committee May 15, 2019

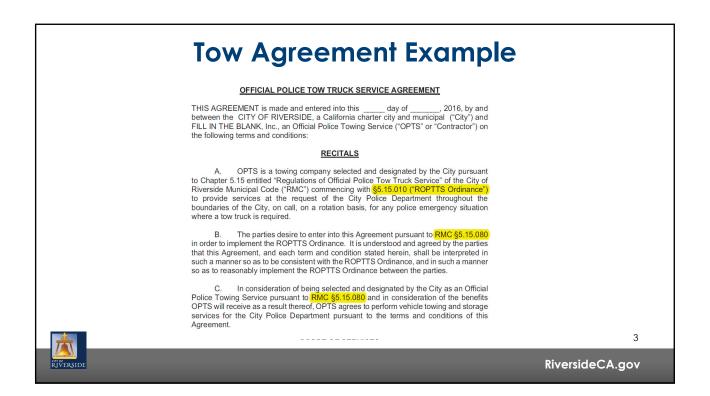
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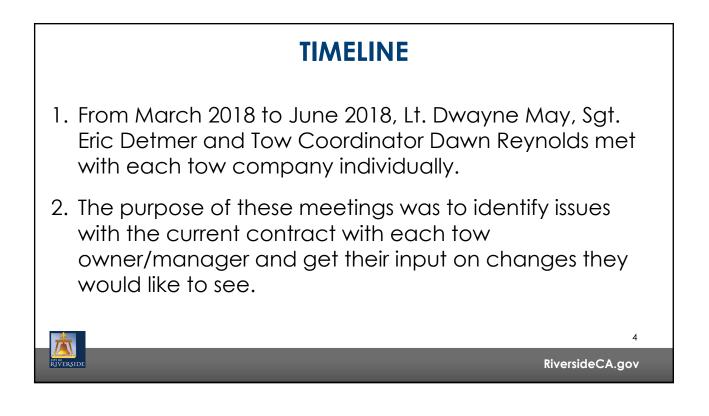


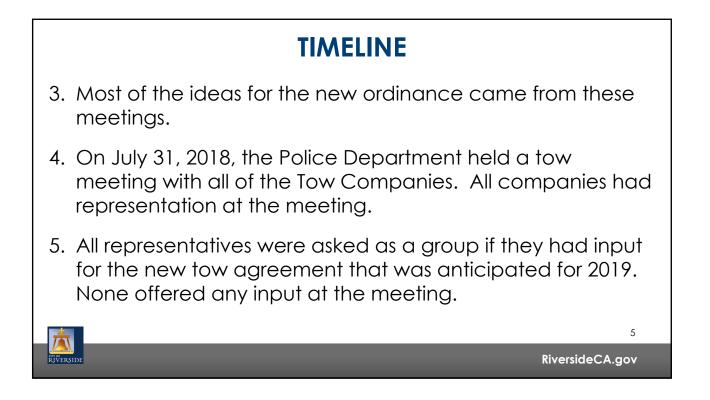
What led up to the Police Department's proposed changes of RMC Chapter 5.15 in the November 21, 2018, Public Safety Committee Meeting?

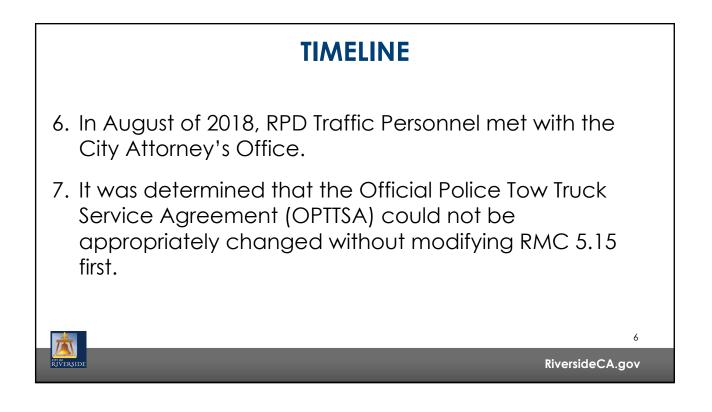
- 1. RPD Identified deficiencies in the current contract that needed revision
- 2. The Tow Contract is governed by RMC Chapter 5.15
- 3. To correct the deficiencies in the Tow Contract, the RMC needed to be revised

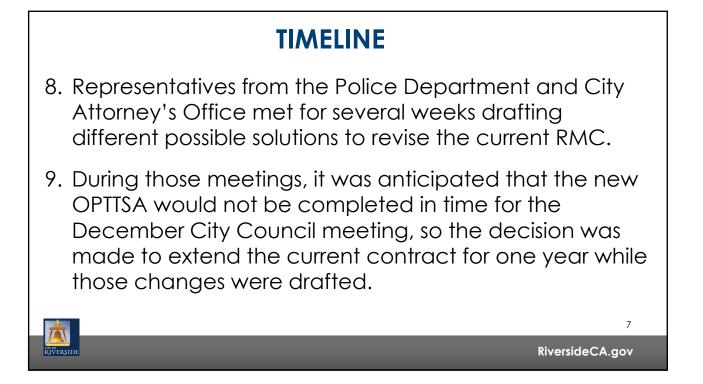
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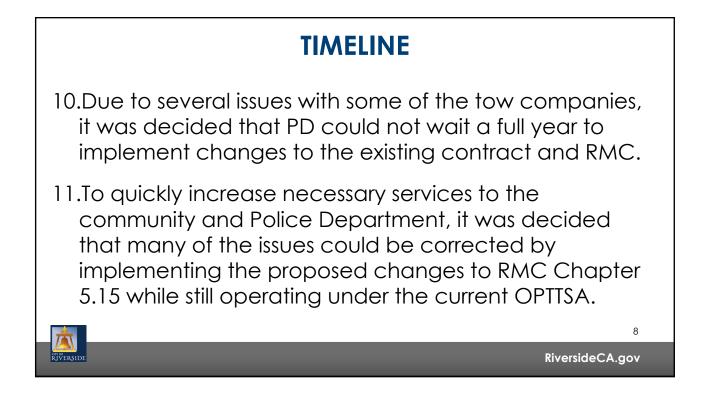


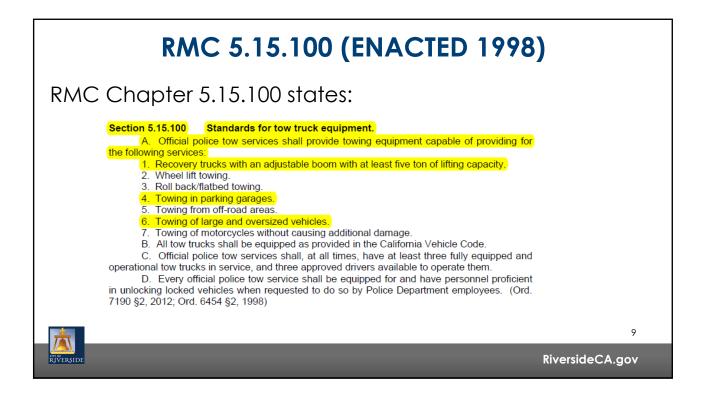


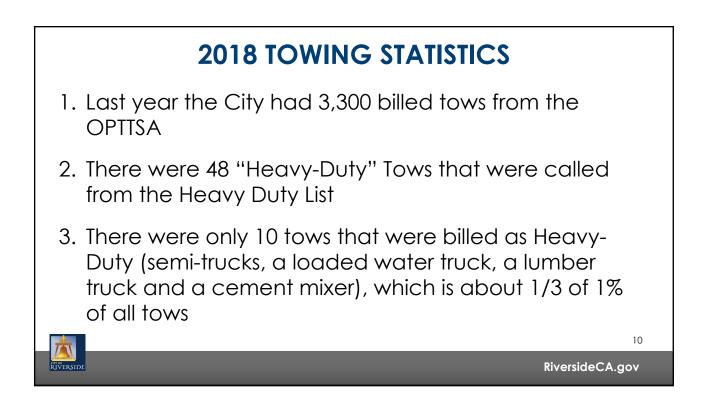


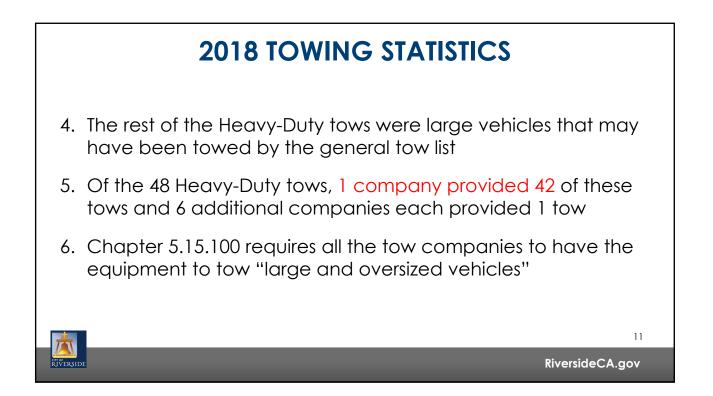




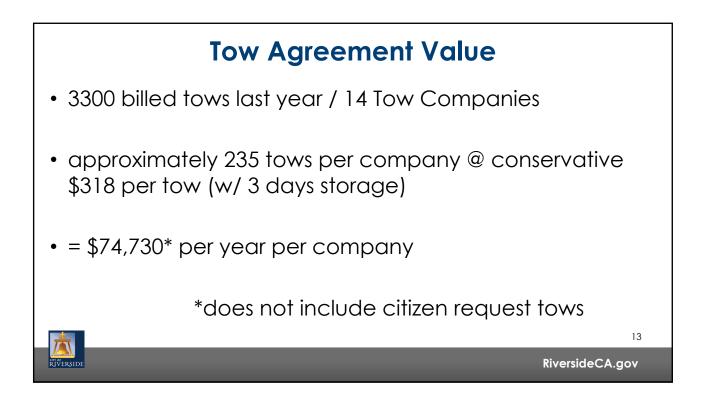


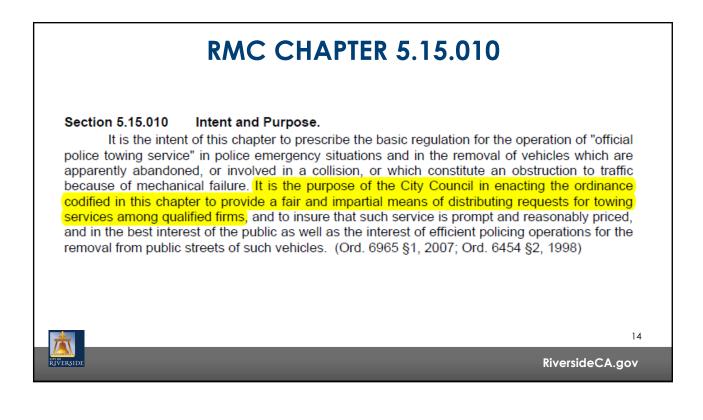


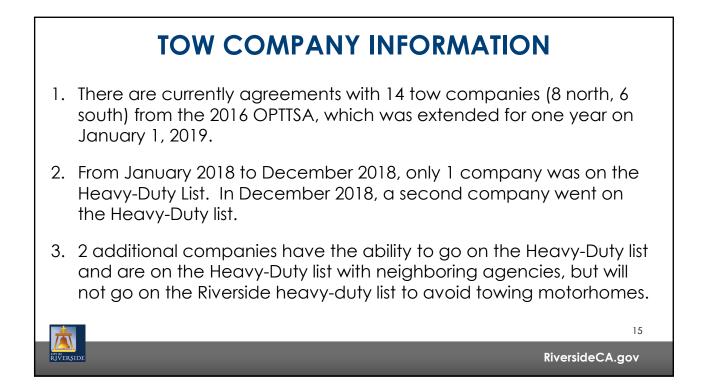


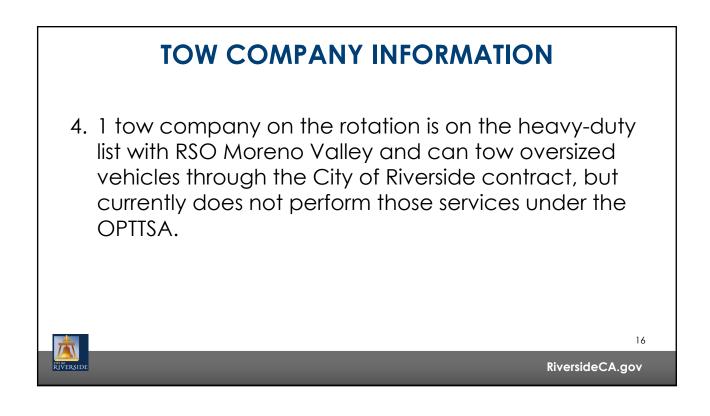


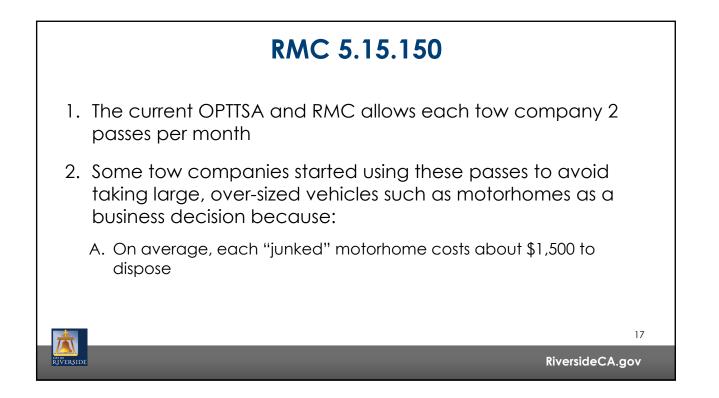
T	Tow Fee Examples					
Type of To	w Tow Fee \$233 (hr) (minus \$65 Franchise Fee)	Storage (\$50 a day)	Total			
Routine To w/ 3 day: storage		\$150 (3 days)	\$318			
30-Day Impound	\$168	\$1500	\$1668			
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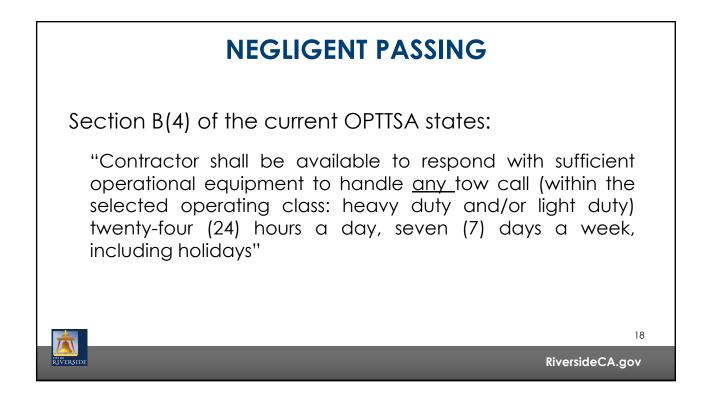


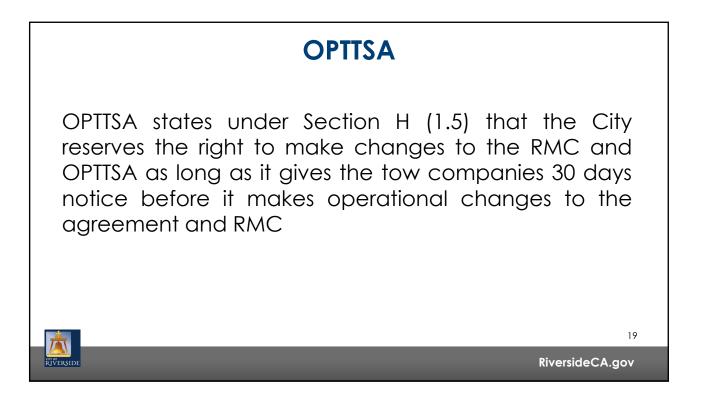


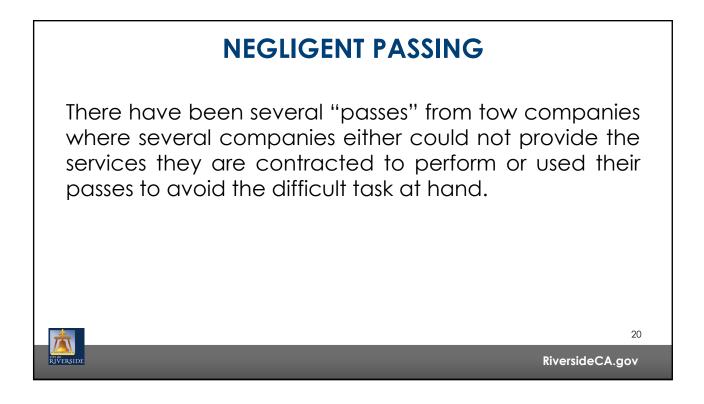


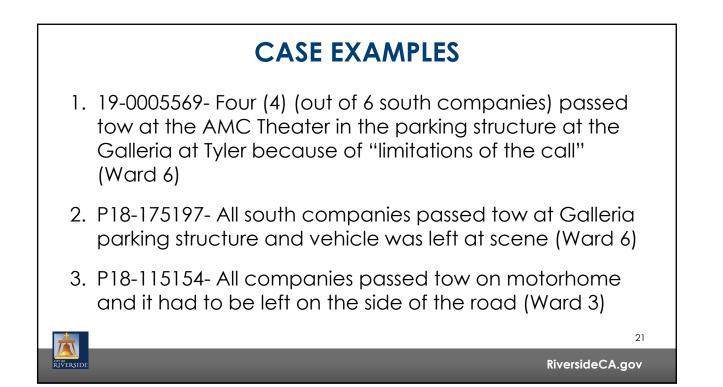


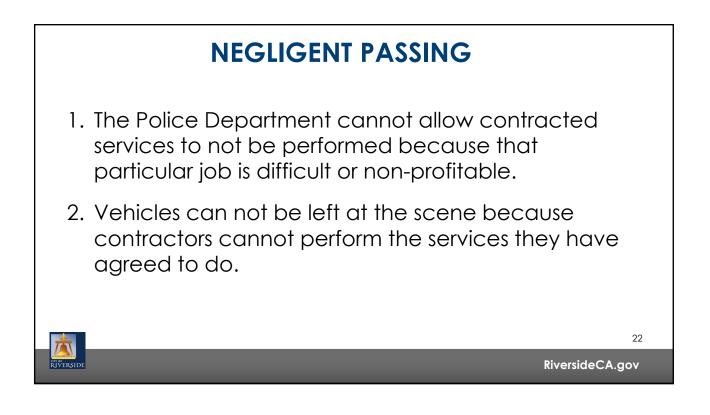


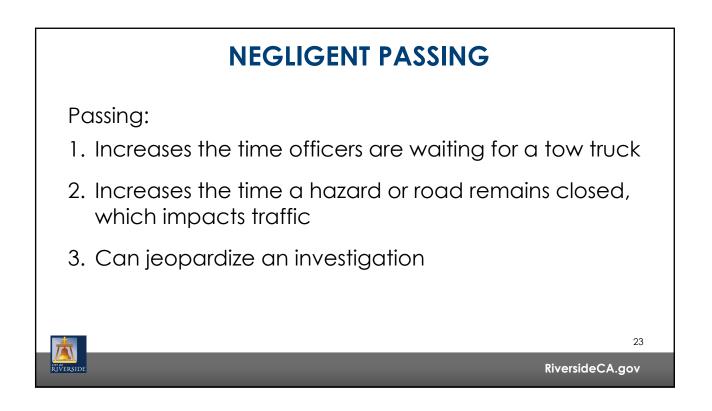


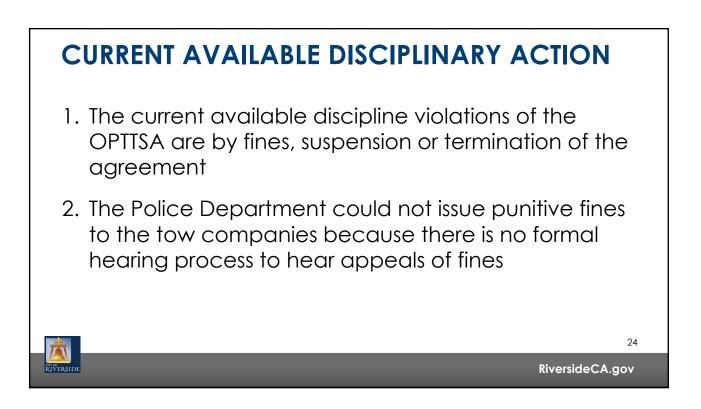


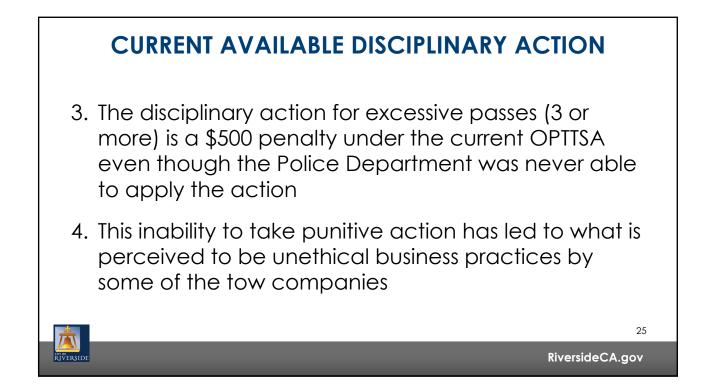


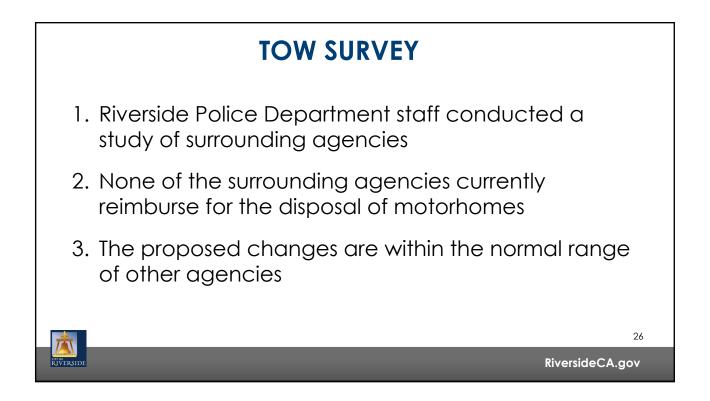


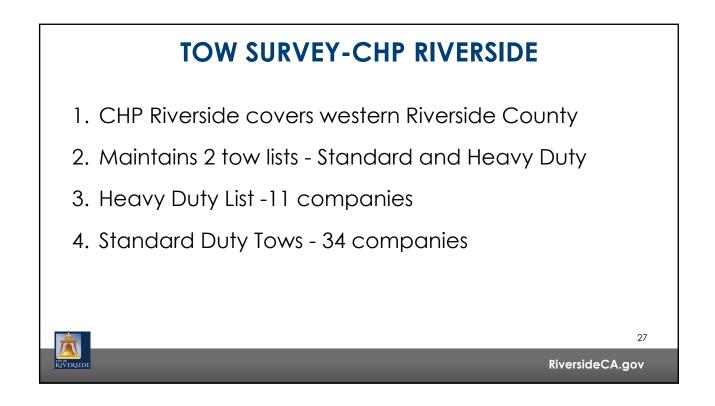


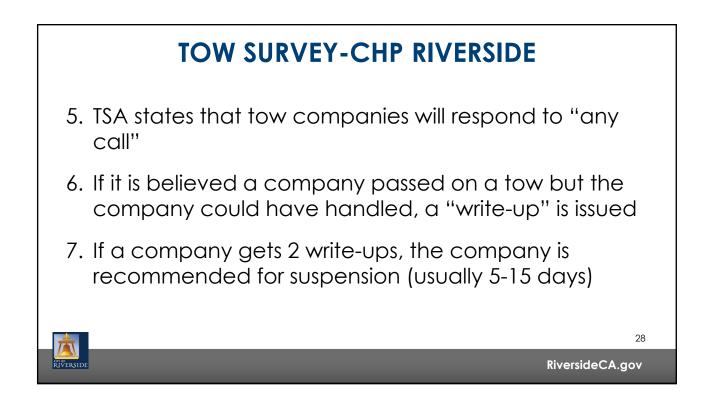


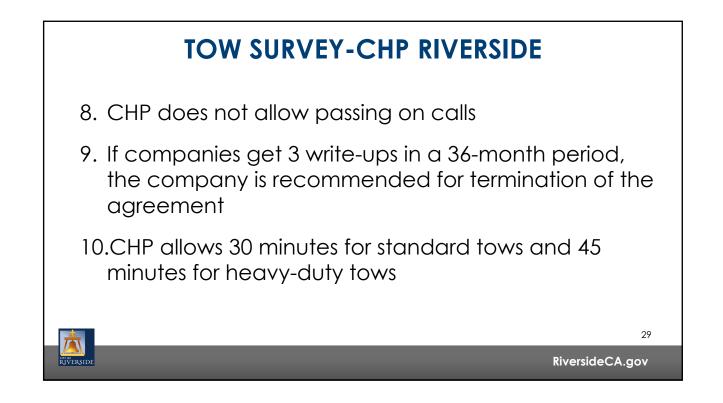


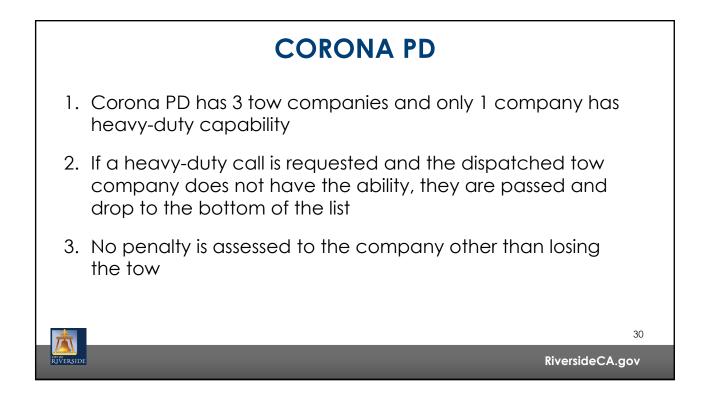


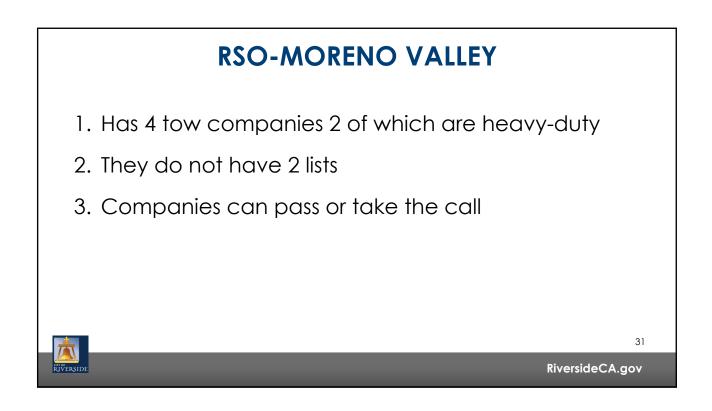


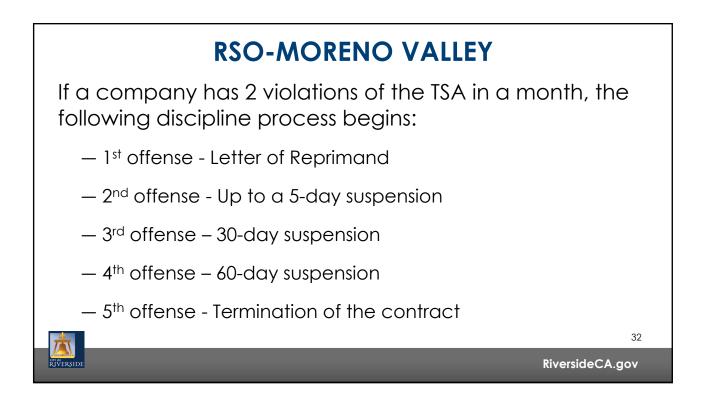


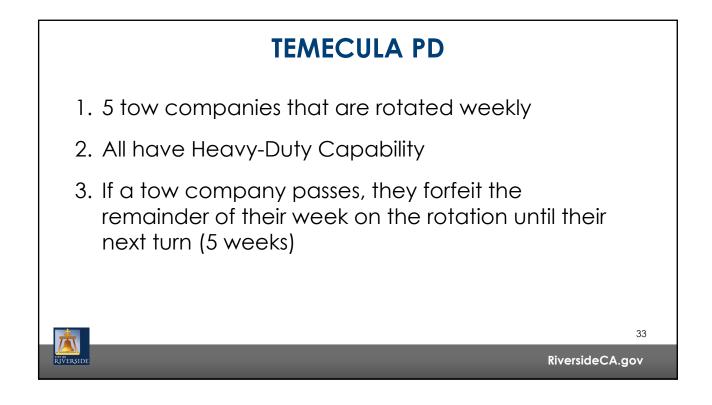


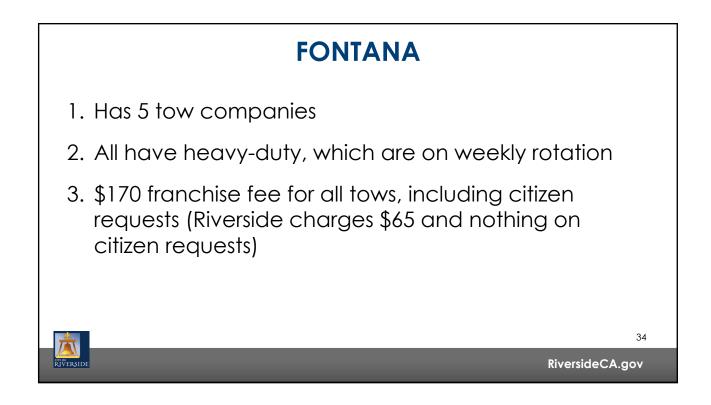


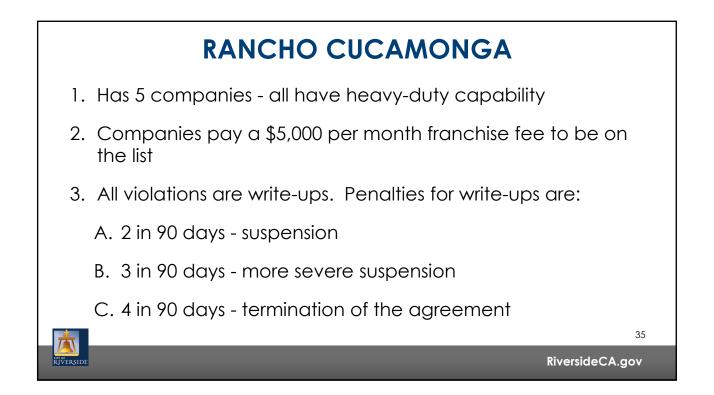


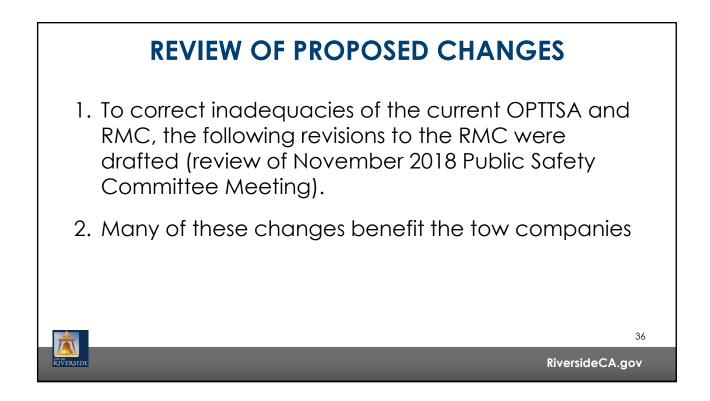


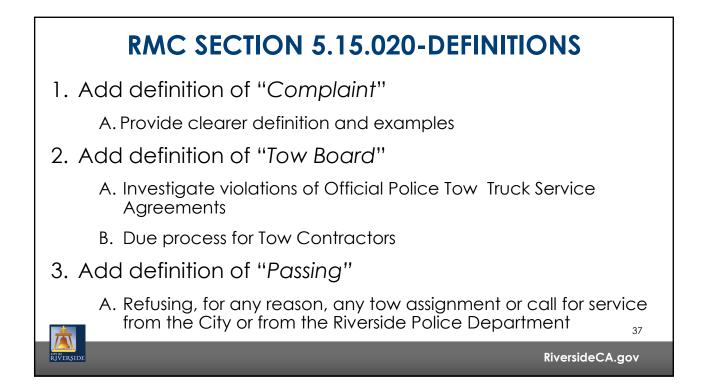


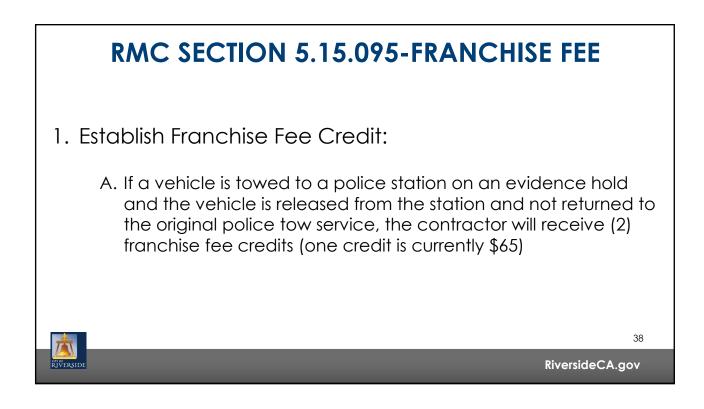


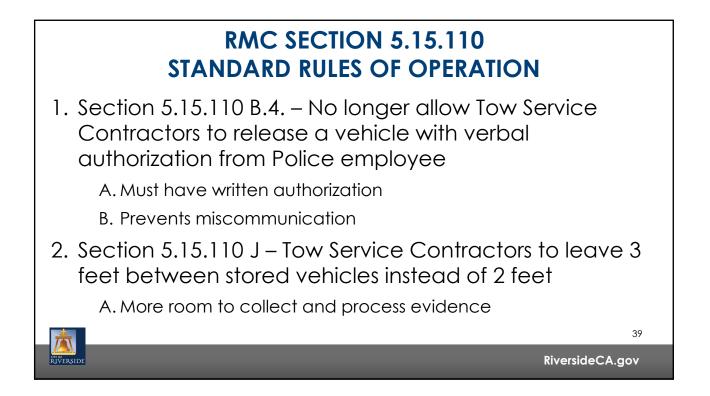


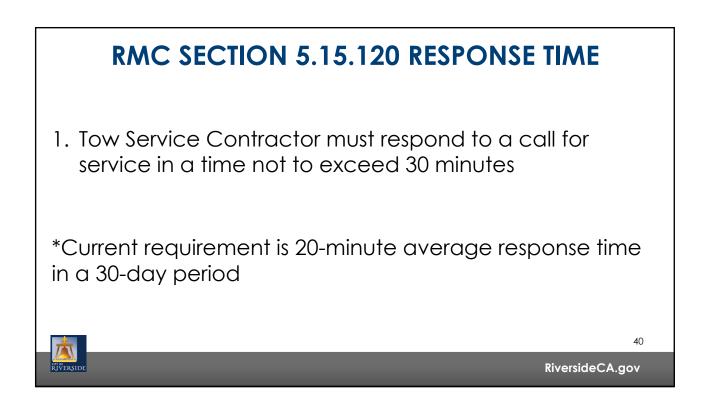












RMC SECTION 5.15.140 GROUNDS FOR CANCELLATION, REVOCATION OR SUSPENSION

- 1. Eliminate requirement for Tow Service Contractor to appear before Traffic Bureau Commander within five days to appeal a contract cancellation, revocation or suspension
- 2. Revised process outlined in Section 5.15.145 Procedure for action against official police tow service



RMC SECTION 5.15.145 PROCEDURE FOR ACTION AGAINST OFFICIAL POLICE TOW SERVICE

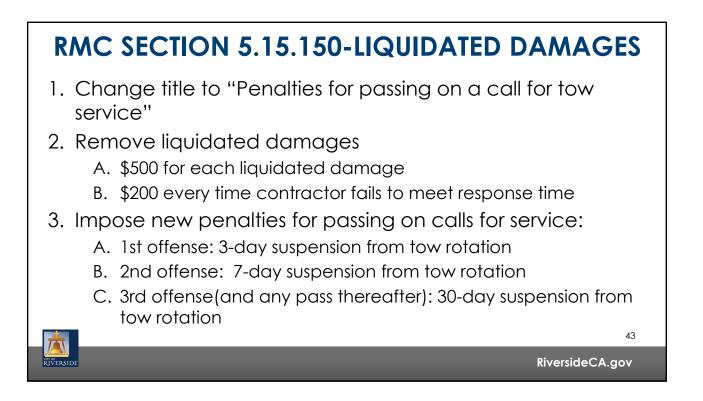
- 1. Creates a "Tow Board" as defined in 5.15.020
- 2. Board consists of Traffic Division Commander, or designee, and 2 sergeants
- 3. Provides due process for tow contractors

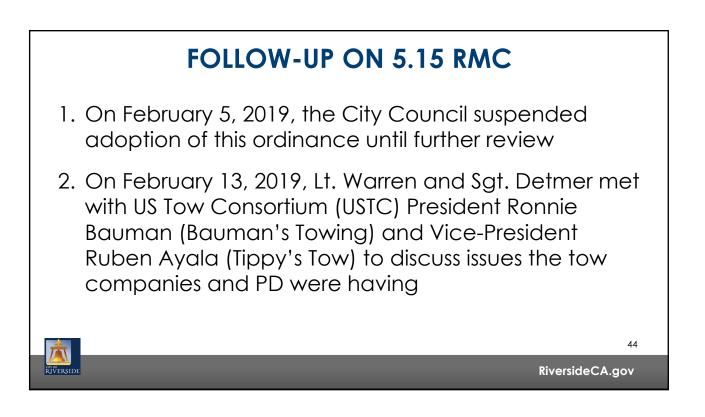
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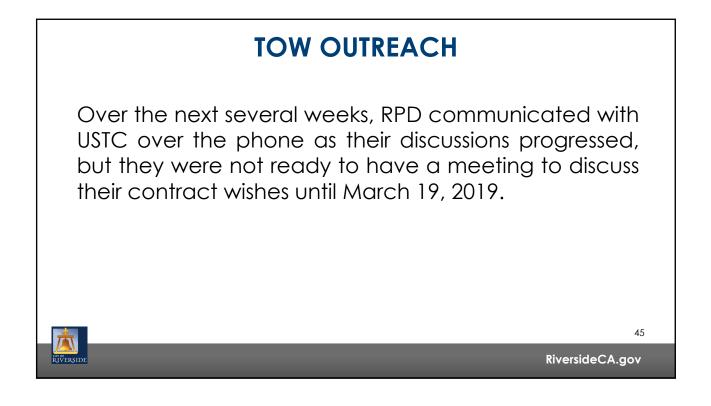
4. Provides City ability to impose disciplinary action up to and including termination of agreement

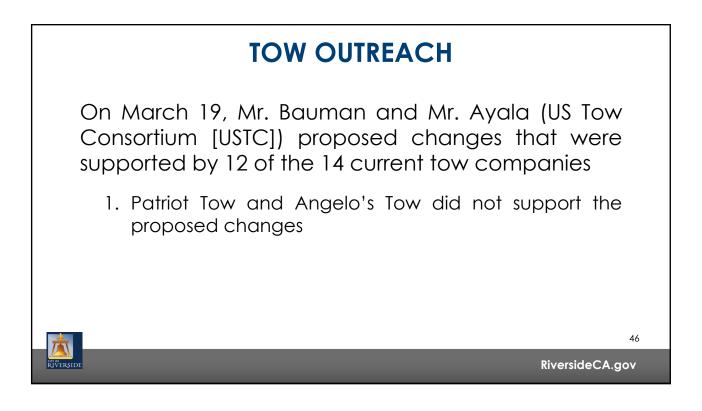
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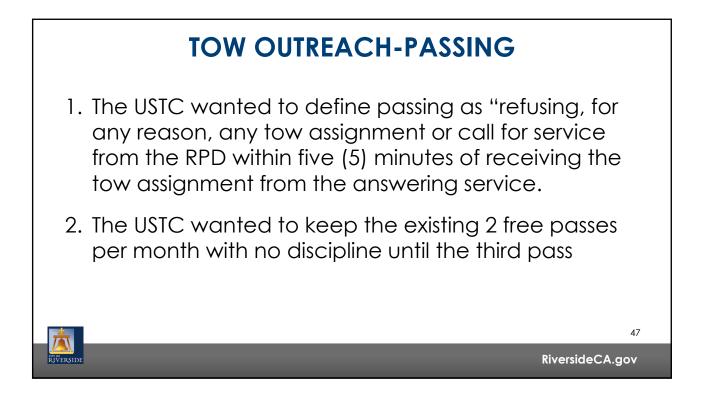
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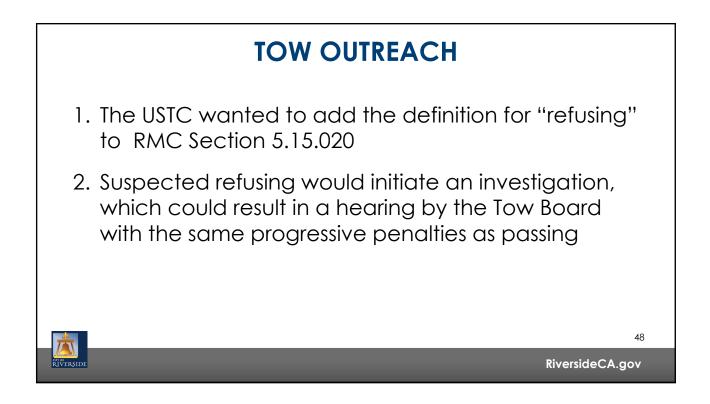


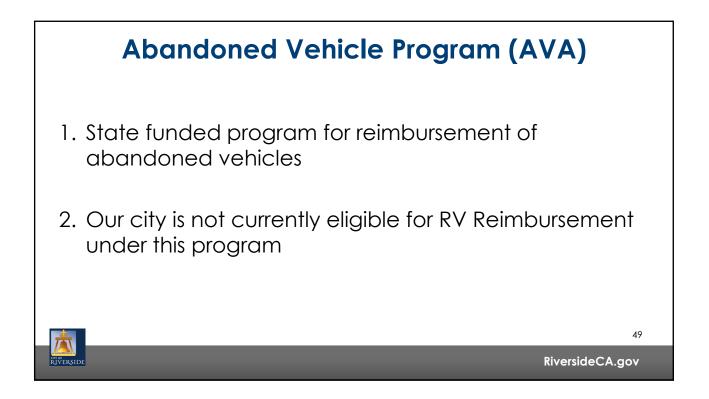








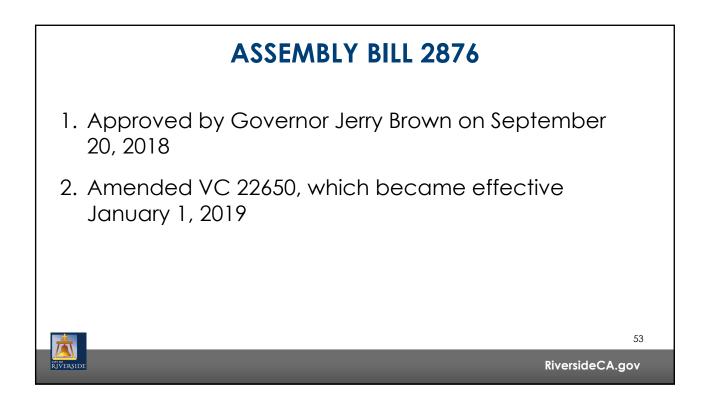


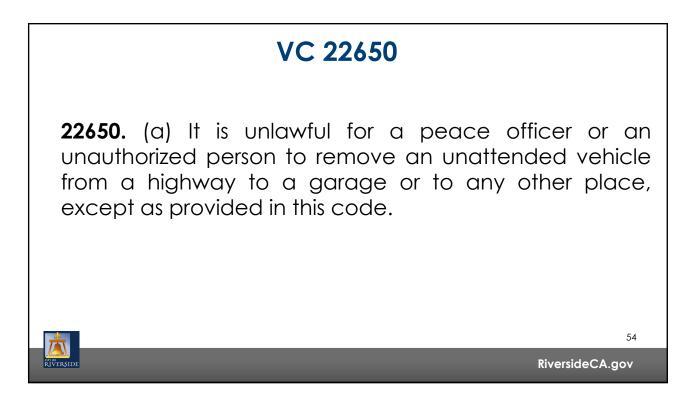


	SUMMARY OF CHANGES					
RMC AGMT	ITEM	CURRENT	PREVIOUSLY PROPOSED	TOW CONTRACTOR PROPOSED	RPD NEW RECOMMENDATION	
5.15.150	PASSING	No more than 2 passes in a month	None allowed (with 3-day, 7-day and 30- day suspension)	No more than two a month (only within 5 min of call or considered a refusal)	Three passes in 90 days will be investigated with possible 3-day, 7-day, 30- day suspensions. Refusals will go straight to investigation with possibility of suspension penalty progression.	
5.15.145	TOW BOARD	Fines cannot be imposed.	Tow Board (Lieutenant, 2 Traffic Sergeants)	Tow Board (2 RPD, 2 Tow Owners, 1 Independent Party)	Cannot allow Tow Owners on panel. Allow Lieutenant, 2 Sergeants, 1 Tow Liaison (no vote)	
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	SUMMARY OF CHANGES					
RMC AGMT	ITEM	CURRENT	PREVIOUSLY PROPOSED	TOW CONTRACTOR PROPOSED	RPD NEW RECOMMENDATION	
5.15.100	Number of tow lists	2 lists – Light/Heavy	1 List	3 lists (1 contractor wants 4) Light, Heavy, Parking, Structure	1 list with option to use other approved companies as subcontractors for heavy/special circumstance tows. Would not take place until 01/01/20.	
AGMT	Contract Term	2 years + 2 (1-year extensions)	2 years + 2 (1-year extensions)	Initially wanted 2 years + 2 (1-year extensions); now wants 5-10 years	2 years + 2 (1-year extensions)	
5.15.120	Time to arrive on call	20-minute average	Not to exceed 30 minutes	30 minutes on light tows, 40 minutes on heavy, 60 minutes from 6 p.m 6 a.m.	30 minutes for regular tow, 45 minutes for heavy and special circumstance tows.	
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SUMMARY OF CHANGES					
RMC AGMT	ITEM	CURRENT	PREVIOUSLY PROPOSED	TOW CONTRACTOR PROPOSED	RPD NEW RECOMMENDATION
5.15.095	Evidence vehicles	RPD does not compensate	Compensation of 2 franchise credits (\$130)	Regular charge for Tow and \$1 a day for storage after 30 days	\$168 (\$233 minus franchise fee of \$65) and \$1 a day for storage after 30 days
AGMT	Agmt			Consideration for tow agreement limited to businesses with 5 years experience in City	Does not agree
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VC 22650

(b) Any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution, and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence. A removal pursuant to an authority, including, but not limited to, as provided in Section 22651, that is based on community caretaking, is <u>only reasonable</u> if the removal is <u>necessary</u> to achieve the community caretaking need, such as ensuring the safe flow of traffic or protecting property from theft or vandalism.



VC 22650 The California Legislature concluded that towing a vehicle is a government seizure and all such seizures require the following: a) A warrant; or b) A tow authority AND a community caretaking exception

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VC 22650

Examples of a Community Caretaker Exception:

- 1. Preventing a hazard to other drivers;
- 2. Protecting the public from an unsafe driver; or
- 3. Preventing theft or vandalism.

