

RPD TOWING PROGRAM MEDIATION RECOMMENDATIONS

City Manager's Office

Public Safety Committee
September 18, 2019

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HOW TO BE AN AUTHORIZED COMPANY

Company selection to perform towing services for the Riverside Police Department

What we do today	Mediation Recommendation
The process is not defined and does not follow the standard RFP process for vendor selection	Issue an Request for Proposals (RFPs) for interested companies to determine the most qualified service providers
Objective:	
Bidding on RFPs for work brings balance and objectivity to the vendor selection process while also ensuring all responding companies are equally aware of the City's requirements and expectations	

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HOW TO BE AN AUTHORIZED COMPANY

Company selection to perform towing services for the Riverside Police Department

What we do today	Mediation Recommendation
The process is not defined and does not follow the standard RFP process for vendor selection	Review committee selecting the most qualified companies to include a panel of 3 members of the RPD and 2 subject matter experts from other local law enforcement agencies

Objective:

Review and evaluation of submitted proposals, selecting vendors based on input from the review team and minimize external influence on the process.



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HOW TO BE AN AUTHORIZED COMPANY

Company selection to perform towing services for the Riverside Police Department

What we do today	Mediation Recommendation
No established number of service providers – currently there are 14 contracts	Limit the total number of providers to 8 or fewer, 4 or fewer per geographic service area

Objective:

Fourteen (14) companies to cover 81.4 square miles is excessive; reducing the number of companies to eight (8) or fewer will be more efficient for the towing program and for the community.



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CONTRACT TERM

What we do today	Mediation Recommendation
Two year term with two, single year extensions	Five year term with two, five year extensions. In the event a contracted company is no longer providing service, the RPD has the discretion to coordinate with the existing providers to assume the coverage or release an RFP for a replacement service provider.
Objective: Contracting for services is a time and labor intensive process, increasing the contract term is an efficiency measure.	



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TOWING ORDINANCE MODIFICATIONS

What we do today	Mediation Recommendation
Companies agree that the City's Ordinance governing towing operations may be changed, revised, amended or otherwise modified by the City, in its sole discretion, during the term of the contract.	Any change to the City's Ordinance governing towing operations is approved by the City Council. RPD is to provide a 10-day advance email notification to all contracted tow operators advising the date and times for City Council Standing Committees and City Council meetings related to the changes to the Towing Ordinance.
Objective: Towing Service providers have requested notice to have an opportunity to speak at Council Committees and City Council meetings regarding proposed changes to the Riverside Municipal Code related to towing services in the City.	



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TOWING ORDINANCE MODIFICATIONS

What we do today	Mediation Recommendation
Changes to the Ordinance governing towing operations is applicable to the towing companies thirty days after the City provides written notice to the company.	The change to the City's Ordinance will necessitate a contract amendment for the towing agreement. Companies that do not sign and return the contract amendment within 30 days of receipt will forfeit the remainder of the agreement term.
Objective:	
When the towing service requirements are changed by Ordinance, a contract amendment will ensure all towing service providers are aware of and agree to the revised regulations.	



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COVERAGE AREAS

What we do today	Mediation Recommendation
The City is geographically separated into two service coverage areas	Keep this the same
All contracted towing companies are separated into the two service coverage areas	Keep this the same
Objective:	
The two service area system works to retain the low response times.	



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ROTATION LISTS

What we do today	Mediation Recommendation
Each of the two service coverage areas has two lists – one for light duty and one for heavy duty	Each of the two service coverage areas to have a single list for all service needs

Objective:

The municipal code and previous towing agreements include the requirement for every company to have the ability to provide all towing services. Removing the informal exceptions to this requirement is needed to effectively operate the program and serve the community.



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ROTATION LISTS

What we do today	Mediation Recommendation
Towing Companies subscribe to a phone service which takes the towing request from RPD Dispatch and turns those into phone calls to towing companies based on service area, the Heavy or Light lists , and the rotation schedule. RRD does not know the location of all tows until the next business day after the phone service and towing companies provide a daily list of vehicles and locations.	Police Dispatch to have a single list for both coverage areas. Police Dispatch to call the company for the service.

Objective:

The current system is not effective for RPD or the community. Police Dispatch records of the tow and location will improve service.



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ROTATION LISTS

What we do today	Mediation Recommendation
All contracted towing companies rotate equally through the calls for service.	Each of the two service coverage areas to have scheduled weeks for companies to provide services for the full week
Objective:	
Scheduled weekly service providers will provide RPD Dispatch with timely information on the location of each RPD requested tow.	



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ROTATION LISTS

What we do today	Mediation Recommendation
All contracted companies are required to have three units available for the City 24/7	Only the designed service provider for the week is required to have three units available for the City 24/7
Objective:	
Towing Service providers can streamline operations to meet the weekly service needs vs. the current requirements.	



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PASSING

What we do today	Mediation Recommendation
Passing is defined as refusing, for any reason, any tow assignment or call for service from the City or from the Riverside Police Department.	Passing is refusing, for any reason, any tow assignment or call for service from the City or from the Riverside Police Department. Special circumstances due to excess Police calls for service in the coverage area do not authorize a Pass but are permitted to negotiate acceptable response time.
Objective:	
Passing on a request is disruptive to RPD and to the Community. Passing will result in the loss of the current and the loss of the next assigned towing week. Additional passes to result in contract suspension and/or termination of the contract.	



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TOW REFERRAL OR FRANCHISE FEE

What we do today	Mediation Recommendation
The company shall pay monthly to the City during the term of the agreement, a per tow fee (City Council adopted Fee is \$65)	Monthly franchise fee as determined by City Council
Exemption of the Fee for a Low Valued Vehicle	
Exemption of the Fee for a valid request for towing service by a current AAA member (or other officially recognized auto club) where Contractor is under contract with said club to perform the requested towing service;	
Exemption of the Fee for a valid request for towing services from the private citizen driver or owner of the Vehicle who, prior to the tow, requested the services of a specific Contractor or other non approved towing service	
Objective:	
To provide a standard, equal fee for companies to provide towing services for RPD	



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TOWING RATES

What we do today		Mediation Recommendation																																									
Tow Rates Effective January 21, 2015 City of Riverside Approved Vehicle Towing Rate Schedule		Police Department to update the Tow Rates every two years, using with rates from other local jurisdictions, to establish rates for Riverside customers																																									
Objective:																																											
RPD to update costs for services that are in the middle of the range respective to surrounding jurisdictions.																																											
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Note: The rates on this slide are from 1/21/15, a revised rate study was not done as part of this effort																																											



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HOLD TOWING & STORAGE

What we do today	Mediation Recommendation
<p>"HOLD" is a designation from RPD to a towing company for a level of care above that generally accorded to stored or impounded vehicles. "HOLDS" expire ten calendar days after the date of the tow, unless otherwise extended by a Police Department employee. Companies are not compensated for towing "hold" vehicles.</p>	<p>Holds do not automatically expire. RPD to retain full responsibility of the designation. In circumstances that the vehicle owner is not responsible for paying the towing and storage fees, RPD to compensate the towing company for the service based on the tow rate established for Riverside customers and to pay \$1 per day/after 30 days, for storage fees.</p>
Objective:	
RPD is responsible for the "hold" status of the vehicles requested for this designation. Towing Companies to be compensated when performing the service.	



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HOLD TOWING & STORAGE

What we do today	Mediation Recommendation
Every official police tow service shall provide written notice to the Traffic Bureau Commander or his designee whenever a vehicle with a "HOLD" is stored in excess of 72 hours. Failure to provide written notification to the Traffic Bureau Commander or his designee shall result in forfeiture of official police tow service's right to storage fees	RPD is responsible for releasing the Hold designation of the towed vehicle. The company is not responsible for reminding RPD about the number of hours RPD has permitted the vehicle to be in a Hold designation.
Objective:	
RPD is responsible for the "hold" status of the vehicles requested to have this designation. Towing Companies to be compensated when performing the service.	



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IMPOUND/EVIDENCE TOWING & STORAGE

What we do today	Mediation Recommendation
If a vehicle is initially towed to a police station on an evidence hold and the vehicle is subsequently released from the station and not returned to the official police tow service, the City shall give that official police tow service two per tow fee credits (\$130)	Police department to pay the company the tow rate established for Riverside customers
Objective:	
Payment to companies for the same rates is compensation for services rendered	



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IMPOUND/EVIDENCE TOWING & STORAGE

What we do today	Mediation Recommendation
Currently the City does not pay Companies for the storage of impound/evidence hold vehicles	Police department to pay the company \$1 per day/after 30 days, for storage of the vehicle

Objective:

Nominal payment for storage fees will help reduce the impact on the business and is expected to reduce the number of days impound/evidence hold vehicles are stored at the businesses.



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TOWING POLICE DEPARTMENT VEHICLES

What is in the Contract today	Mediation Recommendation
Towing service for RPD vehicles inside the City limits is \$116 Towing service for RPD vehicles outside the City limits is \$168 plus mileage @\$2.25 per mile from portal to portal	Remove all mention of this service from the contract – there is a separate contract for the towing of City vehicles, including those for RPD.

Objective:

Clean up the contract language.



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REMOVAL AND DISPOSAL OF NO VALUE MOTORHOMES

What we do today	Mediation Recommendation
Only the heavy duty companies are accepting the service request to remove and dispose of no value motor homes	The single list system requires companies to provide all services upon request, including the removal and disposal of low value motorhomes/trailer.

Objective:

The current system allows for the no-value motorhome tows to be borne by a minority of the towing service providers. The requirement for all companies to be on a single list with provide equity amongst the companies.



* Low Value Vehicles as defined by CVC §22670, §22851.2 & §22851.3

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REMOVAL AND DISPOSAL OF NO VALUE MOTORHOMES

What we do today	Mediation Recommendation
The company is not compensated for the towing or disposal costs	The City will pay the company \$1,500 for the towing and disposal of a low value motorhome/trailer upon confirmation of destruction.

Objective:

The removal of no value motorhomes most often results in no fees collected for the work, no value for resale, very little to no value for scrap plus processing, destruction, and disposal fees. City needs the service and companies should be paid for services rendered.



* Low Value Vehicles as defined by CVC §22670, §22851.2 & §22851.3

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RESPONSE TIME

What we do today	Mediation Recommendation
Response time is defined as the elapsed time between the relaying of the tow service request to the answering service and arrival of the tow vehicle on the scene.	Response time is defined as the elapsed time between the relaying of the tow service request from RPD Dispatch to the towing company and arrival of the tow vehicle on the scene.
Maximum response time for any single request for tow service by the Police Department shall not exceed 30 minutes.	Light duty or regular tow shall not exceed 30 minutes; heavy and special circumstance tows shall not exceed 45 minutes.

Objective:

To provide fair treatment to the service providers, the officers, and the community.



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AUTHORIZED DRIVERS

What we do today	Mediation Recommendation
Companies shall submit a driver information form on all employees hired to drive for the OPTS. The form shall be submitted to the Police Tow Coordination with five days of employment. Forms should be completed for all employees who will be interacting with the public and/or anyone with a financial interest in the company. Employees shall submit to a criminal history records check and provide fingerprints.	All tow truck owners and tow truck drivers shall submit to a criminal history records check and must provide fingerprints via Live Scan as part of the application process as they are subject to RPD review (CVC 2432.3, criminal history checks for towing employees). RPD to process authorized drivers applications within 14 days of receipt of the Department of Justice reports from the fingerprint scan.

Objective:

It has been reported that driver approval takes too long and impacts recruitment – recommendation is to base the response on the required external DOJ fingerprint report.



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AUTHORIZED DRIVERS

What we do today	Mediation Recommendation
There is not a clear process established for consequences for companies found to be using unauthorized drivers.	Complaints or allegations regarding the use of an unapproved driver will result in an immediate suspension pending the investigation. If the investigation determines the company used an unapproved driver, the contract will be cancelled.
Objective:	
The Towing service requirements for approved drivers are to meet operational needs and for community safety.	



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VEHICLE RELEASE

What we do today	Mediation Recommendation
The Police Department may authorize the release of impounded vehicles, personal property from impounded vehicles, or vehicles with Police Investigative Holds.	Tow Service Contractors to release a vehicle under written authorization from Police employee only - no verbal authorizations allowed
Objective:	
Documentation of the release for towing company and RPD records	



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INSIDE STORAGE

What we do today	Mediation Recommendation
Official police tow service shall have a secure and environmentally safe vehicle storage facility with a minimum of 15,000 usable square feet with a minimum of three feet separation between each vehicle.	Upon request from the Police Department, vehicles must be able to be placed into a secure and environmentally safe vehicle storage facility with a minimum of 15,000 usable square feet with a minimum of three feet separation around each vehicle.

Objective:

To allow companies the option to use inside storage facilities for other business needs until receiving a request from RPD for the need.

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INSIDE STORAGE

What we do today	Mediation Recommendation
The vehicle storage facility shall have adequate lighting, and comply with all applicable building codes, zoning regulations, environmental laws and regulations, and any and all the applicable laws, rules and regulations established by federal, state, county and/or city governments.	The storage facility is not required to remain empty at all times as it is understood that the facility will be immediately made available upon request from the Police Department.

Objective:

To allow companies the option to use inside storage facilities for other business needs until receiving a request from RPD for the need.

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INSIDE STORAGE

What we do today	Mediation Recommendation
The vehicle storage facility must have adequate storage facilities to provide storage of two vehicles within an enclosed area, totally protected from the weather, contamination or handling by unauthorized person(s).	The Police Department retains the right to bring any additional security devices for evidence hold vehicles.
Objective:	
To clarify that any additional security devices desired for evidence hold vehicles is permitted with RPD responsible for the devices.	



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REPORT SUBMISSION

What is in the Contract today – Recommendations as noted
<p>All official police towing services to submit daily (except holidays) electronic tow inventory information as directed by the RPD Towing Contract Administrator a monthly report to the Chief of Police and Finance Director, which shall include the following:</p> <ol style="list-style-type: none"> 1. Total police impounds; 2. Number of times dispatched by Riverside Police Department; 3. Number of these calls resulting in impounds; 4. Number of vehicles sold on lien sale under authority of Section 3072 Civil Code, and reporting said lien sales as per authority of Section 22705 CVC; 5. Number of vehicles sold under authority of Section 3073, Civil Code; 6. Names and addresses of buyers and description of vehicles when sold; 7. Number of calls answered in which time beyond one hour was required to handle. <p>In addition to the annual audited income statement and monthly report required by RMC §5.15.095, the company shall submit daily (except holidays) an electronic tow inventory form to the Contract Administrator</p>
Objective:
RPD has a business need for the daily information related to all RPD towed vehicles.



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GROUNDINGS FOR CONTRACT SUSPENSION OR CANCELLATION

What we do today – No Changes Recommended

The contractual agreement shall be subject to cancellation, revocation or suspension by the Riverside Police Department either as a whole or as to any person or vehicle described therein. The procedure for such cancellation, revocation or suspension is set forth herein as Section 5.15.145. The contract can be revoked, cancelled, or suspended for any of the following reasons:

- A. Nonpayment of any City business license fees or other fees provided in the contract or by the Riverside Municipal code;
- B. Breach of any rules, regulations, or conditions set forth in the contract or the Riverside Municipal Code;
- C. For the violation of any federal, state or local law by the contract holder, any person having any ownership interest in the official police tow service or any employee of the official police tow service;
- D. For failure to maintain a satisfactory level of service to the police or public;
- E. For failure to keep any such vehicle in safe condition and good repair;
- F. For failure to use distinctive coloring, monogram, or insignia;
- G. For any deviation from the schedule of rates set forth in the contract;
- H. Passing on a tow assignment three or more times in any calendar month. "Passing" is defined as refusing, for any reason, any tow assignment from the Riverside Police Department.
- I. For any cause which the Riverside Police Department finds makes it contrary to the public interest, convenience, necessity, or general welfare for the contract to continue.

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TOW BOARD

Not in the contract today – Previous agreement with RPD and Towing Companies – Minor Changes Recommended

Tow Board means a board which shall consist of the Traffic Bureau Commander or his or her designee, and two additional Police Sergeants, excluding the Traffic Bureau Administrative Sergeant, each of whom shall be designated by the Chief of Police.

The Tow Board shall enforce the Riverside Municipal Code, the Official Police Tow Service written agreement with the Riverside Police Department, and regulations as they apply to the Official Police Tow Service.

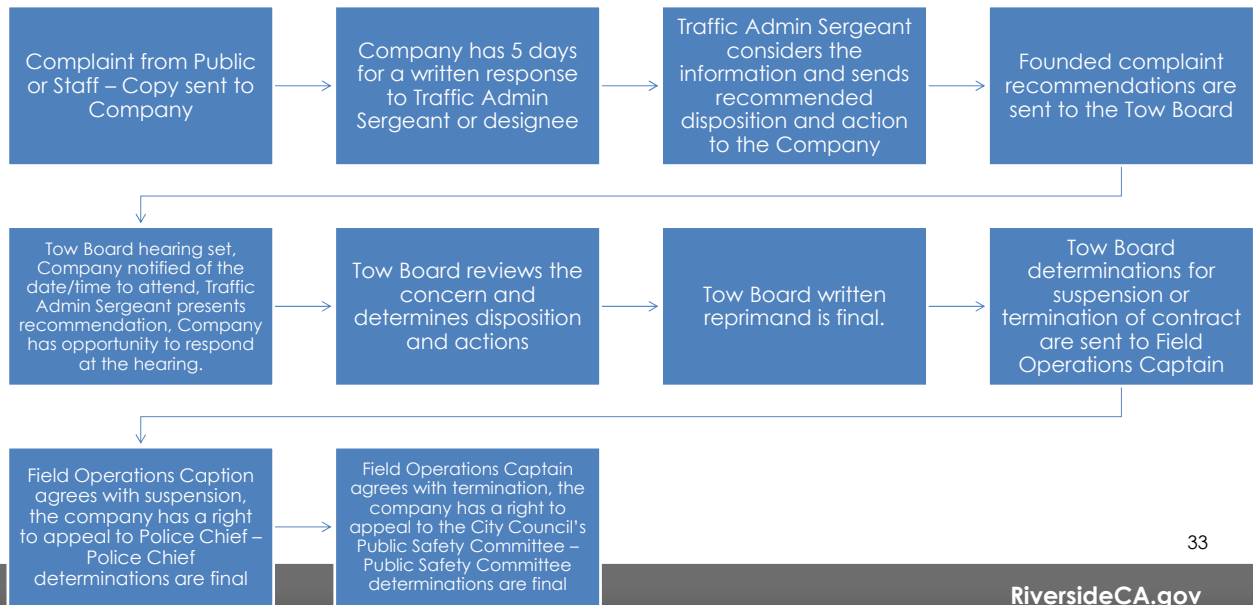
The Tow Board shall hear evidence from all parties and make a ~~disposition and disciplinary action~~ determination regarding complaints of misconduct, contractual violations, and violations of law concerning the Official Police Tow Service (~~contract status~~).

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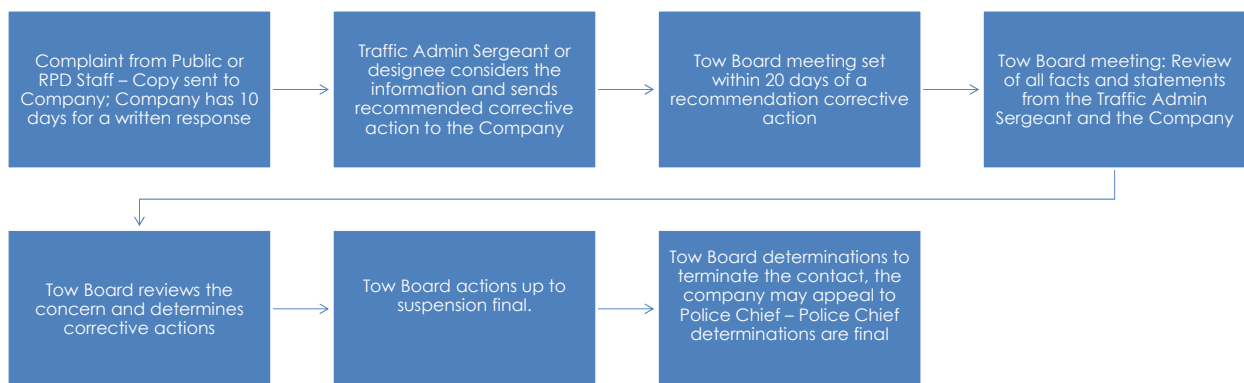


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CURRENT PROCEDURE FOR ACTION AGAINST A COMPANY



RECOMMENDED PROCEDURE FOR ACTION AGAINST A COMPANY



RECOMMENDATIONS

That the Public Safety Committee:

1. Consider the recommendations for changes to the Riverside Police Department's Towing service program; and
2. Advise staff on the next steps for changes to the Riverside Police Department's Towing Service Program.



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