

MINUTES COMMITTEE MEETING
REYNOLDSBURG PUBLIC SAFETY, LAW AND COURTS COMMITTEE
May 29, 2018

Chairman Marshall Spalding called the meeting to order at 7:38 PM

Call to Order - Roll Call

PRESENT: Spalding, Baker, Bryant, Skinner, Joseph

ABSENT:

Approval of Agenda

Agenda stands approved.

Approval of Minutes

a. Public Safety, Law and Courts Committee – Committee Meeting – May 14, 2018

RESULT:	ACCEPTED
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NEW LEGISLATION/DISCUSSION ITEMS

ORDINANCE ENACTING SECTION 305.10 ARREST OR CITATION ON RADAR, TIMING DEVICE OR RADIO MESSAGE FROM ANOTHER OFFICER OF CHAPTER 305 TRAFFIC CONTROL. --- Spalding, Public Safety, Law and Courts Committee.

Mr. Mosaic: This is a tool that we'd like to give to our officers. If you go back to our 2018 goals and objectives, one of them was to quickly identify and respond to crime and traffic complaints here in the city. Traffic law enforcement has multi purposes, one of those is part of our crime reduction strategy. So this enables our officers to work in concert together and call off violations which is a common practice. It is mirrored after a state code and several suburban ordinances its one more tool to allow them to effectively do their job. Any questions, I'd be happy to answer.

Mr. Skinner: Thank you Mr. Mosaic, my first question is, is this something that other communities around central Ohio or around the state have implemented?

Mr. Mosaic: Yes, like I said there is a corresponding state ordinance and I know in the city of Worthington, we had one verbatim where it allowed our officers to work in pairs or tandem. Sometimes an intersection is not conducive to working one officer enforcement. So one would observe the violation and call it off to another officer who would stop and issue the citation.

Mr. Skinner: I do have a couple of questions for our City Attorney, Mr. Hood. Regarding the defense of this going to court, the first one would be what we refer to as the confrontation clause, being able to confront your accuser. My concern is that the accuser would be the one, the officer that clocks the speeding violation, not the officer that actually issues the citation. Have we had any issues with that in any of the other communities that you're aware of? Or what would be your stance on that Mr. Hood.

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Mr. Hood: I would subpoena them both to testify. I don't know what the problem is.

Mr. Skinner: So they would both testify?

Mr. Hood: If necessary.

Mr. Skinner: Is there something on the citation then that says which officer witnesses the violation and which one issues the citation?

Mr. Hood: Yes.

Ms. Bryant: If I'm reading this correctly, and I might not be, but it appears your asking for an officer to be able to detain somebody that's pulled over for speeding. Is that correct?

Mr. Mosaic: The wording is arrest or citation. If its an arrest able offence, then the officer would have the authority to arrest based upon observations of the radio message. It depends on the level of violation, lets say an OVI. The officer witnesses a speeding violation or a lane violation, calls it off to another officer who stops the individual based upon that officer's contact and evaluation can take it further.

Ms. Bryant: So essentially anything other than a minor misdemeanor, you're asking for someone to be detained.

Mr. Mosaic: Well, you're looking at a minor misdemeanor and ***** if I'm correct, a traffic violation is at minimum detainment for the purpose of issuing a citation and it does not go to the extreme of an arrest, it is merely detainment for a traffic violation.

Mr. Hood: To be more precise, this mirrors the Revised Code. So the language that we're trying to enact in the city ordinance gives us the ability to write city ordinances with this tool. The officers have this tool to write under the state code presently, so this ordinance is a mirror reflection of the revised code as it currently stands. So we're not asking for anything additional other than the ability to write these violations in tandem under our city code. Violations under our city ordinances.

Mr. Baker: When I was reading this, this like just keeps popping out at me, says may be arrested until warrant can be obtained or issues. So it can be something that is very minor but you can say, and I might be wrong, but you can say we're going to arrest you until a warrant is issued to search your car because you won't consent to allow us to search your vehicle or whatever that might be.

Mr. Mosaic: The officers would continue to respect the Constitution of the United States and the laws that permit an arrest when appropriate, or a citation. We would not arrest someone that would be in violation of state law or this ordinance. You cannot arrest for a minor misdemeanor, but you can arrest for a m4 and detain an individual until you obtain a warrant which would be common practice.

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We routinely make warrant less arrests until a warrant is obtained, but we would not use that as any type of pretext to search a car. Our ethical code would not permit such an act.

Mr. Spalding: Jim, could you give us some examples. I think if we could have some real life examples, that might make it a little clearer.

Mr. Mosaic: Sure, I can tell you that where I came from, we had a problem on State Route 315 with fatal accidents. So we had an aggressive traffic enforcement for a period of time. One officer would sit upon a turn around and use a laser to call off the speeds to a group of officers on the road way. Those officers acted just as if they would have clocked the cars themselves. They stopped the car, they issued either a warning or a citation based upon the radio message. There was nothing done differently or unique except one other officer observed the violation and called it off. Then if the citation was contested, both officers would be subpoenaed into court to testify. The other example is when the highway patrol uses an airplane to clock cars, they radio it to officers on the ground to make the stop and we do it exactly like we would if we clocked the car. It just gives us another tool to set up where sometimes one person working alone isn't able to function efficiently. But there is nothing different or out of the ordinary, the only difference is an officer is calling off the violation.

Mr. Spalding: Can you give us an example of an arrest. I think we got the speeding and citation business, I think we got that, but I'd like to know what an arrest, waiting for a warrant, what would they have had to have done. Give us an example.

Mr. Mosaic: Let's use an officer calls off a speeding violation, another officer stops the vehicle, notices an odor of alcohol, you have your probable cause stop as the speeding violation. The officer who stops the car conducts his normal investigation based upon the stop and effects an arrest based upon probable cause for OVI. He takes the defendant into the station, processes them and charges him as such either summons him from the station or transports to jail. Once you transport him to jail, you clerk the warrant at that stage, so it's a procedural..

Mr. Spalding: Just like he would have done if he was the only officer there and pulled him over under normal circumstances. The same procedure would have happened either way, the only difference here is someone called him and told him to go after that particular person.

Mr. Hood: Another sworn officer, not someone, another officer that witnessed it themselves.

Mr. Spalding: Right, that's what I mean, another officer called him to tell him that's the person to..

Mr. Hood: Correct.

Ms. Bryant: If the language is exactly what we have in the ORC, is there a reason why we need this as a City ordinance that I'm missing?

Mr. Hood: This gives us the ability to summons them to Mayors Court under our city ordinances.

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Ms. Bryant: As opposed to being charged down to Franklin County.

Mr. Hood: Under state code.

Ms. Bryant: Ok.

Mr. Skinner: This might be a little annoying for you Mr. Hood, but how is this different from say the traffic light cameras that were present in Central Ohio a few years ago.

Mr. Hood: We have live officers observing the violations.

Mr. Skinner: As opposed to cameras and then an officer issuing the citation after looking at the cameras.

Mr. Hood: Civilian employees generally, but yes. I guess the classic example that comes to my mind and maybe this is me just going back and forth to the court house, on 70, CPD freeway patrol does this a lot. Where you see multiple cruisers all together and one guys running gun, using the laser device or using a radar device and another officer pointing you over there, and then another officer, you over there, so instead of just getting one person violating the law, we have the ability to get more, theoretically making the roads safer and traffic enforcement is a viable crime fighting tool. We find other crimes because of traffic enforcement. So that's one reason I'm in favor of it.

Mr. Mosaic: My philosophy is local problems should be handled locally in the community. So I want to see these cases have the opportunity to come to Mayors Court where they can be addressed locally instead of sending them down to municipal court.

Mr. Baker: What is the change. I mean, is this just something that would be more effective to do? Because for years, it has been going down town and I just wondered why the change.

Mr. Hood: No, we've never utilized this before as a tool.

Mr. Baker: So like OVI cases and stuff, you've always taken care of here, you've never sent them downtown?

Mr. Hood: You're misunderstanding me. We've never used the tandem technique that Mr. Mosaic is advising the Police to use. But this would give us the ability to use them under city codes and now we have a motor unit that is dedicated to traffic enforcement and crash prevention, I foresee them using this quite a bit.

Mr. Baker: Only reason why I battle back and forth with this, I am for safety and I want the police force to have the best available resource too, but due to life experiences, sometimes stuff like this can be used in the wrong fashion. Oh I pulled you over for speeding or your license was expired and in reality it wasn't, however, by being pulled over, this can be kicked in, I think there is more too it,

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I'm going to hold you, arrest you until we get a search warrant to find more stuff. I just want to make sure this isn't one of those I got you moment things.

Mr. Mosaic: Mr. Baker, I can assure you that Chief Plesich and myself take our oath of office and hold it to the highest extreme and we will hold our officers within our agency to the highest extreme and if anyone violates our core values or violates the rights of any citizen in this community, they will be held accountable. This is not an attempt to violate the civil rights of any person. This is an attempt to enhance the public safety of our community that we take an oath to serve and I assure you, and I think I speak for the Chief, at no time will our officers engage in anything less than proper ethical behavior.

Mr. Baker: I just wanted to say first of all I'm glad to hear that, but I just wanted to make sure, like I said, from where I come from, I've seen first hand what abuse of power can be and I've had friends that have gone through stuff like that so I want to make sure that I know you said...

Mr. Mosaic: *** Commitment as a law enforcement professional that, that type of behavior will never be tolerated in the Reynoldsburg Division of Police and if it is discovered Chief Plesich and I will make sure that is dealt with.

Mr. Luzader: One point of clarification and if I understand Mr. Hood correctly, and even Mr. Mosaic, we have the ability to do this now under state code.

Mr. Hood: If we choose yes.

Mr. Luzader: We just want to put it in Reynoldsburg Revised Code so we can handle it here in house basically.

Mr. Hood: Yes.

Mr. Spalding: We're not handling it here, were sending it downtown. We might as well do it in house.

Ms. Bryant: Do you envision, you use the OVI example, do you envision this ordinance being used primarily sort of in that situation?

Mr. Mosaic: I view it as being used as part of the bigger crime reduction strategy in the city. Traffic law enforcement has several components to reduce traffic crashes, specifically injury accidents. Also data driven approaches have demonstrated that aggressive highly visible traffic law enforcement in areas that are experiencing crime problems has a positive effect on reducing crime in that area. But its all based upon data driven approaches and where the crimes are occurring as in most people drive to the crimes. So we use it as another tool to look a the big picture and address problems that we're having in the community.

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Ms. Bryant: And so this would allow the original officer that pulls someone over to depart and allow another officer to stay behind and...

Mr. Mosaic: No, it would allow the officer who observes the violation to radio to another officer to make the stop.

Ms. Bryant: To look ahead and hey are you on the corner of so and such and..

Mr. Mosaic: There's a red Toyota 4Runner license plate XYZ west bound coming towards you, I clocked it at 50 in a 35.

Ms. Bryant: Thank you.

Mr. Skinner: I would just like to say thank you for all that you do. I know that all of us here appreciate the work that you put in and that first responders are very near and dear to my heart personally, so thank you again for all of your hard work.

Mr. Mosaic: I appreciate it and any further questions you can contact me directly. You can even come out and ride with an officer and we'll give you an example of how it would work.

Ms. Bryant: Mr. Hood, you mentioned that there are some other cities in the area that are using this, which ones?

Mr. Hood: Off the top of my head, I can't remember. I will find that out for you, but I know Columbus does, I know Worthington does where Jim comes from, I believe Bexley is another one but I'll find out for you.

Ms. Bryant: ok, thank you.

Mr. Spalding: I appreciate it as well because this ties to your objective, you sent us what your goals and objectives were for this year as a department and you're already starting to initiate things to meet those objectives so we appreciate that because its kind of like in the theme of what it is we're trying to do. We can't meet objectives if you aren't starting to do things to get there so I appreciate that. Any further discussion from Committee? Council?

RESULT:	REFERRED TO COUNCIL [UNANIMOUS]	Next: 5/29/2018 8:00 PM
MOVER:	Marshall Spalding, Chairman	
SECONDER:	Stacie Baker, At-Large Councilmember	
AYES:	Spalding, Baker, Bryant, Skinner	