



City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** December 2, 2008
FROM: CHIEF OF POLICE **ITEM NO:** 13
 FIRE CHIEF
 CITY ATTORNEY
WARD: ALL

SUBJECT: PROPOSED AMENDMENT TO THE RIVERSIDE MUNICIPAL CODE ESTABLISHING LIABILITY FOR MAKING A FALSE REPORT OF AN EMERGENCY OR OF A CRIMINAL OFFENSE AND FOR EXTRAORDINARY POLICE SERVICES OR RESPONSES

ISSUE:

The issue presented for consideration by the City Council is whether to amend the Riverside Municipal Code in order to establish liability for making a false report of an emergency or of a criminal offense and for extraordinary police services or responses to a business or property including the payment of the City's actual public safety response costs.

COMMITTEE RECOMMENDATION:

That the City Council:

1. Introduce and adopt the attached ordinance establishing liability for making a false report of an emergency or of a criminal offense and for extraordinary police services or responses; and
2. Direct Staff to report back to the Public Safety Committee in six months as to the operation and effectiveness of the ordinance.

BACKGROUND:

The false reporting of an emergency or of a criminal offense unreasonably diverts vital and limited public safety resources including police, ambulance and fire safety services. Owners and/or occupants of certain businesses and properties utilize a disproportionate amount of public safety resources thereby unreasonably diverting these vital resources from other parts of the City. Certain businesses and properties require extraordinary police services in response to criminal and/or nuisance activities associated with the use and/or occupancy of the business or property.

The purpose of the proposed ordinance is to hold owners and occupants of certain businesses and properties responsible for the extraordinary police services or responses caused by criminal and/or nuisance activities associated with these properties and to deter or prevent future extraordinary police responses to these businesses or properties. The purpose of the proposed ordinance is to also recover all of the costs expended in responding to and investigating false reports of an emergency or other criminal offense.

Under the proposed ordinance:

- “Extraordinary police service or response” is defined as the response of three or more police officers and a supervisor to a single emergency response or the second emergency response to the same business or property within a 30 day period, or the third emergency response to the same business or property within a 90 day period.
- The owner and/or occupant of the business or property shall be liable for the cost of the extraordinary police service or response.
- The cost of the extraordinary police service or response shall be calculated based upon the actual cost, both direct and indirect, in providing the extraordinary police service or response.
- An owner or occupant who is an individual person and is the victim of a crime shall not be liable for the extraordinary police service or response related to that crime.
- Whenever the Police Department first provides an extraordinary police service or response to a particular business or property, the Chief of Police may require the owner or occupant to provide the Chief of Police with a written plan for improving the security and safety of the property or the operation of the business.
- Every person who makes a false report of an emergency or of a criminal offense shall be liable for all the City’s actual costs, both direct and indirect, and the expenses investigating and/or responding to the false report.

Over the past year, the City has seen a significant increase in the number of extraordinary police responses as a result of criminal and/or negligent and/or nuisance activity occurring at certain businesses or properties in the City of Riverside. The criminal and/or nuisance activity occurring on the premises create a very significant public health and safety threat and the Chief of Police and the City Attorney believe that the adoption of the proposed ordinance would effectively deter or prevent future extraordinary police responses to these businesses or properties and the diversion of critically important public safety resources.

On November 17, 2008, the City Council’s Public Safety Committee reviewed and considered the proposed ordinance. Following discussion with City staff from the Riverside Fire and Police Departments as well as members of the City Attorney’s Office and City Manager’s Office, the Committee (with all members present) unanimously agreed to recommend that the City Council introduce and adopt the ordinance.

FISCAL IMPACT:

If adopted, we believe that this ordinance will have a positive fiscal impact in that it should deter or minimize future extraordinary police responses to businesses and properties and the diversion of critically important public safety resources. The ordinance should also deter persons from making false reports of an emergency or of a criminal offense thereby preserving vital and critical public safety resources. For example, an extraordinary police response consisting of three police officers and a supervisor costs the City nearly \$500 per hour. Similarly, the hourly cost to respond a four person engine company from the Fire Department is nearly \$300.

Prepared By: Gregory P. Priamos, City Attorney
Russ Leach, Chief of Police
Tedd Laycock, Fire Chief

Concurs with:



Michael C. Gardner, Vice Chairperson
Public Safety Committee

Attachment: Ordinance

1 **ORDINANCE NO.**

2 AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
3 AMENDING TITLE 9 OF THE RIVERSIDE MUNICIPAL CODE BY
4 ADDING CHAPTER 9.60 ESTABLISHING LIABILITY FOR
5 MAKING A FALSE REPORT OF AN EMERGENCY OR OF A
6 CRIMINAL OFFENSE AND FOR EXTRAORDINARY POLICE
7 SERVICES OR RESPONSES.

8 The City Council of the City of Riverside does ordain as follows:

9 Section 1: Title 9 of the Riverside Municipal Code is hereby amended to add Chapter
10 9.60 as follows:

11 **CHAPTER 9.60**

12 **LIABILITY FOR FALSE REPORT OF AN EMERGENCY OR**
13 **OF A CRIMINAL OFFENSE AND FOR EXTRAORDINARY**
14 **POLICE SERVICES OR RESPONSES**

- 15 Section 9.60.010 Findings.
- 16 Section 9.60.020 Authority and Purpose.
- 17 Section 9.60.030 Definitions.
- 18 Section 9.60.040 False Report.
- 19 Section 9.60.050 Security and Safety Plan.
- 20 Section 9.60.060 Extraordinary Police Service or Response Fee Liability.
- 21 Section 9.60.070 Payment of City’s Costs and Penalties.
- 22 Section 9.60.080 Severability.

23 **Section 9.06.010 Findings.**

24 The City Council finds as follows:

25 A. The false reporting of an emergency or of a criminal offense unreasonably diverts
26 vital and critical public safety resources.

27 B. Owners and/or occupants of certain businesses and properties utilize a
28 disproportionate amount of public safety resources thereby diverting these critical resources from
other parts of the City.

C. Moreover, owners and/or occupants of certain businesses and properties require
extraordinary police services in response to criminal and/or nuisance activities associated with the
use and/or occupancy of the premises.

1 D. It is in the public interest for those who misuse police and fire resources by falsely
2 reporting an emergency or a criminal offense or who utilize a disproportionate amount of public
3 safety resources and require extraordinary police services or responses to be liable for the costs
4 incurred by the City.

5 **Section 9.60.020 Authority and Purpose.**

6 This Chapter is adopted pursuant to the authority granted in Article XI, Section 5(a) of the
7 California Constitution, Section 200 of the Riverside City Charter, and Section 53158 of the
8 California Government Code. The effective and efficient provision of public safety services
9 including, police, ambulance and fire safety services is a “municipal affair” appropriate for
10 regulation by the City of Riverside.

11 This Chapter is adopted for the purpose of recovering all of the costs expended in
12 responding to and investigating false reports of an emergency or of a criminal offense. This
13 Chapter is further adopted for the purpose of holding owners and occupants of certain businesses
14 and properties responsible for the extraordinary police services or responses caused by criminal
15 and/or nuisance activities associated with these properties and to deter or prevent future
16 extraordinary police responses to these businesses or properties and the diversion of critically-
17 important public safety resources.

18 **Section 9.60.030 Definitions.**

19 The following definitions apply to this chapter:

20 “*False report*” means either:

- 21 1. A person reports to the City that an “emergency” exists, knowing that the
22 report is false.
- 23 2. A person reports to a Riverside Police Officer or to the Riverside Police
24 Department that a felony or misdemeanor has been committed, knowing the
25 report to be false.
- 26

27 “*Emergency*” means any condition that results in, or could result in, the response of a public
28 official in an authorized emergency vehicle or aircraft.

1 “Emergency response” means the dispatch of one or more police officers to a business or
2 property for a disturbance at the property. A response to a security or fire alarm under Riverside
3 Municipal Code Chapters 5.58 or 5.59 does not constitute an “emergency response” under this
4 Chapter.

5 “Extraordinary police service or response” means any of the following:

- 6 1. The response of three (3) or more police officers and a supervisor to a single
7 emergency response; or
- 8 2. The second (2nd) emergency response to the same business or property within a thirty
9 (30) day period; or
- 10 3. The third (3rd) emergency response to the same business or property within a ninety
11 (90) day period.

12 “Occupant” means any individual person or business entity that occupies or controls the
13 business or property at the time of the emergency response.

14 “Owner” means any individual person or business entity that has legal title to the business or
15 property at the time of the emergency response.

16 **Section 9.60.040. False Report.**

17 Every person who makes a false report shall be liable for all of the City’s actual costs, both
18 direct and indirect, and the expenses investigating and/or responding to the false report.

19 **Section 9.60.050 Security and Safety Plan.**

20 Whenever the police department first provides an extraordinary police service or response to a
21 particular business or property, the Chief of Police may provide the property owner or occupant
22 with written notice specifying the emergency services provided during the extraordinary police
23 service response and, if available, the costs of the response, and may require the owner or occupant
24 to provide the Chief of Police a written plan for improving the security and safety of the property,
25 or the operation of the business. The plan shall demonstrate in detail:

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- 1 1. The specific, tangible methods detailing how the plan will be implemented;
- 2 2. A time line for implementation of the plan (if the plan cannot be immediately
- 3 implemented);
- 4 3. A good faith analysis by the owner/occupant setting forth how the specific
- 5 methods to be implemented will reduce those situations necessitating an
- 6 emergency response; and
- 7 4. A statement by the owner/occupant that he/she is committed to implementing
- 8 the plan.

9 The plan shall be submitted to the Chief of Police no later than (14) calendar days after
10 receipt of the notice.

11 B. The Chief of Police shall review the proposed plan and determine if it
12 adequately addresses the public safety and security issues which have led to the emergency
13 responses. If the Chief of Police determines that the plan adequately addresses the public safety and
14 security issues, the Chief of Police shall approve the plan, and notify the owner/occupant to
15 immediately implement the plan.

16 C. If the Chief of Police determines that the proposed plan does not adequately
17 address the security and safety issues, or if no plan is received, the Chief of Police shall develop a
18 plan to address public safety and security issues. The plan may include any reasonable changes in
19 the design or operation of the property or business, including the requirement for provision of private
20 security at no cost to the City of Riverside. The Chief of Police shall notify the owner or occupant
21 of the plan, and shall specify a reasonable deadline for compliance.

22 D. The Chief of Police may also require that the owner and/or occupant execute a
23 trespass arrest authorization form pursuant to Riverside Municipal Code Section 9.04.300 G to assist
24 the Riverside Police Department in arresting all persons loitering on the property and not patronizing
25 the businesses located thereon. The Chief of Police may further require that the owner and/or
26 occupant erect one or more signs conspicuously posted at every walkway and driveway entering the
27 property or as otherwise directed by the Chief of Police. The sign shall state in substantial form as
28 follows:

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Section 9.60.070 Payment of City’s Costs and Penalties.

A. All costs levied under this Chapter are due and payable within thirty (30) days of being billed, a penalty equaling 10% of the levied amount will be assessed on the day following the due date. Thereafter, the delinquent amount will incur an interest penalty of 1% of the outstanding balance accrued every 30 days.

B. The costs are a charge against the person, occupant, or owner liable for those costs under this Chapter. The parent or parents of a minor child who has violated this Chapter may be responsible for the debt.

Section 9.60.080 Severability.

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

Section 2: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2008.

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2008, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 2008,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10
11 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
12 City of Riverside, California, this _____ day of _____, 2008.

13
14 _____
15 City Clerk of the City of Riverside

16 O:\Cycom\WPDocs\D027\P007\00021976.DOC
17 08-2471

**CITY OF RIVERSIDE
SPEAKER CARD**

WELCOME TO THE RIVERSIDE CITY COUNCIL MEETING.

IF YOU WISH TO ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY, PLEASE COMPLETE AND SUBMIT THIS CARD TO THE CITY CLERK. SPEAKERS ARE ENCOURAGED TO SUBMIT THEIR CARDS TO THE CITY CLERK BEFORE THE SCHEDULED MEETING TIME. SPEAKER CARDS WILL BE ACCEPTED UNTIL THE AGENDA ITEM IS CALLED.

ITEM NO.: 13
NAME: Karen Doris Wright DATE: 12/2/08
CITY/NEIGHBORHOOD: Ward 3 PHONE # (Optional): _____
ADDRESS (Optional): 4667 central avenue Riverside CA
Address City/State/Zip
SUBJECT: I oppose charging for using the police services or responses

SUPPORT OPPOSE NEUTRAL

In accordance with the Public Records Act, any information you provide on this form is available to the public.

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