

Lakeport Council debates policy allowing police officers to take home cars

Contributed by Elizabeth Larson
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LAKEPORT — A lengthy debate emerged at the Lakeport City Council's Tuesday night special meeting over an 18-year-old policy — similar to those used by other agencies around the county — that allows officers to take their assigned vehicles home.

The end result, after close to 40 minutes of discussion, was to leave the policy in place because it offers the city value in public safety protection.

However, Kevin Burke, the city's police chief and interim city manager, offered to limit the program to within a certain driving distance of the city in order to assuage some council members' clear dislike of the policy.

"The Lakeport Police Officers Association is pleased with the City Council's support for the chief of police," the association said in a statement issued to Lake County News on Thursday.

Councilman Jim Irwin had the discussion agenda. Irwin, along with some of the other council members, mentioned that he hears a lot of negative feedback and questions from community members about the policy. Council members also brought up the fact that one officer drives to his home in Buckingham and another to Hidden Valley Lake.

Last year's grand jury report also mentioned the policy, said Irwin.

The program has been around for many years, Burke explained. Burke's predecessor as chief, Tom Engstrom, attended the meeting and told the council that the program started in 1991.

Burke said he met with the grand jury to explain the program. One grand juror was very concerned about it, and didn't like seeing a Lakeport Police cruiser outside of the city, he said.

The 2007-08 grand jury report spent a chapter on the Lakeport Police Department's oversight. Its only recommendation was to limit the use of police vehicles "to officers living within or very near the city limits."

However, Burke said the costs to allow officers to take the car home are relatively low.

On an annual basis, 32,387 miles are put on the police fleet for travel outside of the city, said Burke. Of that, 11,560 miles are for the city's three unmarked cars and 20,827 for its 10 black and white cruisers.

The per-gallon cost on the police department's gasoline contract through Helms Petroleum is \$2.71, said Burke, for a total gas cost of \$4,712 per year.

Counting oil and other vehicle needs, the total program cost would be \$7,616, which could fluctuate by about \$1,000 if gas prices rise, said Burke.

The department's requested budget for the 2009-10 fiscal year is \$1.7 million, with officers making an average annual salary of between \$40,000 and \$50,000, according to an estimate Burke gave to Lake County News on Thursday.

The policy hasn't affected the longevity of the nine-year-old fleet, said Burke.

He said he's had some inquiries about the policy, but when he explains it and its safety benefits, that satisfies the concerns.

"The ability to summon those cars on a rapid basis if needed is a significant public safety advantage for the city of Lakeport," Burke said.

He added that most people are happy to see a police car parked in their neighborhood, although some aren't.

"It's certainly a minority view."

Citing the officers who are Buckingham and Hidden Valley Lake residents, Councilman Bob Rumpf asked where it stopped. What if an officer lives in Ukiah or Santa Rosa? Burke replied that they could exclude officers from the policy on a case-by-case basis.

Engstrom told the council that the policy was put in place in 1991 by his predecessor, Chief Jim Campbell. That year, the department lease-purchased nine six-cylinder Ford Tauruses so they could implement the program.

During his tenure, Engstrom said officers taking home their assigned vehicles had to live within the county and had to be within a 30-minute response time of the city.

He said he used the policy as a recruitment tool, mentioning it on flyers used to seek officer candidates.

"So I don't know if this might be a meet and confer item but that's how we advertised it," said Engstrom.

Those cars were sold in 1996 and he bought 10 Crown Victorias. At that time, the department also grew from 12 to 14 officers thanks to a federal grant. In 2001, Engstrom sold the cars and purchased the current fleet.

Mayor Ron Bertsch asked about accidents. Engstrom said in his time as chief the only crash involved a car hitting a deer.

Community member Ron Rose told the council, "It's use, not abuse, is what really counts."

Bertsch, who said he wanted the policy written down, said it seems like too much for the department to spend.

Public Works Director Doug Grider defended Burke's efforts to be fiscally responsible.

"Kevin's worked hard at putting his budget together like all the rest of us," he said.

If Burke, as a department head is bringing the council a balanced budget, "That's what you pay him for," said Grider, who suggested the council look at whether or not the police department's overall budget is sound rather than dwell on the smaller points, a point with which Bertsch didn't agree.

Grider added, "All of our budgets are greatly reduced from what they were three years ago," with department heads hacking them "down to the bone."

Although moments earlier he had questioned expense, Bertsch then said, "I don't think this is an issue about money," but public perception.

"Who's showed up here to complain about it?" asked City Attorney Steve Brookes.

Irwin said he agreed with Bertsch that it was about perception, not cost.

Burke asked Irwin about the concerns people were bringing to him. "They know that the city is tight," said Irwin.

Noting that, ultimately, it's up to the council to decide, Burke remarked, "I gave up trying to please everybody a long time ago."

Rumfelt said he supported leaving it up to Burke to handle.

Bertsch told Burke, "We have one City Council member who argues with you every other month about this," referring to Councilman Roy Parmentier, who said most of his issues aren't about that particular policy.

"I think each council member needs to make up their mind on this issue," said Burke, adding that he hoped Parmentier would reconsider.

Explaining his understanding of the policy, Brookes said because of the "big lake in the middle" of the county, it makes sense for officers to be able to respond to anywhere in the county from their homes and in their assigned vehicles because of a greater emergency response need beyond Lakeport's limits.

He said the city will have a meet and confer obligation with the police union if the council chooses to get rid of the policy.

Council member Suzanne Lyons said that now that the council is equipped with the information they're able to respond better to citizen complaints and questions.

Upper Lake resident Betsy Cawn said she came from a metropolitan community where there was activism to integrate the police with the community, which this policy does.

She urged council members to better quantify complaints they receive and not use terms like "a lot of people tell me."

Noting Burke is asking for a new fleet of cars in the budget, Irwin asked how the policy affects the number of cars the department could buy. It wouldn't, said Burke.

Burke added that there is an important rationale — beyond community safety — to letting officers take home cars. When cars are assigned to the officers, they take pride in them and carefully maintain them, some meticulously so. That doesn't happen with cars that are run 24 hours a day, he said.

Irwin asked if allowing officers to drive the cars home could raise a worker's compensation issue. Burke said the liability isn't any greater than having them drive around the city.

Rumfelt made a motion, which Lyons seconded, to leave the policy up to Burke. It was decided that a vote wasn't necessary, that direction would suffice, and the motion was withdrawn.

Burke said he can revise the policy to look more like it did when Engstrom was chief.

On Thursday Burke told Lake County News that he's still deciding how a codified policy will look. He said it will require officers to live within the county, with some type of mileage limit — probably within 30 miles of town.

Take-home car policy is common amongst local, regional agencies

Mike DiMiceli, assistance executive director of the California Commission on Peace Officer Standards and Training, said policies allowing peace officers to take home cars is a decision made by each agency.

"Very often it's predicated on a work assignment," he said.

Taking cars home grew out of a philosophy that originated in the 1970s and 1980s about providing coverage, DiMiceli explained.

DiMiceli said that various car-related policies often develop based on a staffing level requiring officers to be available at certain times, or when resident officers are assigned to rural or remote areas.

There are a whole host of reasons revolving around the job that make take-home cars more than just a benefit to the officer; in such cases, DiMiceli said it raises awareness, can help crime prevention and increase the agency's capability to respond to certain situations.

He said a number of departments throughout the country went to take-home cars primarily for those reasons.

Lake County News conducted an informal poll of local and regional law enforcement agencies to ask if they have a policy allowing sworn officers to take home their vehicles. Most do have such policies on their books.

Sheriff Rod Mitchell said his office has 63 cars — 22 unmarked and 44 marked — that go home with patrol deputies and command staff.

The policy is open to any sworn peace officer who lives within the county. Mitchell said the policy has been in effect for at least 10 years, and went into effect during his first term.

He said he was grateful to the Board of Supervisors for implementing the policy, which he said helps vehicles last longer and establishes a high visibility of deputies in the community. He said he's never received a complaint about the policy from citizens; usually, people express satisfaction with the patrol presence.

Officer Steve Tanguay of the California Highway Patrol's Clear Lake office said their officers aren't allowed to take patrol cars home. Only the office's commander is allowed a take-home car, which is unmarked.

At Clearlake Police Department, a take-home car policy has been in effect for well over a decade and is part of the memorandum of understanding between the police union and the city, said Lt. Mike Hermann.

Officers must live within the city to take part, while the policy is open to administrators regardless of whether they live in the city or not, Hermann said.

"If something major comes up it's easier to call guys and have them respond from where they're at," which is the main reason for the policy, said Hermann. He said it's not uncommon for the department to call officers and summon them immediately to a scene.

At Santa Rosa Police Department, Sgt. Lisa Banayat said command staff, the chief and detectives on an on-call status — one detective per unit, on call for a week at a time — may take vehicles home. However, the vehicles are

subject to mileage restrictions for those officers who live out of town. Banayat said the policy currently is being revised.

Commander Steve Potter of the Napa Police Department said the agency's two K-9 officers are allowed to take their cars home, and investigators and administrative staff can take home cars if they living within a certain radius of the police department.

“Other than that, our vehicles are all left here at the police department,” he said.

Patrol Captain Justin Wyatt of the Ukiah Police Department said their department isn't able to provide a take-home car policy for its 17 patrol officers. However, the department's five detectives and four administrative staffers are allowed to take home unmarked cars.

Larger agencies can't usually have a policy allowing cars to be taken home, said Mitchell. “The fleet would be enormous.”

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