



CITY OF GLENDALE, CALIFORNIA

REPORT TO THE:

Joint City Council Housing Authority Successor Agency Oversight Board

February 23, 2016

AGENDA ITEM

Report: Reward Procedure for Hit and Run Incidents and Other Serious Crimes

- 1) Ordinance for Introduction
- 2) Resolution Setting Award Amount for Hit and Run Incidents and Serious Crimes

COUNCIL ACTION

Public Hearing Ordinance Consent Calendar Action Item Report Only

Approved for 2/23/14 calendar

ADMINISTRATIVE ACTION

Submitted by:
Robert Castro, Chief of Police

Michael J. Garcia, City Attorney

Prepared by:
Carmen O. Merino, General Counsel - Police

Approved by:
Scott Ochoa, City Manager

Reviewed by:
Yasmin K. Beers, Assistant City Manager

Michael J. Garcia, City Attorney

For Robert Elliott, Director of Finance

Signature

RECOMMENDATION

It is recommended that the City Council introduce an ordinance establishing a procedure for the City Manager to offer and approve the payment of a reward in response to a hit and run incident or other serious crime.

BACKGROUND/ANALYSIS

Hit and run incidents are a significant challenge for law enforcement to investigate because witnesses are reluctant to become involved. It has been the experience of the Glendale Police Department that the hours immediately following a hit and run or other violent crime are particularly critical in obtaining evidence which will lead to the identification, arrest, and conviction of a responsible party. However, the City has no procedure in place that would permit the offering of a reward without first bringing the matter to Council for consideration and action. As a result, there may be a significant period of time before information regarding the offering of a reward is made public.

On October 6, 2015, the Chief of Police and the City Attorney provided the City Council with a report and presentation regarding the institution of a program to offer rewards in response to hit and run incidents. Based on the report and presentation, Council directed staff to prepare an ordinance or resolution instituting a reward program that would authorize the City Manager to offer a reward under certain circumstances.

The proposed ordinance establishes a mechanism whereby the City Manager would be authorized to offer a reward for hit and run incidents and other serious crimes upon his or her concurrence with a recommendation from the Chief of Police that the offering of a reward would assist in encouraging members of the public to come forward with information they may have about the crime at issue. The amount of the reward shall not exceed the amount established by resolution. The proposed ordinance further provides that prior to offering a reward, the City Manager shall notify the Mayor, or in his or her absence, the Mayor Pro Tem, of his or her intention to offer a reward and the proposed amount of the reward. The attached resolution provides that the maximum amount that the City Manager is authorized to offer as a reward and approve for payment shall not exceed \$50,000.00.

Further, the ordinance provides that when information received has led to the identification, arrest, and conviction of individuals who have committed a hit and run or other serious crime, the Chief of Police may recommend that the City Manager approve payment of a reward in the amount offered and not to exceed the maximum amount established by resolution. Prior to approval of such a reward, the City Manager shall notify the Mayor, or the Mayor Pro Tem, regarding his intent to approve an award and the amount of such award.

The ordinance also contains several reward payment limitations. For example, rewards shall not be paid to any person involved in the crimes and no reward shall be paid to a public officer or employee whose employment includes law enforcement duties.

FISCAL IMPACT

Currently, there is no specific funding for rewards for hit and run incidents or other serious crimes. In the past, the funding for hit and run rewards has been appropriated and transferred from the General Fund, Undesignated Fund Balance to the City Manager's contractual services budget. If Council adopts the proposed ordinance, and an offered reward is to be paid, the City Manager will return to Council to seek appropriation of funds to be awarded.

ALTERNATIVES

Alternative 1: Introduce the ordinance as proposed.

Alternative 2: Introduce a modified version of the ordinance.

Alternative 3: The City Council may consider any other alternative not proposed by staff.

CAMPAIGN DISCLOSURE

Not applicable.

EXHIBITS

None

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF GLENDALE, CALIFORNIA, ADDING CHAPTER 2.110 TO THE GLENDALE
MUNICIPAL CODE REGARDING REWARDS FOR HIT AND RUN CRIMES AND OTHER
SERIOUS CRIMES**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

WHEREAS, hit and run crimes and other serious crimes have a devastating impact on the City of Glendale and its residents;

WHEREAS, the problem of hit and run crimes and other serious crimes represents a significant traffic and public safety challenge;

WHEREAS, successful investigations of hit and run crimes and other serious crimes depend greatly on the cooperation of individuals supplying information to assist in the identification of offenders; and

WHEREAS, Council desires to increase public awareness of the seriousness of hit and run crimes and other serious crimes and facilitate police investigations by providing an incentive for cooperation of individuals who might be reluctant to come forward.

NOW THEREFORE, the City Council of the City of Glendale does ordain as follows:

SECTION 1. The City Council of the City of Glendale finds that the above recitals are true and correct and are hereby incorporated by reference.

SECTION 2. Chapter 2.110 of the Glendale Municipal Code, 1995, is hereby added to read as follows:

2.110.010 Definitions

- A. For the purposes of this chapter, "hit and run" means a traffic accident where the driver of a vehicle causes death or injury to another person and where the driver knows that he or she was involved in the accident and failed to perform the requirements of California Vehicle Code sections 20003 and 20004 if the accident resulted in death or injury to another person.
- B. "Serious crime" means a crime of violence including but not limited to murder, attempted murder, kidnapping, rape, and robbery.

2.110.020 Procedure for Reward

- A. In a situation involving a hit and run crime or other serious crime, the Chief of Police may recommend to the City Manager that a reward be offered to encourage individuals who have information to come forward.
- B. If the City Manager concurs with the Chief of Police's recommendation, the City Manager may declare the need for a reward and offer a reward, in an amount not to exceed the maximum amount established by resolution, per incident for information leading to the identification, arrest, and conviction of individuals who commit a hit and run crime or other serious crime impacting the city or its residents. However, prior to offering a reward, the City Manager shall notify the Mayor, or in his or her absence, the Mayor Pro Tem, regarding his or her intent to offer a reward and the proposed amount of the reward.
- C. When information received has led to the identification, arrest, and conviction of individuals who have committed a hit and run or other serious crime, the Chief of Police may recommend that the City Manager approve payment of the reward offered in connection with that incident in an amount not to exceed the maximum amount established by resolution. Prior to approval of such a reward, the City Manager shall notify the Mayor, or the Mayor Pro Tem, regarding his intent to approve an award and the amount of such award.

2.110.020 Reward Limitations

- A. The provisions of this chapter or the furnishing of information in response thereto shall not create any legal right or claim to the payment of a reward.
- B. The determination of whether a reward shall be paid in whole or apportioned among two or more persons shall be at the sole discretion of the City Manager, after consultation with the Chief of Police and the Mayor, or in his or her absence, the Mayor Pro Tem.
- C. A reward shall be paid only to a natural person or persons and no reward or portion thereof shall be paid to any corporation, business, club or other organization either directly or by virtue of any waiver or assignment on the part of a natural person who is the recipient of a reward.
- D. No reward shall be paid to a public officer or employee whose employment includes law enforcement duties.
- E. No reward shall be paid to any person who has already been or will be compensated by his or her employer or paid in any manner for engaging in the actions which form the basis for claiming the reward.
- F. No reward shall be paid to any person who committed or was involved in the hit and run crime or serious crime.

SECTION 3. Severability.

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 4. Effective Date.

This Ordinance becomes effective on the thirtieth (30th) day after its passage.

Adopted by the Council of the City of Glendale on the ____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF GLENDALE)

SS.

APPROVED AS TO FORM
Michael J. Li

CITY ATTORNEY
DATE: 2/18/16

I, ARDASHES KASSAKHIAN, City Clerk of the City of Glendale, California, certify that the foregoing Ordinance No. _____ was passed by the Council of the City of Glendale, California, at a regular meeting held on the ____ day of _____, 2016 by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA ESTABLISHING THE MAXIMUM AMOUNT THAT MAY BE OFFERED AND APPROVED FOR PAYMENT IN CONNECTION WITH HIT AND RUN CRIMES AND OTHER SERIOUS CRIMES

WHEREAS, hit and run crimes and other serious crimes have a devastating impact on the City of Glendale and its residents;

WHEREAS, the problem of hit and run crimes and other serious crimes represents a significant traffic and public safety challenge;

WHEREAS, successful investigations of hit and run crimes and other serious crimes depend greatly on the cooperation of individuals supplying information to assist in the identification of offenders;

WHEREAS, Council desires to increase public awareness of the seriousness of hit and run crimes and other serious crimes and facilitate police investigations by providing an incentive for cooperation of individuals who might be reluctant to come forward; and

WHEREAS, Council also desires to establish by ordinance a mechanism that would authorize the City Manager in certain circumstances and, after notifying the Mayor, or in his or her absence the Mayor Pro Tem, to offer a reward for information leading to the identification, arrest, and conviction of persons responsible for a hit and run crime or other serious crime and to approve payment of an offered reward in an amount not to exceed a specified amount.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE AS FOLLOWS:

SECTION 1. The recitals as set forth above are true and correct.

SECTION 2. The maximum amount that the City Manager is authorized to offer as a reward for information leading to the identification, arrest, and conviction of person(s) responsible for a hit and run crime or serious crime shall not exceed \$50,000.00.

SECTION 3. The maximum amount that the City Manager is authorized to approve for payment of a reward shall be the amount offered in connection with a particular incident and in no event shall the amount exceed the amount set forth in Section 2 above.

Approved and adopted this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF GLENDALE)

I, ARDASHES KASSAKHIAN, City Clerk of the City of Glendale, certify that the foregoing Resolution No. _____ was duly adopted by the Council of the City of Glendale, California, at a regular meeting held on the ____ day of February, 2016, and that same was adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk

APPROVED AS TO FORM
Michael J. Sanchez

CITY ATTORNEY
DATE 2/19/16