CHARLOTTE

Charlotte City Council
Community Safety Committee
Meeting Summary for October 18, 2010

COMMITTEE AGENDA TOPICS

I. Subject: **Citizen's Parole Accountability Committee**
Action: Motion made to forward a recommendation to the full City Council to eliminate the Citizen's Parole Accountability Committee (passed 4-1, Peacock opposed)

II. Subject: **Towing Ordinance**
Action: Direct staff to continue working on options

III. Subject: **Noise Ordinance**
Action: None

COMMITTEE INFORMATION

Present: Patrick Cannon, Patsy Kinsey, Michael Barnes, Andy Dulin, Edwin Peacock
Time: 3:30 pm – 5:00 pm

ATTACHMENTS

1. Agenda Package
2. Citizen's Parole Accountability Committee 2010 Annual Report

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves. He stated there are three issues on the agenda today and he asked Assistant City Manager Eric Campbell to introduce the first item.

I. Citizen's Parole Accountability Committee

Mr. Campbell said that in the Committee's packets they received copies of the letters (copies attached) that the City Manager's Office received regarding the Citizen's Parole Accountability Committee. There had been some issues over the last few months with the work load of the Committee due to the state statute changing. There have been issues with attendance because of the lack of work. The Police Chief and the District Attorney has indicated that the workload has dropped and they feel the Committee has run its course, given the statute. He stated that Deputy Chief Graue could answer any questions the Committee has. Chairman Cannon added that the Committee is being asked to forward a recommendation to the full City Council to abolish the Committee. He then asked for questions from the Committee.

Peacock: When was the last time we canceled any Committee?

McCarley: It's not unprecedented, but it's not common.

Peacock: I read the letters from the Police Chief and the District Attorney and it seems like we are making a decision awfully quick. Restructuring Government Committee hasn't even looked at it.

Cannon: I think it's a matter of dealing with the functionality of the Committee.

Graue: The dwindling number of inmates has been going on throughout the year. The letter from District Attorney Gilchrist was written earlier in the year. The workload has significantly diminished for the Committee.

Peacock: Who is the Chair of this Committee? .

Vinson: The Chairperson was Tony Gargiulo and he resigned in May 2010. Since then there has been one other person to resign from the Committee due to their term expiring. There are only 5 members of a Committee of 9. I've been involved since 2007 and I've noticed a significant drop of the number of inmates being reviewed out of Raleigh. A lot of that was due to the fact that in 2008 there was a bill passed that said if you were convicted of 1st degree murder or 2nd degree murder, then your case wouldn't be reviewed until another 3 years. By the time that 3 years rolled around a couple of those inmates had already been accepted into a program called MAP. In 2009 there were 78 cases to review and in 2010 there were only 33 cases. By the time 2013 comes around there will only be 16 cases.

Graue: Also, people aren't being sentenced under Fair Sentencing anymore, now it's Structured Sentencing, so there is less leeway for the judge.

Peacock: So, MAP and the Structured Sentencing are the primary reason for the decline in this. A year ago the Restructuring Government Committee asked the City Clerk to look at all 37 Committees and give us recommendations for ones that might need to be consolidated or have an opportunity to possibly abolish them. Do you recall submitting information to her about this Committee? I'm just curious why we didn't pick this up last year.

Campbell: It was brought to our attention over a year ago. We had the Boards and Commissions under review in Restructuring Government Committee, so we just sustained everything to see what was going to come out of that effort. One of the things that did come out was that Boards and Commissions were assigned to Committees of Council. Once we finished the effort in Restructuring Government Committee, Parole Accountability was officially assigned to the Community Safety Committee. Then we said once we got confirmation from both the District Attorney and the Police Chief then we would move forward.

Peacock: There are a number of citizens that have signed up for this. Are there members that want to stay on the Committee?

Vinson: A couple of them have expressed interest in going to other Committees and I have gotten them in touch with the correct individuals. Two of the remaining members never responded back.

Cannon: One of the things we don't want is a dysfunctional Committee. I do think there still needs to be some level of accountability. How will we continue to monitor what happens in these cases?

Graue: In District Attorney Gilchrist's letter, he has stated a commitment to continue to follow through and when they get notification that people will be released, they will research those and continue to write letters of objection if that is appropriate.

A motion was made by Council member Dulin and seconded by Council member Kinsey to move forward to the full City Council the recommendations of the District Attorney and the Police Chief to dissolve the Citizen's Parole Accountability Committee. (Motion passed 4 – 1 with Council member Peacock opposed) Chairman Cannon thanked staff for the information and said they would move on to the next agenda item.

II. Towing Ordinance

Chairman Cannon said the Committee will continue to review the Towing Ordinance and the CMPD towing strategies. There is no decision requested, but the Committee can do so if it desires. He said today they would receive some of the information on the last input meeting and also some information on the credit card research. Mr. Campbell pointed out the attachment in the agenda package (copy attached) that outlines the discussion from the last meeting with the tow industry. He then turned it over to Major Eddie Levins.

Mr. Levins began reviewing the "Tow/Wreckers: Credit Cards" document (copy attached). He stated that they did some research with several banks. Most of the fees are set and he pointed out the Wells Fargo case on page 2 where it was a $50 a month charge for using a basic service. He stated that the tow industry had indicated that the machines are very expensive; however, both Bank of America and Wells Fargo said they are negotiable. They range from a couple hundred dollars to free depending on how a deal is negotiated. Chairman Cannon then invited the Committee to ask questions.

Cannon: Have we found that only a small portion of the towing companies or a majority of the companies already provide this level of service with the credit cards?

Levins: We found that the majority did provide the service, but not for the trespass tows. The majority already have credit card machines.

Barnes: Is the fact that they take the cards for everything except the trespass tows related to the dispute issue?

Levins: Yes, it's related to the fear of a dispute.

Barnes: In the information we were provided there appears to be an indication that many of the companies were open to using debit cards. What is the potential for disputes for debit cards? The material indicates you can't dispute the charges and I thought you could.

Newbold: We didn't check into that, but we can do that.

Barnes: If in fact you can't dispute the debit charge, then that would seem to be a workable compromise. I understand the tow companies concern about disputing. I like the Raleigh ordinance and it would seem to me that there is some good middle ground to be had here.

Levins: The banks that we spoke to said it is difficult to do charge backs and you have to prove fraud. They said someone would have to come in with a police report and prove fraud.

Barnes: The thing with the credit card though, is you can actually start the investigation, which creates a cost for the bank. I'm trying to figure out how to avoid unnecessary costs to the bank, to the consumer and to the tow trucks.

Dulin: Would it be the same cost to start up a debit machine?

Levins: It should be the same.

Dulin: Debit is the same thing as cash. Could we fix it so they can do debit and not credit?

Cannon: If the majority is already taking credit cards then I don't see why we are trying to adjust it.

Barnes: I was trying to address the concern on the part of the towing company representatives that people will dispute the charges. However, I'm not as concerned knowing that you have to prove fraud, but the problem is people will try to say it was fraud and initiate an investigation by the bank which, increases costs for the banks.

Kinsey: If we are going to allow debit cards, I just assume to include credit cards as well.

Mr. Newbold then began discussing the "Towing Ordinance Input Meeting" document (copy

attached). This document is from the October 13, 2010 meeting they had with some of the industry representatives. Those representatives were from the tow industry and parking lots. He then asked if the Committee had any questions about each individual bullet listed on the document.

Kinsey: In bullet one where it talks about storing the vehicles, would that only apply to that one vehicle or all of them they store?

Newbold: This ordinance only addresses nonconsensual towing, so it would only apply to that vehicle.

Barnes: Regarding that same bullet, I see that someone suggested a $20 per day charge after the first 24 hours. Did any of the participants indicate a willingness to see a cap on those fees?

Newbold: The discussion was per day, no cap.

Cannon: Is there currently a fee and if so, what is it?

Newbold: The storage fee is currently $15 per day.

Levins: The discussion they had, had to do with our Zone Wrecker Contract and they would like to mirror that, which is $20 a day.

Dulin: I'm okay with the $20 a day. I would like to discuss a cap. It could get up to $1,500 pretty quick.

Barnes: I would like to ask an audience member about the cap. Mr. Oliver, would you like to address the cap issue?

Mr. Oliver: I'd just like to say that whether we keep the car in storage one day or six months, we are required to file with the DMV in 10 days and that's the state law. Some of these cars sit for 5 or 6 months and we have lien holders that know where their cars are and they drag their feet, but we have to keep every one of those cars insured until we get a court order from the court house saying it's ours, and that can take anywhere from 4 to 7 months.

Barnes: So, you would prefer not to see a cap on the storage fees?

Mr. Oliver: That's correct.

Dulin: If that's the case, if it's $15 now, then it is $15 for infinity and that would be no cap. So, it there is no cap, what do you think about making it $20 per day after the first 48 hours, instead of the first 24 hours?
Peacock: Clearly, this October 13 meeting took into consideration of what these folks are thinking. I recommend we stay with what they are suggesting here at $20 per day.

Kinsey: I want to make sure that what they are charging now, $15 a day, is every day until that

car is picked up.

Levins: After 10 days they will file with the state. If it exceeds the value of the car, that's the lien on the car. So, they will own the car at some point.

Peacock: If I recall, we are mainly addressing the concern from citizens about predatory towing. They feel like it wasn't properly addressed in the signage or the concerns about how we've made rules of when they could get their cars back. I assume the majority of tows that occur have people that are coming to get their cars back within the first 48 hours. Those are the people that come to us about their concerns.

Levins: That's what we find also.

Peacock: We are trying to improve this ordinance to help the citizens that were blindsided. They can charge what they are now.

Cannon: Right now, the number is $15 and the Committee needs to decide what number that will be. With regard to predatory towing, we have to be cautious about assessing additional fees on anyone.

Barnes: I don't support making it unlimited. I do support the current ordinance. How long has it been $120 plus the $15 per day after 24 hours?

Newbold: Since 2003.

Dulin: If we take it up to $20 per day and they tow a $7,000 car, it takes 350 days for them to own that car. If someone can't get their car in 350 days, then we probably don't want them on the roads anyway.

Levins: Just the other day we had a car that was stolen and towed off and reported after the fact. They currently have a timeframe after the tow to report it. The victim in this case will be out that money. She has no money to pay for the original tow and she is still incurring storage fees and she really is a victim of a stolen car. There will be more circumstances like this if we don't think about the calling in first option.

Barnes: I support leaving the ordinance at $120 + $15 per day, but I do want to talk about the third bullet point. When would the tow truck operator call CMPD for a number? The last time we met we discussed having them call from the site where the vehicle is located before towing it. They indicated they didn't want their drivers onsite waiting and that they prefer to tow it and then call it in. Can you give us your feedback on any middle ground there?

Cannon: Could there be a possibility for a dedicated line for the industry to have so they don't have to have a waiting period? That could lessen the time. I don't know what needs to be done to accomplish that. Can you give us some perspective on that?

Levins: For procedural reasons, we thought a better way to contact us was through the DCI

terminal, which is a 24/7 number. At that terminal they can check to see if it's stolen and they can also be issued a complaint number. Currently, they are going through 311 and that is creating the problem.

Cannon: So, there would be no other added costs to add something like that?

Levins: No, because we are already using that line after 311 closes.

Dulin: I think the dedicated line is a big deal. It would help them do their business better and it should help people like the victim you described earlier who had her car stolen. When they call into the dedicated line will they give a tag number or the VIN number?

Levins: They could give us either. There was concern about waiting and trying to locate the VIN number on the car in a dark parking lot, but if we run the tag it will tell us if it matches the car right away.

Barnes: What is the response rate in terms of call pick up and connections at the dedicated line? Are there ever busy signals? How long will it take to get a complaint number?

Levins: It would take 30 seconds to a couple of minutes. It's usually answered quickly at night. It's the same line our officers also call into.

Barnes: The folks answering are not just specifically for tow related questions?

Levins: That's correct. There are two people there 24/7. I haven't had any complaints about that number being busy.

Cannon: What would the tow industry say is too long of a time to wait for a number?

Levins: I assume they would be pretty upset if they had to be on the scene longer than 10 minutes.

Cannon: It really sounds like this would speed it up. So, it sounds like we want this DCI terminal or dedicated line in the new ordinance to call in the car before towing it away. Let's go back to the first bullet and get some perspective so staff has some direction of where we are on the fees.

Barnes: My motion is to leave the ordinance as is.

Kinsey: Second.
Dulin: I won't support it. I'd like to give them the opportunity to raise their fees a little bit. It's been since 2003 since they've had an increase.

Peacock: Between bullet 1 and 2, bullet 2 clearly shows we are going to be adding cost to the industry by giving people more choices of ways to pay. They are expressing concern to move from $120/$15 to $120/$20. To re-clarify my statement earlier, I'm not for an unlimited amount,

I realize there is a number that is set here, but I do believe they are the ones that arrived at Bullet 1 and I'm fine with that.

Cannon: Alright, so there is a motion made and proper second. *(Motion passed – 4-1 Dulin opposed.)*

Campbell: I need to clarify that motion please.

Barnes: My motion was to leave the ordinance as is, which was $120/$15.

Peacock: I'm sorry, I misunderstood. I thought we were at $120/$20. I'm a no to that vote then.

Cannon: So, the vote is *3-2 (Barnes, Cannon, Kinsey – for and Dulin, Peacock – against).* Let's move on to Bullet 2. We are saying that we are giving the persons that were towed the ability to have choices, but it sounds to me they already have those choices, because according to staff they are able to take debit, credit, and cash. It that is incorrect someone let it be known right now.

Mr. Levine: We are private parking lot operators and we do not accept credit cards on the lots. We fall under this same ordinance.

Ms. Frye: I don't take credit cards.

Cannon: Do you have the capabilities?

Ms. Frye: No.

Cannon: But the majority of the industry does?

Mr. Oates: Not on nonconsensual tows. When CMPD did their research he was asking companies that don't do nonconsensual tows. However, if by chance they do a nonconsensual tow, they don't accept credit cards for that.

Levins: Most people that do accept credit and debit cards accept them for everything, except nonconsensual tows.

Dulin: I'm really torn with this. The efficiency and ease to be able to pay with a card is great. However, it adds cost to the tow industry. If we are going to add cost to their business we ought to let them have a little bit more money. They haven't raised their fees since 2003. They are a regulated business unable to raise their own prices because we tell them what they can charge.

Barnes: I'm trying to figure out how to be fair to as many people as possible. I do think there is a convenience to allow people to use plastic. I also think they ought to be able to cover their cost. I would suggest that we allow a transaction fee. Allow a $5 fee per transaction for credit card use.

Mr. Melandro: That may be against the credit card company's contract. I can't quote a price and say that it is going to be $120 and the man hands me a credit card and all the sudden it's $125. I can do it the other way around and say it's $125, but if they pay with cash I can charge $120. I can give a cash discount.

Cannon: I'd like to remind everyone the reason we are here is not to raise fees on either side, it's to get our hands around predatory towing.

Barnes: I was wondering if we should go back to the previous motion and create a hybrid structure where if they are using a card it's $125 and paying cash then it's $120.

Mr. Melandro: Or don't even regulate it like that and say it's $125 maximum and you are allowed to give a cash discount.

Cannon: We don't have to make a decision today. This should be a comeback item to us and let's explore it a little bit further.

Barnes: I want to mention that I do like the Raleigh ordinance. It covers a lot of what I'm trying to address.

Cannon: I'd really like the industry to take a look at that language also and weigh in on it.

Barnes: Regarding the 4th bullet point, I understand the perspective of lot owners and the property managers, but give me a quick refresher of why we want an owner or manager to be onsite to sign for the tow.

Newbold: There are 3 models throughout the country and this option seemed to be the best fit. The cities that passed the option of having someone on hand were tired of excessive fees complaints and complaints of vehicles being towed at odd hours while someone left their vehicle for 5 minutes. On the other end are people who have focused on the lot being private property and as long as the signs are up there and someone parks there, then they are essentially stealing from someone's private business; therefore, they will allow the private lot owner means to use any agency they want to protect that properties interest. It becomes more of a policy decision when you go through and look at all the other ordinances.

Cannon: It seems like if someone owns a parking lot and they employ someone to manage it for them, essentially that management company has someone that is on call, with a two-way radio. That's not really an added expense, per say. Bullet 4 is the crux of what the whole predatory towing has been about, and we must really look at it.

Barnes: The onus is on the property owner to say they don't want the car here and to tow it and to do that in person. Some of the stories we get about people coming to events in town and people waiting around the block, hidden, waiting to snatch your car, are maddening. I want to know what Mr. Levine has to say about having someone come out at night. Are your lots manned?

Levine: No, not all of them.

Barnes: For the ones that are not manned, do you have this problem with unauthorized parking?

Levine: Yes and typically, we would just ticket them.

Barnes: Would you be in a position, as a lot owner, to have someone come out at 2:00 a.m. to tell a tow company they can tow the vehicle?

Levine: Not without significant burden. I don't have a lot of employees that would be willing to get up out of bed at 2:00 a.m. and go to a lot that I pay property taxes on. If someone is trespassing, I ought to have the right to tow them off the lot, if I'm properly signed and following the ordinance. If I have signs that say, "Do Not Park Here" and someone parks there, I cannot protect my property.

Dulin: I'm against 24 hours manning, or being on call, for these lots. It adds incredible costs.

Barnes: What would your suggestion be on how to deal with predatory towing?

Dulin: Some of it's not necessarily predatory. If they have a legal contract, he has the right to protect his property. They are stealing the space. The lot owner has asked the tow company to keep that lot clean. The signs are bigger and they are doing what they have been asked to do.

Cannon: I'm going to ask that on this issue we try to get some minds made up. It's going to be difficult to try and solve both sides of the issue. We need to give thought on how we want to proceed with this particular bullet, based on the concerns that were brought to us very early on in the process. This item should be another comeback item for us. Going forward, I think it would be helpful to have a matrix to look at in terms of what's being recommended and what's currently on the books.

Kinsey: Regarding Bullet 5, I think it's confusing because someone may be towed at 11:00 p.m. and they don't come out of the bar until 3:00 a.m. and by then it's way too late. There should be a time listed of when they close. Two hours after the last tow means nothing.

Cannon: I think some of the companies have different hours.

Kinsey: Then it needs to be listed on the sign.
Levins: Most of the ones that work downtown are open as long as the restaurants and bars are open. At the University, they are towing at 3:00 a.m. at apartment complexes.

Barnes: In the previous discussion, I thought I suggested 2 hours after the last tow of the evening or 2:00 a.m.

Campbell: That was discussed, but we didn't know there was a consensus on the time. We presented that option to the industry and they said they were open to discussing it.

Barnes: I still like that idea of saying 2 hours after the last tow or 2:00 a.m., whichever is the latest. If the last tow is at 1:45 a.m., then 3:45 a.m. would be the two hour limit.

Kinsey: The person whose car is towed doesn't know what time it was towed. Whatever their closing time is should be listed on the sign. That way the person would know if they could or couldn't get their car back.

Barnes: That might put a wrench in things if the parking lot owners don't use the same tow company every time.

Newbold: One of the things we did is look at the models across the board. In North Carolina there is a consistent approach that someone has to be on call 24 hours a day and by that, they have to pick the phone up and return the call within 15 minutes. Then there has to be somebody that responds to the lot within 45 minutes or an hour. In the search I did, I did not find any model out there that had the 2 hour proposal. Initially, from the Police's perspective, we thought that might be a good compromise, but then when I sat down and tried to figure out how it would work the question came of what happens if an officer gets called to the lot because the person who wants their car back is there and the tow company personnel is not? We have to make sure it's a process that the officer can manage.

Campbell: Along those same lines, the industry's concern was if they responded at the set time and the car owner didn't show up, what would their remedy be? Could they charge an additional fee and how long would they have to wait?

Barnes: Have you tracked the number of predatory towing allegations over the last 24 months and if you have, how many have you been able to substantiate? What I'm getting at is sometimes we have issues where there are 750,000 people in Charlotte, but it's really only a problem that 5 loud people have had.

Newbold: We do not have that data. Remember, it's not illegal under the current ordinance to have someone patrol the parking lots looking for them. The issue is whether or not predatory towing is a policy that the City wants to support.

Levins: We didn't have a call code for wrecker disputes. When I asked that of the patrol divisions, I found that the highest volume areas were the University, Uptown and Providence areas. We were breaking up fights and people were being threatened or extorted to get their car back. Now, we are trying to encourage the officers to make reports for it and the public also. Down the road, we will have more data.

Barnes: For the last bullet point regarding the fees for vehicles over 4 tons. I get that it's difficult to determine a fee schedule, but also can understand why $1,800 might hurt a little bit. Was there any number talked about with the tow industry?

Levins: I called around and spoke to two large companies and they said their base rate was $500. However, when I came to the meeting I was laughed at and they said it was much higher than that, but I couldn't get a number from the group about what that number was.

Cannon: Alright, so for this item, staff should continue to look at best practices and determine what the number might be.

Barnes: If you have a fully loaded truck that's one thing, but if it's just the tractor and it's empty that seems like it would be easier.

Levins: I asked that same question about a combination and the company said $500. The industry people told me at the meeting that it would be two different tows. You can't lawfully tow the tractor and the trailer at the same time.

Kinsey: What about our garbage trucks and school buses? Would they have the same cost?

Dulin: We just approved contracts for specific tow companies to tow our City vehicles, so I think they would be excluded.

Cannon: So, let's wrap this item up. If the tow industry has any other comments or questions, please go ahead and submit the information to staff so that we can have that. We need your level of engagement.

Ms. Frye: If we could have a meeting, where ya'll are present and we could communicate openly, you would better understand where we are coming from.

Cannon: Unless you can tell us otherwise, staff has not been leaving out any of the conversations. It's hard, based on schedules, to get even three of us at the same time. You can have individual meetings with us and/or pair us up if it works with our schedules. We truly appreciate your time and input.

III. Noise Ordinance

Chairman Cannon recognized how short they are on time and asked City Attorney Mac McCarley to give the Committee a quick update on where they stand with the Noise Ordinance. Mr. McCarley said that he, Mr. Campbell, and Mr. Hagemann have been meeting with various stakeholders on this issue. They have worked with the CMPD folks, who have complaint records and have figured out the industrial noise, the motor vehicle noise and some of the festival issues. He said they met with groups that they consider stakeholders. Those are Center City Partners and their hospitality roundtable, which is a group that included uptown hotels, bars, restaurants and nightclubs. He said they got a good feel from that, but their best meeting was with the Charlotte Area Hotel Association. They were very articulate, very clear and very reasonable about what their concerns and issues were. He said he thinks they have that issue ready to move forward. Mr. McCarley said that they are about to begin meetings with the citizens and will be talking about the issue of bars and restaurants in neighborhoods. He also said they will bring everything back in one package with a set of recommendations, not later than the Committee meeting in December.

Chairman Cannon thanked everyone for the information and adjourned the meeting at 5:00 p.m.

Community Safety Committee
Monday, October 18, 2010; 3:30 – 5:00 pm
Room 280

Committee Members: Patrick Cannon, Chair
Patsy Kinsey, Vice Chair
Michael Barnes
Andy Dulin
Edwin Peacock

Staff Resource: Eric D. Campbell

AGENDA

I. <u>Citizen's Parole Accountability Committee</u>

Staff Resources: Eric Campbell & Stephanie Kelly

The City Manager's Office is in receipt of correspondence from the District Attorney and Police Chief requesting City Council's consideration in eliminating the Citizen's Parole Accountability Committee as a Council appointed Board/Committee. The Committee is asked to forward a recommendation to the full Council.

<u>Attachment</u>: 1. Letters

II. <u>Towing Ordinance</u>

Staff Resources: Mark Newbold & Major Eddie Levins

The Committee will continue its review of the City's Towing Ordinance and CMPD's towing enforcement strategies. No decision is requested at this time.

<u>Attachment:</u> 2. Oct. 13 Input Meeting Notes
3. Credit Card Research

III. <u>Noise Ordinance</u>

Staff Resources: Mac McCarley & Bob Hagemann

Staff will continue to review the current Noise Ordinance and facilitate Committee discussion regarding community noise issues. No decisions or recommendations are requested at this meeting.

<u>Next Scheduled Meeting</u>: Thursday, November 18 at Noon in Room 280

Distribution:

Mayor/City Council	Curt Walton, City Manager	Leadership Team
Mac McCarley	Stephanie Kelly	Rodney Monroe
Jon Hannan	Bob Hagemann	Jeanne Peak

CHARLOTTE.

CITY MANAGER'S OFFICE
M E M O R A N D U M

October 15, 2010

TO: Community Safety Committee members

FROM: Eric D. Campbell, Assistant City Manager

SUBJECT: Citizen's Parole Accountability Committee

The City Manager's Office is in receipt of correspondence from District Attorney Peter Gilchrest and Police Chief Rodney Monroe requesting City Council considers the elimination of the Citizen's Parole Accountability Committee as a Council appointed Board/Committee.

City Council established the Citizen's Parole Accountability Committee to evaluate the cases of inmates under consideration for parole and to impact the review process when appropriate. The number of inmates reviewed each month by the Committee has decreased significantly. Additionally, in 2007 the General Assembly enacted legislation which extended the review process, further reducing the number of inmates to be reviewed.

After 16 years of existence, both the Chief of Police and the District Attorney feel this Committee has run its course. Please feel free to contact me if you have question or need additional information.

Cc: Curt Walton, City Manager
Stephanie Kelly, City Clerk

Charlotte-Mecklenburg Police
601 E. Trade St. Charlotte, NC 28202

MEMORANDUM

To: Eric Campbell
Assistant City Manager

From: Rodney Monroe
Chief of Police

Date: July 12, 2010

Subject: Citizen's Parole Accountability Committee

The Charlotte-Mecklenburg Police Department recommends dissolving the Citizen's Parole Accountability Committee (CPAC).

In 1994, Charlotte City Council and the Charlotte-Mecklenburg Police Department adopted a five year Community Safety Plan. This plan was designed to best utilize its resources to reduce crime while increasing safety in our community. Part of this plan was to impact the review process of the North Carolina Parole Commission and prevent violent or career criminals from obtaining early parole. City Council established the Citizens Parole Accountability Committee (CPAC) to evaluate the cases of inmates under consideration for parole and to impact the process when appropriate.

The work of the committee has dwindled significantly in the last few years due the number still incarcerated who were sentenced under the structured sentencing guidelines getting smaller and smaller. While the committee is scheduled to meet monthly, there are fewer and fewer inmates to review. There are a number of programs offered to the offenders now and even if CPAC protests a release, the Parole Commission is still releasing inmates who have completed scholastic and vocational programming. There does not appear to be a need to revitalize the committee due to the diminished workload.

If there opportunities for committee members to join other committees, we hope you will assist CPAC members finding other meaningful work.

Please let us know if you have additional questions or concerns.

PETER S. GILCHRIST, III
DISTRICT ATTORNEY

State of North Carolina
General Court of Justice
Twenty-sixth Prosecutorial District
MECKLENBURG COUNTY

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TELEPHONE: (704) 347-7891
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FAX: (704) 347-7063

To: Eric Campbell
Assistant City manager

From: Peter S. Gilchrist III

Date: February 12, 2010

Subject: Citizen's Parole Accountability Committee

In 1994, Charlotte City Council and the Charlotte-Mecklenburg Police Department adopted a five year Community Safety Plan. This plan was designed to best utilize its resources to reduce crime while increasing safety in our community. Part of this plan was to affect the review process of the North Carolina Parole Commission and prevent violent or career criminals from obtaining early parole. City Council established the Citizens Parole Accountability Committee (CPAC) to evaluate the cases of inmates under consideration for parole and to impact the review process when appropriate.

CPAC is now in its 16th year and has essentially run its course with reviewing inmates sentenced under the Fair Sentencing guidelines. The number of inmates reviewed each month by the committee has decreased significantly. In 2007, the General Assembly enacted House Bill 1624 GS 15A-1371 (b) (4) which changed the review process from once a year to once every 3 years thus reducing the number of inmates being reviewed each month. The parole commission continues to release inmates sentenced before October 1, 1994 for many reasons including good behavior, successful completion of programs such as the Mutual Agreement Parole Program (see attached for description) and even releasing inmates who have high medical costs all in an effort to make space available for inmates coming into the Department of Corrections.

CMPD Sgt. Steve Christenbery recently updated me on the committee and advised in his opinion the committee has run its course and should be dissolved. He has recommended my office along with CMPD continue to write protest letters to the NC Parole Commission to protest the early release of inmates sentenced prior to October 1, 1994 under the Fair Sentencing guidelines. He along with Deputy District Attorney Bart Menser met with the committee on Thursday January 7, 2010. The committee members are currently exploring other avenues to affect the criminal justice system in a positive

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General Court of Justice
Twenty-sixth Prosecutorial District
MECKLENBURG COUNTY

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way. Its possible current members could be aligned with NCS-Neighbors for a Safer Charlotte or some other organization. I concur with Sgt. Christenbery's recommendation and applaud the efforts this committee has made over the last 16 years. I have copied Chief Monroe and will ask for his endorsement of this recommendation. Sgt. Christenbery has offered to work with this group of volunteers to see how and where they can contribute.

Peter S. Gilchrist III

cc: Chief Rodney Monroe

Division of Prisons
North Carolina Department of Correction

Report on the Status of the Mutual Agreement Parole Program

[Section 17.1 of S.L. 2007-323]

March 1, 2008

Theodis Beck
Secretary

Boyd Bennett
Director of Prisons

INTRODUCTION

The Mutual Agreement Parole Program (MAPP) helps to prepare selected parole-eligible inmates for release through structured activities, scheduled progression in custody levels, participation in community-based programs and conditional parole dates. The offenders, the Division of Prisons and the Post-Release Supervision and Parole Commission sign a written agreement that sets forth a plan for the inmate's eventual parole.[1] The inmate agrees to meet certain conditions set by the Division of Prisons and the Post-Release Supervision and Parole Commission (Parole Commission); in turn, the Parole Commission agrees to parole the offender if those conditions are met. Although they are not legally enforceable contracts, MAPP agreements have proved to be useful tools in influencing and promoting positive inmate behavior.

The Mutual Agreement Parole Program (MAPP) began in North Carolina in 1975 as a pilot project and went statewide a year later. In the early years, the program focused on committed youthful offenders and adult inmates involved in certain highly regarded vocational training programs such as the Iredell Furniture Program, the Cleveland Comprehensive Education Program and vocational training at North Carolina Correctional Institution for Women. Gradually, the Parole Commission began to be use MAPP to motivate improved behavior and to structure a gradual release from prison for a broader range of inmates. Today, MAPP is an effective management tool that encourages behavioral change, rewards appropriate behavior, evaluates an offender's readiness for release and prepares the offender for successful reentry into society.

Section 17.1 of Session Law 2007-323 provides as follows:

> **MUTUAL AGREEMENT PAROLE PROGRAM**
>
> **SECTION 17.1.** The Department of Correction and the Post-Release Supervision and Parole Commission shall report by March 1 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety and to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee on the number of inmates enrolled in the program, the number completing the program and being paroled, and the number who enrolled but were terminated from the program. The information should be based on the previous calendar year.

As mandated by the special provision, this report presents statistical information regarding MAPP based on the 2007 calendar year.

[1] Official signatories include offender, the DOP MAPP Director, two Parole Commissioners and the MAPP Coordinator at the facility where the inmate is housed.

ELIGIBILITY FOR THE PROGRAM

An inmate is eligible for the MAPP program if he meets the following critieria:

- The inmate is within three years of parole eligibility;
- The inmate is in medium or minimum custody;
- The inmate is not subject to a detainer or pending court action which may result in further confinement;
- The inmate has not had an infraction within the past 90 days;
- The inmate was convicted of a felony under pre-Structured Sentencing laws; and
- The inmate recognizes a need for involvement in MAPP and expresses an interest in one of more of the following: learning a skill, improving educational achievements, modifying specific behaviors or engaging in personal growth programs.

THE PROCESS

Either the Parole Commission or the Division of Prisons can refer an inmate for review for MAPP consideration. Once the case has been recommended for review, the Parole Commission begins to investigate the case and sends notifications to victims, district attorneys and the media. Stakeholders have a 30-day period in which to provide information regarding the case. The Parole Commission reviews all information obtained through the investigation and makes a final decision.

If the case receives a favorable vote, the case is forwarded to the Division of Prisons for development. During the development process, a case manager at the facility housing the inmate develops a plan to prepare the inmate to transition back into the community. The plan includes activities and assignments that will address various needs identified by the case manager. In addition, a majority of offenders will be required to undergo a psychological assessment as part of the development process.

Cases that have completed the development stage return to the MAPP Office to be scheduled for negotiations. During the negotiations process, the DOP MAPP Director, a Parole Commissioner and the MAPP coordinator from the facility where the inmate is housed sit down with the inmate, review the development plan and formulate the final agreement. Once all parties agree to the terms of the MAPP plan, the parties sign the document and the inmate is enrolled in MAPP. The average MAPP agreement takes 65 days from referral to completion.

THE NUMBERS

On January 1, 2007, 244 inmates were participating in the Mutual Agreement Parole Program (MAPP). An additional 177 inmates were enrolled in the program during the calendar year, meaning that a total of 421 inmates participated in MAPP during 2007. One hundred and nineteen inmates completed the program and were released, while 44 were terminated from the program during the calendar year.

The North Carolina Post-Release and Parole Commission conducted formal investigations for MAPP participation on 226 inmates during 2007. Of those formal investigations:

- 177 cases were approved for MAPP by the Commission and DOP

- 33 cases were suspended/denied by the Commission based on information gathered during the investigation
- 13 cases were denied by DOP
- 2 cases are still under investigation by the Commission
- 1 case is still being considered by DOP

The North Carolina Post-Release Supervision and Parole Commission denied parole and MAPP participation for 1,202 inmates during 2007. It was the Commission's determination that these cases could not safely be paroled or participate in MAPP because of the nature of their offenses, prison conduct, and/or unfavorable psychological information.

During 2007, the Commission also paroled 197 inmates who were released either under Community Service Parole, regular parole or pre-Fair parole. Of that number, 119 inmates participated in the MAPP Program. A total of 109 inmates were paroled under mandatory parole (Fair Sentence cases that are within 90 days of their sentence expiration dates). In the cases of inmates released under 90-day mandatory parole, most of these inmates were placed on Community Service Parole and were subsequently revoked.

It is important that inmates who are participating in MAPP be placed into and satisfactorily complete programs that have been agreed upon by the Commission, DOP and the inmate. Participation in community-based programs allows the inmate to demonstrate that he has matured and can safely handle responsibility in the community; and provides authorities needed additional observation time to ensure that he/she can be safely released. If the offender does not participate in prescribed community-based programs, the Commission has no alternative but to suspend the agreement to protect the public.

As of March 1, 2008, the Commission and DOP have 39 cases under consideration for MAPP.

SUMMARY

MAPP is an effective management tool intended to prepare inmates for successful reentry into society. The Department of Correction and the Post-Release Supervision and Parole Commission continue to try and increase MAPP participation to the extent increased participation is possible without jeopardizing public safety.

Towing Ordinance Input Meeting
October 13, 2010

City staff met with 12 representatives of the towing, parking, and property management industries on October 13, 2010. The purpose of the meeting was to update the group on the proposed changes to the towing ordinance and seek input on several issues. The primary issues discussed at the meeting were as follows:

- Wrecker drivers are still concerned that the ordinance will not allow for an increase in fees, given that their costs, including fuel and insurance, are continuing to increase. They suggest that if the fee for a tow cannot be increased, Council consider adopting a vehicle storage fee scale based upon the number of days the vehicle is on the wrecker lot. One driver suggested a $20 per day storage fee after allowing the vehicle to be stored for free for the first 24 hours.

- Wrecker companies still do not support the proposal that they be required to take credit cards and continue to cite potential problems with people contacting their credit card companies to dispute the charges on a non-consensual tow. They are also concerned about the cost of credit card machines and the transaction fees. There was a suggestion that the tow company be allowed to have a vehicle owner sign a form saying that he/she willingly paid for an impound with a credit card. One driver suggested that they take debit cards as opposed to credit cards because a debit card would require a vehicle owner to enter a PIN number which could not be disputed. (Note: Please see attached memo "Tow/Wreckers: Credit Cards")

- Wrecker drivers are still concerned about having to get a CMPD number before towing a vehicle. They are concerned about the waiting times for 311 and the danger they face from having to wait to tow the vehicle. They would prefer to hook up the vehicle, remove it from the tow location, and then call for the number.

- Parking lot and property managers do not support the proposed requirement that someone must be on scene to authorize a tow. They do not want their employees called out in the middle of the night. They feel the contracts they have with towing companies should be sufficient authorization for a tow.

- Wrecker companies support making towed vehicles available for pick-up up to two hours after their last tow of the evening.

- Parking lot managers want towing companies to be allowed to collect parking ticket fees when releasing a towed vehicle. They agree that there should be appropriate documentation on all tickets.

- Wrecker companies question whether all of the proposed ordinance changes fall under the category of public safety.

- It is difficult to determine a fee schedule for vehicles over 8,000 pounds.

To: Major Eddie Levins
Administrative Services Group

From: Paul S. Paskoff, Director
Research & Planning Division

Subject: Tow/Wreckers: Credit Cards

Date: October 12, 2010

The purpose of this memorandum is to provide you information on the research I have performed to date on the subject of tow/wrecker companies placing credit card readers in the cabs of their tow trucks.

Background

Article XI of the Code of Ordinances of the City of Charlotte (Sections 6-561 through 6-573) outlines the compensation a tow/wrecker company may charge when they tow vehicles illegally parking in a private lot. Tow/wrecker companies may charge $120 and a storage fee of $15 per day. In Charlotte, tow/wrecker companies only accept cash when towing vehicles illegally parked in a private parking lot.

The concern and point of this research was to learn the cost associated Charlotte tow/wrecker companies installing credit card readers in tow/wrecker cabs. In addition, research was conducted to learn if other companies, i.e., taxi cabs, accepted debit and credit cards for payment of towing services and if other North Carolina cities required the accepatnace of debit and credit cards as a form of payment.

Cost of Credit Card Readers

I met with David Wallace Jr, Founders Hall Branch, Bank of America, to discuss cost of a tow/wrecker company using a credit card to accept payment. Mr. Wallace explained that the cost for the use of a credit would be "pennies on the dollar." Mr. Wallace said that the rate is negotiable; the higher the volume of the business the lower the rate. Also negotiable is the credit card reader, even to the point of at no cost.

A concern raised by two/wrecker companies was the "dispute process." It had come to our attention that one of the reason given by tow/wrecker operators against the use of credit cards, in favor of cash, was the person whose vehicle was towed would contact

their credit card provider and dispute the charge to have it removed. Discussing the dispute process, Mr. Wallace explained that a customer would have to prove fraud, that the credit card was used by the wrecker service fraudulently (i.e., used to purchase items other that the charges for the tow and storage).

I next spoke with Chris Cedrone, Wells Fargo Merchant Services. Mr. Cedrone said that the cost to lease an electronic card reader is $34 per month and the cost for connecting to the AT&T network is $15 per month ($49 total). The "transaction" fee would be between 2.25% and 2.75% (depending on volume) plus $0.10 per transaction. Assuming, based on the City's "Towing and Booting" Ordinance (Article XI, Section 6-561 to Section 6-573), the transaction charge against $120 tow charge would be $2.80 to $3.40. If the vehicle were to remain in storage for three days before being claimed by the owner ($120 plus $45 or $165) the transaction fee would range between $3.81 and $4.64.

Charlotte Taxi Cabs

CMPD Vehicles for Hire Manager Burhan Al-Shaikh informed me that all taxi cabs operating in Charlotte accept credit and debit cards. Mr. Al-Shaikh explained that approximately 50% of the cabs use an electronic card reader (either mounted or portable) while the remaining cabs use the older manual system.

The use of credit card readers in taxi cabs is voluntary. Initiated three years ago, taxi cab companies recognized that accepting payment by credit and debit cards was a safey issue as drivers would be carrying less cash. In addition, accepting credit cards would be seen as a customer service benefit, particularly for passengers traveling from the airport and from hotels.

I have attached a listing of those taxi cab companies that accept credit cards and photos of the application of card readers in taxi cabs.

North Carolina Cities

I contacted the cities of Raleigh and Greensboro, North Carolina to learn if they had ordinances in place requiring the acceptance of credit cards by two/wrecker companies. Speaking with the Police Attorney for the City of Greensboro, there is no specific language in their Code of Ordinances requiring payment by cash, debit, and/or credit cards.

The City of Raleigh does require the accptance of cash, debit card or major national credit card for non-consensual tows:

> City of Raleigh
> Sec. 12-7015 Improper Towing

Any towing or storage firm engaged in the business of providing non-consensual motor vehicle towing services *shall* not charge the *owner* or operator of the towed vehicle in

excess of one hundred dollars ($100.00) for the non-consensual removal of the motor vehicle or in excess of twenty-five dollars ($25.00) per day for storage fees; however, no storage fees shall be charged for the first twenty-four (24) hour time period from the time the vehicle is removed from the property. The fee of one hundred dollars ($100.00) *shall* be all inclusive. The fees referred to in this section *shall* be payable by cash, debit card or major national credit card at no extra cost. Failure to accept credit or debit cards for payment is a violation of this section and is punishable as a misdemeanor. No additional fees *may* be charged for using dollies, trailers, lifts, Slim jims or any other equipment or service. However, the maximum fees in this section *shall* not apply to the non-consensual towing of vehicles weighing in excess of two (2) tons. Non-consensual towing fees and storage rates *shall* be established biannually by the *City Council*.

Charlotte Tow/Wrecker Companies

In the course of this research, I found that several Charlotte based tow/wrecker firms indicate on their web sites that they accept accept credit cards. These firms include;

- Dellinger Wrecker Services, Charlotte, NC:
  http://www.dellingerwrecker.com/faq.php

- Alan Beaty Wrecker Service, Charlotte, NC:
  http://realpages.com/sites/alanbeatywreckerservice/index.html

- Eastway Wrecker, Charlotte, NC:
  http://www.leads.com/fast_Quote/index_f.aspx?x=3192

It would appear that while local tow/wrecker companies do accept credit and debit cards, they may (i.e., Dellinger Wrecker Service's website) accept cash only for tow offs (non-consensual tows).

Citizen's Parole Accountability Committee

2010 Annual Report

Background

In 1994, Charlotte City Council and the Charlotte-Mecklenburg Police Department (CMPD) adopted a five-year Community Safety Plan. This Plan included the implementation of a program to impact the review process of the North Carolina Parole Commission to prevent violent or career criminals from obtaining early parole. City Council established the Citizen's Parole Accountability Committee (CPAC) to evaluate the cases of inmates under consideration for parole and to impact the review process when appropriate.

During the past 16 years that CPAC has been in existence it has achieved many accomplishments, including but not limited to, increasing the number of hearings before the Parole Commission for the victims of crime, the preparation of legislative issue packages for Mecklenburg County's Legislative Delegation, the acceptance of videotaped testimony of victims, and providing assistance for the passage of a Victims Rights Amendment.

In 2007, the General Assembly enacted a bill that changed the review process from once a year to once every three years thus reducing the number of inmates being reviewed each month. The Parole Commission has continued to release inmates sentenced before October 1, 1994 for many reasons including good behavior, successful completion of such programs as the Mutual Agreement Parole Program (MAPP), and even releasing inmates who have high medical costs. These actions were taken to make room for new inmates coming into Department of Correction custody.

District Attorney Peter Gilchrest, in a memorandum to Chief Rodney Monroe dated February 12, 2010 (attached), concurred with a recommendation from the CMPD Courts Services Unit sergeant that the CPAC had run its course and should be dissolved. The District Attorney's Office would continue to write protest letters to the North Carolina Parole Commission to protest the early release of prisoners sentenced prior to October 1, 1994. Chief Monroe, in a memorandum to Assistant City Manager Eric Campbell (attached), based on the conclusions reached by Mr. Gilchrist, also recommended that CPAC be dissolved.

Inmate Status

The number of inmates under review by the CPAC, from 2007 to 2010, has decreased by 70.2 percent or from 111 to 33 cases (sees Table 1). The inmate status for 2010 represents the 33 inmates scheduled for review in 2010 (updated through August).

Table 1

Inmate Status Report: 2007-2010

Active Inmate: No letter received, inmate still in Department of Correction custody
Inactive: Inmate has been released from Department of Correction custody
Active P/P: Inmate is currently on parole and will be released
Denied Parole: Inmate is active and a letter has been received
Approved Mutual Agreement Parole Program (prepares selected inmates for release through structured activities, scheduled progression in custody levels, participation in community based programs, and established parole dates): Inmate is currently participating in MAPP and a letter was received.

Year	Active Inmate	Inactive/ Deceased/ Released	Active P/P	Denied Parole	Approved MAPP	Suspended from MAPP Review	Active Parole	Review/ Parole Suspended	TOTAL
2010	6	1	1	19	4	1	1	0	33
2009	12	0	12	51	2	3	0	1	81
2008	14	1	10	52	12	0	1	0	90
2007	33	5	0	50	9	1	13	0	111

Citizen's Parole Accountability Committee

During 2010 there were insufficient members for a quorum to review inmates for March or April meetings. The June meeting was canceled following the resignation of the Committee Chair and in consideration that continuation of the Committee was under review. The last official meeting to discuss the status of CPAC was held July 1 including only 3 of the 5 remaining CPAC members present. CPAC members are exploring opportunities to become aligned with Neighbors for a Safer Charlotte or similar organizations.