

City of Coral Gables City Commission Meeting
Agenda Item D-1
July 13, 2010
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia

Public Speaker(s)

Tom Fuhrman, Coral Gables Resident

D-1 [Start: 10:16:22 a.m.]

Tom Fuhrman to discuss Police Department use of sirens and lights for non-emergency escorts.

Mayor Slesnick: We have a personal appearance by Mr. Tom Fuhrman. Welcome Tom, good to have you here, if you would just introduce yourself and give us your address.

Mr. Fuhrman: Thank you very much. Good morning, Tom Fuhrman, 4430 Santa Maria in Coral Gables. I am here today as a long time resident of Coral Gables and I appreciate you taking the time to listen to my concern. My concern involves the use of lights and sirens by Police Officers in non-emergency situations, specifically speaking of off-duty Police Motorcycle Officers hired by private companies to assist in the transportation of their employees from a hotel to a private event. My concern stems from an incident that occurred on July 16, 2009, one year ago in downtown Coral Gables about 7:00 p.m. On that evening, my wife and I were walking to dinner when we observed a motorcycle officer approaching the intersection at a high rate of speed with his lights flashing and sirens sounding. My wife and I hurried out of the crosswalk and watched as additional motorcycles sped down the street stopping consecutively in the intersection and halting the normal flow of traffic. As we were watching the situation, a white van with two people inside sped down the street with a motorcycle in front of the van. As I watched the procession, my mind trying to understand the nature of the emergency that was requiring three or more motorcycle Police Officers, high rates of speed, lights and sirens, and the blocking of intersections. After I had dinner I called the Police, the Coral Gables Police Department and asked what serious situation had occurred earlier in the evening?- the only noted event was a

music awards presentation being held at the University of Miami. The next day I called the City Manager's office, spoke with Maria Jimenez, who was very courteous to me, and I express my concern and asked that she please check with the City Manager to determine what I had observed was appropriate procedure for the city. Over the next few months I exchanged a series of e-mails, spoke with the Chief of Police and he sent some information to me which was covering categories of escorts. I responded in writing that I appreciated the information, but my concern was over the use of sirens and lights in non-emergency situations to escort employees to the university. In the year that has passed from this incident, I've communicated my concern to the City Manager's office, to the Chief of Police, and to the City Attorney. My concern remains the same, and no one has responded to the issue. The use of lights and sirens in non-emergency situations; every response that I have received addresses escorts; no one has addressed lights and sirens. First, I believe it's a violation of State Statute 316.271: "every authorized emergency vehicle shall be equipped with a siren, sirens shall not be used except when the vehicle is operated in response to an emergency call. An emergency is defined as unforeseen or sudden occurrence, a situation of danger, demanding immediate remedy or action, unexpected, especially dangerous happening or situation, an emergency situation that posed an immediate risk to health, life, property, or the environment." With all due respect it is clear to me that the escorting of performers to a privately scheduled event is not an emergency. Secondly, does the city of Coral Gables want to allow off-duty Sweet Water Police Motorcycle Officers to speed through our streets, lights flashing, sirens sounding, blocking intersections, as they escort employees to a scheduled event? I realize that we want to extend every courtesy to the V.I.P. visitors and performers at commercial events in the city, but I think the use of lights and sirens is extreme and dangerous. As I believe most citizens are raised to understand that lights and sirens indicate an emergency situation, situations of danger demanding immediate remedy or action, a situation that poses an immediate risk to health or life. Do these situations or companies hire off-duty Police Officers to assist in the transportation of employees rise to the level of emergency? Please review my concerns. Thank you very much for your time and courtesy.

Mayor Slesnick: Thank you Tom, very well said presentation. Chief – well Mr. Manager, do you...

City Manager Salerno: Chief could you just address that matter very briefly.

Chief Nae: Thank you very much. There are really several different venues within the City of Coral Gables that have affairs of large magnitude that we as a necessity need to utilize off-duty officers for various different jurisdictions, particularly one the Latin Grammys that occurred last year, which will again occur on Thursday evening in the City of Coral Gables at the Bank United Center, due to our available resources and different performers, other individuals, dignitaries, noted individuals that may be political in nature, entertainment in nature, important people within the community, we utilize in a very controlled manner methodologies to get individuals from point "A" to point "B", in the most expeditious and safest manner as possible during the least amount of negative impact within the traffic and the flow and for the citizens of the city of Coral Gables. In this particular incident Sweet Water Police Officers were utilized, in the past we've had Miami-Dade, city of Miami, Miami Beach, a variety of other Florida Highway Patrol

motorcycles and other assistance at the various different events. What we'd like to do in this particular situation last year is, we work in conjunction with those individuals; we try to set down certain standards according to what the policies we have and those individual departments have, for safely escorting individuals whether it be a non-emergency or emergency modes. At times when motorcycles, especially you've seen funeral processions, they start to approach an intersection, they will go and activate their emergency equipment to let all the traffic, pedestrian and vehicle traffic know that they are there, establish control of the intersection, and move the traffic whether it be dignitaries or whatever, in a safe expeditious manner with the least amount of negative impact on the traffic flow. This was a case that was related to me by the individuals from Sweetwater last year. Since then, we've spoken with the individuals, the supervisor of that particular unit to make sure that they had adhered to certain policies and make sure they don't over use or abuse utilization of emergency equipment. One of the things we have is when you attempt to escort individuals and you're necessarily approaching an intersection, if you don't do so with the activation of your emergency equipment you are not only putting the officers in jeopardy, but also the other pedestrians and vehicle traffic. We feel this is used in a prudent manner, used in a prudent, professional, controlled manner, and we again each and every time that we work with our partners in other agencies that help us out in these different events, we set down certain ground rules and certainly have an appreciation and respect for what we should be doing, or what we shouldn't be doing within the city. There were many events after that; there was a McDonald's basketball event that we had to take individuals from notable stars, both youth and professional stars and the like from the Colonnade and other hotels to the same particular venue. So we try to do this, we try to work with our partners in law enforcement and with the individuals that are promoting such events within the City of Coral Gables, and I would like certainly to consider to do this in the future and continue to do this because if we...we cannot control other agencies from coming through or into our particular jurisdiction, so we would prefer to work with them and in tandem with them and set down good guidelines and common sense approach to utilization of these escorts and equipment.

Mayor Slesnick: Thank you Chief. Madam City Attorney, I know that Mr. Fuhrman has raised this issue before with us and again raises it eloquently I might add, about State Statute; do you believe that the use of emergency equipment in these situations are in violation of State Statute?

City Attorney Hernandez: We looked at the position of Mr. Fuhrman and corresponded with him, we met with the Chief, we also reviewed the Mutual Aid Agreement that we have with the city of Sweetwater, which we have with numerous and various cities to provide for interlocal cooperation between the jurisdictions, and so long as there is notice to the Chief, and the Chief is aware of the procedures that are being undertaken and provides implicit approval, we take the position that unless the Chief is abusing his discretion, we are not going to interfere in lawful Police practices.

Mayor Slesnick: Mr. Fuhrman has talked to me on a number of occasions, and I've been sort of involved in directing him to different places within the city, so. Tom, I just want to say, I appreciate your concerns, and I appreciate what you brought to our attention, and I have expressed to the City Manager in my own right my concerns about other departments coming in

and taking actions which may not be in conformance with the way we would do it, and also the fact that I think the citizens of Coral Gables need to have a comfort level with other departments operating within our city and how we are overseeing them. I do believe the Chief has expressed that we have contacted Sweetwater, that we have talked to them, that we intend to make sure that other departments use the same procedures that we would use and the same cautions that we would use, and so forth, so therefore; I mean at this time I think that we are...between your positions, the city's position there is a little bit of a stalemate, but you have raised this issue, you've raised it consistently and you've brought this to our attention, and I certainly hope that what you have done is expressed you have expressed the concern of a citizen over what a siren and/or lights can do to the psychological well being of other citizens that we need to be careful in how we use them. So I appreciate that.

Mr. Fuhrman: Well, I thank you for your comments; no one has really addressed the use of sirens in a non-emergency situation, the City Attorney hasn't, the City Manager hasn't, and neither has the Chief of Police. I appreciate the comment, but it's still in violation of State law, it's a non-emergency situation; residents of Coral Gables are forced to stop so that off-duty Police Officers, V.I.P.'s, I would think that citizens of Coral Gables are also V.I.P.'s, so we wouldn't have to stop our flow of traffic; there are no paparazzi involved in these situations in Downtown Coral Gables, but I certainly appreciate you listening.

Mayor Slesnick: I understand you disagree, and for the record, and you are on the record, we do have a record; your disagreement on the sirens will be noted and as a personal thing to you taken the time, I will ask the Manager and the Chief to take one last look at sirens and how they might control them better, OK.

Commissioner Cabrera: But it's interesting though; I share your concerns, I'm not in disagreement with anything you said today. I just don't know how to really effect – let's say that we agree that this needed to be something that needed to stop within our city limits, I don't know in the world we would be able to effectively enforce it.

Mayor Slesnick: As soon as the Highway Patrol comes through with some state official or federal official, they do what they want to do, so.

Commissioner Cabrera: And I'm not in disagreement with you sir, so I don't want you to think that I don't support your efforts because I do. Incidentally, you have a beautiful home on Santa Maria, that makes it any better.

Mayor Slesnick: And by the way, I would like to note for the record that even though the first Mayor of Coral Gables, Doc Dammers was noted for being driven around with two motorcycle officers escorting him, currently the Mayor and Commissioners do not use escorts in the city, so. The V.I.P.'s that we are talking about must be people from outside the city, because they aren't here, but Tom thank you again for continuing to bring this to our attention, and I know you are going to leave here somewhat discouraged, but I can assure you you've made us discuss this in

detail a lot, and as I said, I take your comments about sirens and throw them back on the administration to take a second look at, OK. Thank you.

[End: 10:29:25 a.m.]