

# More 'cold-plate' violations revealed



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## CORRECTION:

Editor's note: This story has been updated from a previous version to clarify the status of city cars driven by former Riverside City Councilman Frank Schiavone. He drove a car with untraceable plates for most of 2007, but a car issued to him in 2008 did not have such plates.

Four Riverside City Council members and three top city executives drove cars with untraceable police license plates in violation of state law, according to records released recently.

City officials had acknowledged that City Manager Brad Hudson, Assistant City Managers Tom DeSantis and Michael Beck, and Ward 7 Councilman Steve Adams had untraceable "cold plates" during 2007 and 2008. That information came to light in depositions in a now-settled lawsuit two police officers filed against the city.

In late July, city officials released documents showing that council members William "Rusty" Bailey, Nancy Hart and Andy Melendrez, and former Councilman Frank Schiavone also drove cold-plated cars. The plates were removed in 2008 and 2009 after an inquiry by the attorney general's office. The inquiry was triggered by a police lieutenant's complaint.

The untraceable plates are intended for undercover police work, not civilian use. It is more difficult to enforce parking and other traffic laws on vehicles with cold plates, but city officials say the cold plates never gave City Council members any special advantages.

Bailey, Hart, Melendrez and Schiavone all said they were not told their cars had cold plates and learned of it only recently.

"That's not the position that any public official wants to be in, that you don't know that you are doing something illegal," Hart said.

Adams, a retired police officer, said he found out when someone at the city changed the plates without telling him; he thought they had been stolen.

Hudson said in an interview that he didn't learn about cold plates "until everything started hitting the fan" after the attorney general's inquiry. He said the blame rests on him, DeSantis, who oversees the Police Department, and former Police Chief Russ Leach.

"I'll blame Tom for the cold plates, Tom and the chief, with the chief getting a little more of the blame," Hudson said. "But ultimately, I'm responsible."

#### Incomplete Records

Exactly how and why the council members and officials acquired the plates is hard to decipher.

The city has released some information in response to several public records requests, but the records are incomplete. For instance, the city had to apply to the DMV for cold plates for as many as eight cars used by city officials, but only two DMV applications were among the documents released. DeSantis said the records are spotty because many were not retained by police officials.

Records the city released also show that proper procedures for obtaining the cold plates were not followed.

A cold-plate application for a Mercury is signed by Virginia Titus, a senior office specialist in the Police Department, even though the application clearly requires the signature of the head of the law enforcement agency that is applying. The DMV form also makes it clear the plates are for cars used in criminal investigations or supervising parolees.

Titus, when contacted by telephone, said she is no longer with the city and had no comment.

Leach, contacted last week, said City Hall officials asked his police fleet personnel for cold plates without his knowledge.

In a court deposition taken in November, he said: "Someone from city general services dealt, I think, with our fleet service person to have it done."

He added last week that the cold plates were part of a wider effort by the city manager's office to obtain tools of law enforcement, including guns and badges. Four previous city managers he worked for never wanted such things, he said. "Why would I suggest it?" Leach asked.

DeSantis has said it was Leach's idea to use cold plates, because the plates can take months to get and Leach wanted to be able to easily move cars from city to police use.

DeSantis pointed to an e-mail the city recently released that he says shows Leach approved the cold plates.

The subject line of the message is "Schiavone cold plate." In the e-mail, dated Jan. 14, 2008, Leach told Karen Aquino, the Police Department administrative services manager, "Yes. It is OK. The vehicle code provides for elected officials."

Leach said last week that the e-mail is being taken out of context.

He had discussed license plate issues with a traffic lieutenant, he said, and learned that City Council members and other elected officials could qualify for "confidential" plates, used for privately owned vehicles so they can only be traced back to the city and not the owner.

Leach said the words "cold plate" in the e-mail's subject line was a semantics error stemming from frequent confusion over the difference between confidential and cold plates. He added that the e-mail was sent to him after he learned of the problems with civilians improperly using cars with cold plates. The Acura that was discussed in the e-mail never had cold plates, although Schiavone drove a Toyota Highlander with such plates from March to December 2007, DMV and city records show.

#### concerns raised

According to records and interviews, Hudson started using a city car with cold plates as early as 2005 and, in 2006, DeSantis and Beck, who now is Pasadena city manager, also were assigned cars with cold plates. In 2007, several City Council members opted to use take-home city cars, and Adams, Hart and Melendrez were assigned vehicles with cold plates, according to DeSantis and city records. Bailey was assigned a cold-plated Toyota Highlander in September 2008.

Concerns about civilians using cold plates had been raised earlier that year, according to public records. In a December 2009 deposition, police Lt. Darryl Hurt said he met with Leach on Jan. 8, 2008, to discuss improper use of cold plates by city officials.

"He (Leach) told me this was occurring over at City Hall and occurring in spite of his objections and he would like me to look into it," Hurt said in the deposition. The deposition was in connection with a lawsuit Hurt and Lt. Tim Bacon filed against the city in 2008, alleging they were passed over for promotions as retaliation for union activities. The suit was settled earlier this year.

About a month after his conversation with Leach, Hurt complained about the cold plates to Gary Schons, a senior assistant attorney general based in San Diego, according to the deposition. Schons has said in an interview that he informed the city verbally that the practice violated state vehicle code but took no other action.

The city removed the cold plates on some vehicles and transferred others to police officers in 2008 and 2009. The state Department of Motor Vehicles took as long as six months to process requests to change the plates, according to DeSantis.

Melendrez said the license plates on the Mercury Grand Marquis he was using were changed in December 2009, and no one told him why. He said he learned of the attorney general office's involvement when contacted by a reporter in June this year.

Bailey and Hart said they're disappointed they weren't told what kind of plates were on their city cars, but both pointed to Hemet to illustrate that the situation wasn't unique to Riverside. Hemet Police Chief Richard Dana said in June he would remove cold plates from two cars used by city officials after learning their use was illegal.

Adams said he's puzzled as to why anyone thought it was a good idea.

"There is really no benefit to having those plates. It doesn't allow you to park illegally, it doesn't allow you to drive fast," Adams said. "Why it was done, I don't know, and I don't understand even today." The council members said that, since the plates were long ago removed, they consider the matter closed.

Adams, Bailey and Hart said they hold Leach responsible for the cold plate debacle. Leach took medical retirement in April after pleading guilty to misdemeanor driving under the influence; he had been stopped by Riverside police officers after an evening of drinking at a strip club.

"I think ultimately he's responsible as our top law enforcement officer to give our city manager advice on that, and he gave him bad advice," Bailey said.

Hart said she's ready to lay the matter to rest.

"Sure, it makes you mad, but you move on," Hart said. "I'm tired of hearing about them, actually."

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#### THE CHRONOLOGY

2005: Brad Hudson becomes city manager and starts driving a Toyota Highlander Hybrid with untraceable "cold" plates.

2006: Assistant City Managers Tom DeSantis and Michael Beck are issued a cold-plated Mercury Grand Marquis and a Ford Grand Marquis, respectively.

2007-2008: City Council members Steve Adams, Frank Schiavone, Nancy Hart, Andy Melendrez and William Bailey are assigned cold-plated cars.

2008: A police lieutenant files a complaint with the state attorney general's office.

2008-2009: Cold plates removed or used by police