

Public Safety Council Committee

Minutes

Wednesday, February 13, 2008

10:00 a.m.

Municipal Plaza Room C

Members Present: Councilmember Justin Rodriguez, *Chair, District 7*
Councilmember Delicia Herrera, *District 6*
Councilmember John Clamp, *District 10*

Members Absent: Councilmember Philip Cortez, *District 4*

Staff Present: Sheryl Sculley, *City Manager*; Frances Gonzalez, *Assistant City Manager*; Erik Walsh, *Assistant City Manager*; William McManus, *Police Chief*; Martha Sepeda, *1st Assistant City Attorney*; David Martinez, *Deputy Fire Chief*; David Head, *Assistant Police Chief*; Charles Pruski, *Assistant Health Director*; Randy Jenkins, *District Fire Chief*; Joe Nino, *Deputy City Attorney*; Chris Hebner, *Assistant City Attorney*; Robert Reyna, *Assistant City Attorney*; Brandon Smith, *Office of the City Clerk*

Call to Order

Chairman Rodriguez called the meeting to order.

I. Approval of minutes from the October 3, 2007 meeting

Councilmember Clamp moved to approve the minutes from the October 3, 2007 meeting. Councilmember Herrera seconded the motion. Motion carried unanimously.

II. Items requiring individual briefing(s):

A. Discussion on Alcohol-related Motor Vehicle Accidents and Proposed Enhancements to Prevention and Enforcement Initiatives

Presented by Chief William McManus and Dr. Fernando Guerra, Director of Health

Chief William McManus reported that there are 114 officers assigned to the Traffic Unit of which 20 are assigned to the DWI Unit with an additional 5-10 officers that patrol four hours nightly funded by the DWI Step Grant. He outlined proposed short-term and long-term strategies to address alcohol-related vehicle accidents. The proposed recommendations are attached.

Dr. Guerra reported that said issue was a significant public health concern and affects all age groups. He noted that 50% of all traffic accidents are alcohol-related. He added that 20% of alcohol was consumed by young people between the ages of 12-20 and that 26% of high school

students reported binge drinking. Dr. Guerra presented an overview of prevention strategy recommendations addressing said issue. The proposed recommendations are attached.

Chairman Rodriguez asked if there was any way to reduce the time to process a DWI arrest. Chief McManus stated that a Task Force had been formed to address that issue and that the results of those findings would be completed in a few weeks.

B. Discussion on a new Vehicle Noise Ordinance

Presented by Chief William McManus, San Antonio Police Department

Chief McManus reported that the number of Noise Violation Citations doubled in 2007 over the year 2006. He noted that revisions must be made to the existing ordinance to implement Councilmember Clamp's request to increase penalties. He recommended a proposed amendment to Section 21 of the City Code providing for progressive minimum fines for the first, second and third, violations and a requirement to plead a culpable mental state to allow the City to seek potential fines of up to \$2000 per violation; the maximum provided under the law.

Councilmember Clamp moved to forward said item the full Council for consideration. Councilmember Herrera seconded the motion. Motion carried unanimously.

III. Executive Session.

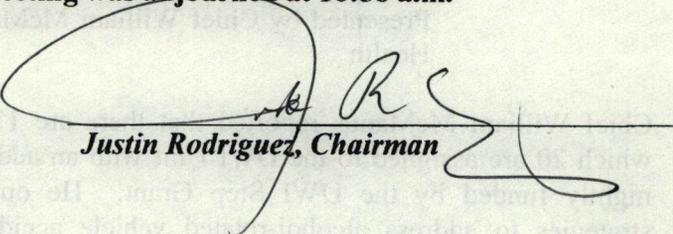
There were no items addressed.

IV. Consideration of items for future meetings.

Erik Walsh stated that a recommendation will go forth that the progress of the Dispatch and Records Management Project be made to the Public Safety Committee on a quarterly basis. Chairman Rodriguez requested a status report on the implementation of first response equipment (Fire/EMS).

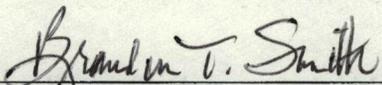
V. Adjournment.

There being no further discussion, the meeting was adjourned at 10:56 a.m.



Justin Rodriguez, Chairman

Respectfully Submitted,



Brandon T. Smith
Administrative Assistant II
Office of the City Clerk

February 13, 2008
bts

CITY OF SAN ANTONIO
Interdepartmental Correspondence Sheet

TO: Sheryl Sculley, City Manager

FROM: William P. McManus, Chief of Police; Fernando A. Guerra, M.D., M.P.H., Director of Health

COPIES TO:  Erik Walsh, Assistant City Manager; Frances A. Gonzalez, Assistant City Manager; file

SUBJECT: Alcohol-related Motor Vehicle Accidents

DATE: February 7, 2008

SUMMARY

In response to a request by the City Manager, the San Antonio Police Department and Metro Health have partnered together to recommend prevention and enforcement strategies to address the ongoing issue of alcohol related vehicle accidents. The following report includes both short term and long term recommendations as well as plans to deal with this issue during the upcoming Fiesta celebration.

BACKGROUND INFORMATION

The most current National Highway Traffic Safety Administration (NHTSA) data estimate that 39% of all fatal traffic crashes involve alcohol. In Texas, this rate is considerably higher and in 2006 NHTSA reported that alcohol played a part in 48.3% of all traffic fatalities. (Table 1) This ratio was still higher in Bexar County where NHTSA estimated that 50% of all traffic fatalities during 2006 involved alcohol, the highest rate since 2003. (Table 2) According to NHTSA, Bexar County's DWI fatality rate is 11% higher than the national rate and 1.7% higher than the state rate. However, when compared to the top five counties in Texas, Bexar County ranks 5th. (Table 1)

Data from the Centers for Disease Control and Prevention (CDC) show that in 2005, 16,885 people died in alcohol-related motor vehicle accidents (MVA). That same year, according to local death certificates, 162 residents of San Antonio died in a MVA and EMS assisted 10,256 MVA victims (5,863 female and 4,393 male). The Bexar County Medical Examiner's Office reported that in 2006, 58% of MVA driver deaths were found to have positive tests for drugs or alcohol, 31% were negative to these tests and 12% of cases were not tested. (Table 4) MVA deaths in Bexar County are higher than homicide and suicide deaths in all age groups and are the leading cause of death for the ages 14-24. (Table 5)

Binge drinking, often defined as one person consuming five or more alcoholic drinks within a couple of hours, is a marker for unsafe alcohol use. Data from the 2007 Youth Risk Behavior Survey conducted with students of a local school district indicate that 26% of high school students reported binge drinking. (Table 6) In a similar study for adults, the rate increases in those 18 or older to as high as 37% in some demographic groups and is 25% overall in the city's adult population. These rates are generally higher than those found at the state and national levels.

Overall this data reveals that alcohol is responsible for a significant number of overall deaths and MVA deaths in particular and impacts a cost to society at many age levels. These rates do not show any significant increase during the past 5 years and are generally consistent with similar sized cities in the United States. (Tables 1 and 3)

Texas State Laws.

- The Texas state laws regarding DWI are in most cases comparable to other states.
- All 50 states consider a 0.08% Blood Alcohol Content (BAC) as the level of intoxication for DWI.
- Texas has a "zero tolerance" on BAC when it involves minors (under the legal drinking age of 21). In Texas under the Administrative License Revocation (ALR) program, under age drivers found with any measurable BAC can lose their license on the spot and face license suspension for sixty days to two years.
- Texas also has an "Implied Consent Law," which means that anyone with a driver's license has provided implied consent if he or she agrees to submit to a chemical test when properly asked by police. If refused the person could face harsher consequences.
- Texas does not have an "Enhanced Penalty" BAC Level which means that penalties become harsher with a higher BAC. For example, Arizona law calls for enhanced penalties if the BAC is 0.15% or above and a new classification of "superextreme" offender for those with a BAC of 0.20% or above. The new classification requires a mandatory 45 day jail sentence that cannot be suspended. Arizona also requires an ignition interlock system to be installed after the first DWI offense.
- Of the 50 states, Texas is one of ten that does not have provisions for sobriety checkpoints. Said checkpoints are permissible under the law, but must meet strict guidelines set forth by the courts and at a basic minimum be authorized by a statewide policy emanating from a politically accountable governing body.

RECOMMENDATIONS

Prevention

The Health Department staff is taking a lead role for the City on the following DWI prevention efforts.

- Increase media awareness and education campaigns including bilingual, bicultural mass media programs including public service announcements in print and broadcast media. Programs should also be established for teenagers and young adults as well as parents, due to the high rates of alcohol use in younger populations. Messages should stress the dangers of alcohol consumption and operation of a motor vehicle to include information on how physiological differences and variations in body types may put some individuals at greater risk than others. Successful programs generally used paid advertising for a high level of exposure to the target audience and conducted the campaign in conjunction with strong enforcement efforts. Staff will take the following steps over the next 60 days.
 - Contact other organizations with media campaigns against drunk driving to determine motivation themes, target audience and media timing strategies that will be used.
 - Contact local foundations and other organizations to determine if outside resources are available.
 - Contact communities with successful media awareness and education campaigns to request materials, evaluation plans and related information.

- Develop a plan and timeline for a sustained campaign that is coordinated with other efforts against drunk driving.
- Increase training programs for servers of alcoholic beverages. Training can include identifying and dealing with intoxicated patrons, enhanced awareness for taxi/shuttle options for patrons to get home without driving, etc. To be successful, the training must be intensive (longer than 4 hours), high quality, face-to-face and accompanied by active management support. Implementing such a program could be done on a voluntary basis, but most likely would require mandatory server training programs for all licensed establishments. This requirement could be through State statute or local ordinance. Staff will take the following steps in the next 60 days.
 - Request a legal review of current State and local laws related to servers of alcoholic beverages and determine how a mandatory server training program could be best established (i.e. through State or local ordinance).
 - Obtain information on the impact of mandatory training on the local industry to determine potential barriers and if a program could be incentivized through reduced insurance costs.
 - Contact communities with successful server training programs and request curriculums and course materials.
 - Develop an analysis of this approach, timeline and budget.

Enforcement

Short-term Strategies

- Increase anti-DWI policing efforts. Possible initiatives in this area include increasing staffing through the budget process and police staffing plan, researching additional grant funding opportunities and looking for ways to streamline the process of DWI arrests to allow for more time to be spent on patrol. Staff is also working with the Texas Alcoholic Beverage Commission (TABC) on programs improving notification, training and utilizing TABC source investigations to successfully supplement criminal cases.
- Increase number of in-car video cameras in police patrol cars. Staff will continue to place this item on the legislative agenda to obtain grant funding. Additional funding opportunities, such as the Asset Seizure Fund will be explored.

Long-term Strategies

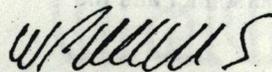
- The City of San Antonio has placed, and will continue to place, a bill on its state legislative agenda that will allow cities to impose a fee of 10 cents on each individual serving or container of an alcoholic beverage sold to an ultimate consumer within the municipality. The municipality would be required to dedicate the fees to be used by the municipality's fire and emergency medical services department for additional equipment, staffing and training of personnel and the implementation of an alcohol awareness program in public schools.
- Work to provide for a statewide policy/law that allows for sobriety checkpoints. This would include working with other law enforcement agencies in the state and having the City Council collaborate with other local governing bodies and the state legislature to enable such laws.
- Develop restrictions on the sale of single alcoholic beverages at convenience stores. Through the City Attorney's office, determine if the City can restrict such sales or if it needs to be done at the state level. Additionally, work to classify a broken six pack as an open container, thus making its possession in a motor vehicle prohibited.

- Work with the legislature and judges to require ignition interlocks on the first DWI offense. Currently, ignition interlocks can be mandated by a judge upon a second DWI conviction. Efforts should be made to make said devices mandatory upon the first DWI conviction. The state of Arizona currently has a law that requires the installment of an ignition interlock on the first DWI offense.
- Work with the legislature and judges to enact greater penalties for higher level DWI/BAC.

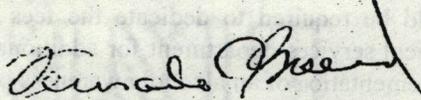
Fiesta 2008

The City is coordinating with the Texas Alcoholic Beverage Commission (TABC), the San Antonio Council on Alcohol & Drug Abuse (SACADA) and private sector partners to accomplish the following efforts:

- Staff is currently working with TABC on the following programs:
 - On Friday, February 29, Texans' Standing Tall and SACADA are sponsoring a regional forum on underage drinking and drinking and driving. Chief McManus will be one of the event's keynote speakers.
 - Working with SACADA on a "call to action" for our community and the need to build active, visible prevention partners, especially in regards to the high number of alcohol-related crashes.
 - The Bexar County DWI Task Force and the Circles of San Antonio partnership to discuss ideas and opportunities to reduce alcohol-related crashes. Officers from Bexar County, SAPD and the DA DWI Task Force are members.
- Temporary alcohol vendors and Silver Eagle Distributors, the recent purchaser of the Budweiser Distributor (BudCO) in San Antonio will be participating in the ALERT Cab project during Fiesta 2008. This is a cab voucher program facilitated by the San Antonio Restaurant Association (SARA).
- The "*Drinking or Driving?*" / "*¿Tomas ó Manejas?*" campaign will again be used during Fiesta 2008. This campaign includes having officers wearing medals on their uniform with this slogan and having signs and posters at all venues encouraging people to make the choice to drink OR drive. This campaign will work in partnership with MADDs *Pass the Keys/Pasa las LLavas* initiative.
- The San Antonio Fire Department and Police Department are working with local media to produce Public Service Announcements on drunk driving during Fiesta.



William P. McManus
Chief of Police



Fernando A. Guerra, M.D., M.P.H.
Director of Health