



Memorandum

TO: HONORABLE MAYOR AND
COUNCIL

FROM: Debra Figone

SUBJECT: PUBLIC INTOXICATION
TASK FORCE (PITF)

DATE: May 19, 2009

RECOMMENDATION

- (a) Accept the report on the work of the Public Intoxication Task Force and the following recommendations in response to the City Council's Referral (dated November 18, 2008):
- (1) Non-criminal sanctions and alternatives to arrests under Penal Code Section 647(f):
 - (a) Consider the service delivery benefits of a Sobering Station, with the acknowledgement that the City Council should deliberate on the costs to implement this option.
 - (b) Develop and implement, in coordination with the District Attorney's Office, Department of Corrections and Superior Court, a pilot program that would not seek prosecution of Public Intoxication [Penal Code Section 647(f)] arrests until an individual is arrested for a sixth offense in a rolling twelve month period.
 - (2) Procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under Penal Code Section 647(f):
 - (a) Offer Preliminary Alcohol Screening (PAS) testing and document the results in Incident Reports or an individual's refusal of the testing.
 - (b) Conduct Field Coordination Tests, such as line walking and standing balance tests, for all potential public intoxication arrests in which a person appears able to safely participate in the tests and a safe environment exists for the officer to consider conducting these tests to assess a violation of Penal Code 647(f), and document the results in Incident Reports, when an individual submits or declines to participate in the tests.
 - (c) Improve Police Officer training in regards to how to recognize someone who is subject to arrest for a violation of Penal Code Section 647(f), identify and pursue alternatives to arrest, and document the evidence supporting the charge(s) against those who are arrested.
- (b) Provide status reports on the implementation of the above recommendations to the Public Safety, Finance and Strategic Support Committee.

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SUMMARY

The City Council directed the City Manager to establish a task force charged with developing recommendations, within 90 days, for:

- Non-criminal sanctions and alternatives to arrests under Penal Code Section 647(f), and
- Procedures that an officer should satisfy to obtain and document objective evidence to support findings to arrest under Penal Code Section 647(f).

This attached report completes the PITF's work and, based on the analysis contained in this report, the above recommendations are presented to the City Council for consideration. The report provides discussion of the PITF's efforts to develop options for the City Council's consideration, though it does not reflect consensus or agreement by all of the Task Force members. In fact, as has been widely reported, some members of the PITF chose not to participate in developing recommendations. Instead, this report reflects the ongoing discussions and input of the PITF members who chose to provide suggestions to address the City Council's direction. This report provides an in-depth summary of the work of the PITF and the analysis conducted by staff on each option for the PITF to consider.

It is acknowledged that arrest data regarding public intoxication suggests very complex issues that directly impact community relations, public perception, and workforce procedures. The Administration values and respects diverse perspectives and desires a productive public dialogue on these issues. The Administration also values public policy decision-making processes that are based on accurate data, comprehensive analyses, and measurable outcomes or effectiveness. We are confident that the public and City Council will engage in a dialogue that leads to sound public policy, and that this report and the work of the PITF will mark an important beginning for addressing improvements in how the City handles issue of public intoxication. The Administration looks forward to the work ahead that is focused on performance improvements, increased effectiveness, and better service for the public.

In closing, while the arrest data on public intoxication raise serious concerns, it is important to note that these concerns in no way lessen the San José Police Department's continuing commitment to working with all members of the community to ensure that we maintain the highest standards in delivering police services. I would like to thank all members of the Public Intoxication Task Force for participating in this very important effort.


Debra Figone
City Manager

Attachment

*Given the size of this attachment it will be made available on the City's website for the June 2, 2009 Agenda at www.sanjoseca.gov/clerk/agenda.asp and a printed hard copy is available for public viewing in the Office of the City Clerk.