

BACKGROUND

On November 18, 2008, the City Council held a public hearing to discuss the issue of public intoxication. At that meeting, Council directed the City Manager to establish a task force that is charged with addressing the issue of arrests for public intoxication.

PURPOSE

To develop recommendations for non-criminal sanctions and alternatives to "arrests" under Penal Code Section 647(f), and additional procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under Penal Code Section 647(f). [See back page for additional detail from the City Council direction]

EXPECTED OUTCOMES

- Broad-based assessment of the problem of public intoxication in San José as it relates to arrests and evidence used to support arrests.
- Identification of possible solutions to the problem; to include solutions derived from multiple sources.
- Analysis of possible solutions according to agreed-upon criteria.
- Prioritization of solutions to recommend to bring forward to City Council.

MEETING SCHEDULE

The Task Force will hold approximately five Thursday meetings to be held at City Hall during the evening hours (6:00 – 9:00 p.m.). Meetings will be open to all members of the public and must adhere to relevant Sunshine requirements. See meeting schedule below.

The meeting structure will be one that provides for a balance between open dialogue and rich conversation while ensuring the Task Force stays focused on the direction of the City Council. Consequently the number of meetings and topics discussed will be set accordingly within the 90-day timeframe.

Public Intoxication Task Force Meeting Schedule

| Date | Time | Purpose |
|------------------|------------------|---|
| January 15, 2009 | 6:00 – 9:00 p.m. | Phase 1: Identifying the Nature of the Problem |
| January 29 | 6:00 – 9:00 p.m. | Phase 1: Identifying the Nature of the Problem Phase 2: Identification and Analysis of Solutions |
| February 26 | 6:00 – 9:00 p.m. | Phase 2: Identification and Analysis of Solutions |
| March 12 | 6:00 – 9:00 p.m. | Phase 3: Prioritization of Solutions |
| March 26 | 6:00 – 9:00 p.m. | Hold as needed |

Note: Meetings will be in Wing Rooms 118-120

The following is an excerpt from Council Member Liccardo's memorandum (Binder- Tab 7) referring these two items directly to the Task Force for discussion.

1. Direct the City Manager and City Attorney to investigate and return to Council or to the appropriate Council committee with a set of recommendations for non-criminal sanctions and diversionary approaches that might apply to some persons who might otherwise face arrest under Penal Code §647(f). These alternatives should include, but not be limited to:
 - a. Sobering stations for intoxicated persons; and
 - b. Enforcement of Municipal Code provisions that entail non-criminal sanctions, particularly where police response costs can be recovered under M.e. § 10.16.100. Such provisions might include §10.12.010 (drinking in public); § 10.10.010 (sitting or lying down on downtown sidewalks); § 10.12.110 (public urination); § 10.16.010 (disturbing the peace), or others; and
 - c. Enforcement of any new or proposed Municipal Code provisions that Council might create to impose fines or other non-criminal penalties.
2. Direct the City Manager to return to Council or to the appropriate Council committee with additional procedures that an officer should satisfy to obtain objective evidence to support his or her findings to arrest under Penal Code §647(f). Such recommendations might include but are not limited to:
 - a. Requiring officers to offer PAS testing to arrestees, but ensuring that a suspect's refusals could be documented in the officer's report;
 - b. Requiring officers to offer blood or urine chemical testing at the option of the arrestee, but with the expense of such test incurred by the arrestee; and
 - c. Conducting coordination tests, such as line walking and standing balance tests, in all § 674(f) arrests in which a person appears to have sufficient control over their motor skills.