

Public Safety Plan Ordinance

Overview of Ordinance Proposed Changes

Scottsdale City Council

August 26, 2021

PUBLIC SAFETY PLAN ORDINANCE UPDATE

- Background
- Purpose
- Proposed Updates

Public Safety Plan - Background

- January 27, 2013: Tyrice Thompson, a civilian security officer at Martini Ranch was stabbed and later died of his wounds.
- January 28, 2013: City staff from The Mayor's Office, City Attorney's Office, Police Department, Fire Department, Code Enforcement & Planning met to discuss bar and nightclub safety.
- City staff and the Mayor's Office conducted multiple individual meetings with interested stakeholders for public outreach. This included three (3) public meetings to solicit input from the residents and affected business owners on the original ordinance. City staff also mailed a copy of the draft ordinance to over 100 potentially affected business owners inviting them to comment on the proposed ordinance via a public meeting or through the city website.
- Current Public Safety Plan (PSP) adopted September 10, 2013
- Went into effect October of 2013

Public Safety Plan - Background

Who does the plan apply to?

Assembly Group A-2, A-3 or A-4 Occupancy pursuant to Chapter 36 of Scottsdale Revised Code and engage in one or more of the following activities:

- a. Age verification is requested for admittance
- b. Provide a DJ
- c. Provide an adult service as defined in Section 16-237
- d. A teen dance center as defined in Section 16-391
- e. Or, utilize a promoter.

Public Safety Plan - Background

Established a required ratio of security personnel to patrons

- Staffing of at least one (1) security officer per fifty (50) patrons for the first five hundred (500) patrons and at least one (1) additional security officer per seventy-five (75) patrons thereafter during peak hours.
- Some exceptions to the ratios are allowed with Chief of Police and/or Fire Chief approval based upon percentage of total gross food sales, size, type, and safety conditions of the venue.

Public Safety Plan - Background

Required hiring of off-duty peace officers after a specific number of public safety plan incidents. Number of off-duty officers and duration of hiring requirement can vary based upon cessation of incidents and at the discretion of the Chief of Police

- Business with two (2) or more public safety incidents within one (1) week period or three (3) or more public safety incidents within one (1) month period will be required to retain the services of a minimum of two (2) off-duty peace officers to supplement security personnel during peak hours for established durations outlined in the ordinance.
- Business with one (1) or more public safety incidents involving the use or threatened use of a deadly weapon or deadly instrument or a death or catastrophic bodily injury will be required to retain the services of a minimum of two (2) off-duty peace officers to supplement security personnel during peak hours for established durations outlined in the ordinance.

Public Safety Plan - Purpose

- Increase communication; SPD and SFD provide free training to all required businesses
- Promote compliance while developing positive working relationships; assisting in liquor law knowledge, legal issues, and customer service
- Reduce the chance of an emergency incident
- Minimize the impact of an incident should it occur
- Improve safe and effective handling of an emergency when it occurs

Public Safety Plan – Proposed Change #1

Update Definitions

1. Introduce a definition for *control* of a business
 - *Control* means the power to direct or cause the direction of the management and policies of an applicant, licensee or controlling person, in any way.
2. Introduce a definition for *controlling person*
 - *Controlling Person* means a person directly or indirectly possessing control of a business.

These definitions will help identify who is responsible for the business. Their additions proposed in multiple sections of the PSP to ensure controlling persons can be held accountable for the business they control.

Public Safety Plan – Proposed Change #1

Update Definitions

3. Introduce a definition for *significant bodily injury*

- *Significant bodily injury* means an injury that causes permanent or temporary substantial disfigurement, permanent or temporary substantial loss or impairment of any body organ or part or a fracture of any body part excluding a fractured nose.

This definition provides clarity for portions of the PSP that refer to different types of violent acts.

Public Safety Plan – Proposed Change #2

Update Sec. 23-55; Public Safety Plan Submittal

Sec. 23-55 lists documents required for the submittal of a public safety plan. They include but are not limited to hours of operation, crowd management, floor plans, employee lists, and evacuation routes amongst other items.

1. Introduce a requirement for a line management plan.
2. Introduce the requirement to disclose locations of surveillance equipment and surveillance data storage.
3. Introduce a requirement for employees to attend court when the business, or patrons are involved in a criminal matter.

These proposed requirements are intended to improve patron safety and to provide victims/suspects/investigators with more comprehensive evidence for court.

Public Safety Plan – Proposed Change #3

Add failure to comply with uniform requirements to Sec. 23-72

Security uniforms have been identified as a public safety challenge. Unmarked or poorly marked security personnel often lead to escalated physical altercations due to lack of apparent affiliation with the business.

1. Updates to acceptable security attire is proposed and only acceptably dressed security can be counted as on-duty.
 - *This is important because Sec. 23-72 already includes required ratios of security to patrons. Only acceptably dressed personnel can count towards those ratios.*
2. Except as otherwise authorized by law, a business required to have a public safety plan pursuant to this article shall not allow its personnel to act as security personnel unless first meeting the uniform requirements of Section 23-57(f).
 - *This will mitigate instances of unmarked staff from getting into physical altercations unless otherwise authorized by law.*

Public Safety Plan – Proposed Change #4

Introduction of Sec. 23-74 Failure to preserve evidence of a potential public safety incident

It has proven to be a challenge for public safety to obtain video evidence from businesses with PSPs. This proposed section introduces the need for businesses to disclose where surveillance is located, how it is stored, retention periods, and it requires businesses to provide surveillance footage to Scottsdale Police.

1. Introduction of Sec. 23-74 Failure to preserve evidence of a potential public safety incident

- All businesses required to have a public safety plan pursuant to this article are required to preserve any and all evidence of a public safety incident for one (1) year. This evidence includes but is not limited to all surveillance footage, photos, video captures, audio/video recordings, and/or logbooks. Such evidence shall be provided to the Scottsdale Police Department upon request by the Police Department within twenty-four (24) hours or if applicable within the time specified in any court order.

Public Safety Plan – Proposed Change #5

Introduction of Sec. 23-75 Line Management

The lines outside of businesses with PSPs can often get extremely long and unruly presenting dangers to public safety.

1. Introduction of Sec. 23-75 Line Management

- It shall be unlawful for any business required to have a public safety plan pursuant to this article or its employees to do any of the following involving a line of patrons queuing for entry into the business:
 - fail to maintain orderly lines of patrons;
 - allow a line of patrons to obstruct traffic or pedestrians;
 - fail to have security personnel present and engaging in routine line checks once a line has more than fifty (50) people in line; or
 - fail to remove and/or trespass disorderly patrons when authorized by state law to do so.

Public Safety Plan - Contacts

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Questions?