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# Old Town Safety Sustainability

Improvement Recommendations

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## I. Purpose

This report documents the recommendations to sustain the level of safety in the Old Town Entertainment District during the core hours of 11:00pm and 2:00am on Fridays and Saturdays. The recommendations are geared toward sustaining safety while reducing the level of law enforcement presence required.

## II. Approach

A committee was assembled that included City Council Members Janet Miller and Jeff Blubaugh, City staff members as well as community representatives. Feedback was obtained from the Old Town Entertainment District nightclub owners as well. The committee worked to understand the problem and then worked toward potential solutions.

### 1.0 Brainstorm the Problem

Data was collected in terms of calls for service and incidents as well as times and days in which problems most frequently occur. The committee brainstormed problems related to the closing of the Old Town Entertainment District during the core hours and days. The brainstorming session resulted in the following problems:

#### Crowd Management

Large milling crowds (approximately 2,000) and cruising traffic at closing causes concern for safety. There are areas of darkness which invites criminal activity. At times, the crowd has a “taunting attitude” which results in concerns for officer safety. Officers are uncomfortable working in Old Town because of the perceived danger.

#### Nightclub Accountability

Police are handling all problems with crowd management. Since officers are outnumbered, at times 50 to 1, simply arresting people is not a feasible solution to crowd problems. There are not enough clubs taking responsibility for the crowd problems they create. There is a sense of overcrowding, however, there is no way to verify occupancy compliance. They neither pay for additional, licensed security nor do they contribute to a public safety fund. Prior efforts to establish a volunteer safety fund for crowd management have failed as there is no legal basis for accountability.

#### Impact to South Patrol

In 2014, an average of three supervisors and 11 officers were deployed in Old Town between the hours of 11:00 p.m. and 3:00 a.m. on Friday and Saturday nights. The annual estimated cost for this level of law enforcement presence is approximately \$200,000. This results in a significant increase in response times in other areas of the City. Special Community Action Teams (SCAT) are taken from other bureaus on a rotating schedule. This results in law enforcement officers taking a reactive instead of a proactive approach to community safety.

### Staffing/Operational Efficiencies

Downtown and Old Town are growing faster than the infrastructure needed to support their growth. There is insufficient maintenance funding and no dedicated funding source for safety. Police presence needs to be a constant. There is not an adequate number of officers (small police presence) early in the evening to set the tone. It is unknown how to sustain an adequate level of police staffing over the long-run. There is a small window of opportunity for police to manage incidents-- it takes too long to write criminal tickets.

## **2.0 Brainstorm Solutions**

The committee conducted several topic based working sessions based on the problems identified and best practices in other communities. Communities reviewed were New York, NY; San Francisco, CA; Lawrence, KS, Olathe, KS; Roseville, CA and Santa Ana, CA. Other topics were: 1) Nightclub accountability; 2) Licensing and 3) Traffic control measures.

The improvement recommendations were identified based on two goals: 1) Maintain or improve the current safety level and 2) Reduce the number of officers required to close the Old Town Entertainment District on Fridays and Saturdays.

The improvements were prioritized based on level of effort to implement and level of impact to the above goals. Improvements that require low effort to implement with a high impact to reduce the problem were the recommendations.

## **III. Partner with Fire Department**

The Fire Department may have capacity at times to send resources to Old Town for additional eyes as well as provide a visual presence. A communication process needs to be established between the two departments.

It is recommended the Fire Code be changed to institute a minimum mandatory fine for overcapacity violation.

## **IV. Training/Voluntary/Incentivizing**

The committee recommends instituting a training program similar to New York City. It includes SafeBar training and a certificate of compliance the nightclub can display in its establishment. There is a current program for training. However, it needs to be reworked to include New York City's best practices. New York provide a comprehensive guide for nightclub owners and managers to promote a safe environment for patrons, how to handle crime scenes and crowd management strategies like CPTED (Crime Prevention through Environmental Design) for example.

For nightclubs that meet certain criteria, a SafeBar Designation certificate to display so patrons can feel safe in the venue.

## **V. Institute Traffic Control Measures**

Instituting some basic traffic control measures is recommended. This recommendation will have some budget impact in terms of staff time and material for the pilot/temporary measure which is to be determined. If the pilot is successful, a long-term solution would require capital investment and maintenance budget.

## **VI. Streamline Citation Process**

Operational efficiencies could be gained by streamlining the criminal citation process. The current process is cumbersome and takes too long. Officers hesitate to issue citations for nuisance violations such as public urination, panhandling and loitering because it removes them from policing crowd control which can result in assaults and other public and officer safety threatening situations.

## **VII. Allow Off-duty Officers**

The committee recommends the Wichita Police Department revise its policy to allow private clubs to hire off-duty officers to work the front door. Current policy allows for off-duty officers to be hired to patrol parking lots. However, club owners have indicated their insurance policies will not allow employees to work outside of the establishment.

## **VIII. Additional Licensing Requirements**

Current licensing requirements include many best practices from research of other communities. However, due to the special circumstances involved with an area unique to Old Town, the recommendation to create a “super” entertainment license for the Old Town Entertainment District emerged. The special circumstances are occupancy related as well as the number of nightclubs located in a small geographic area. Some recommendations could be applied to all nightclubs across the City. Those improvements are listed separately.

### **1.0 Super License for Old Town Entertainment District**

The following requirements will apply to any establishment with an entertainment license, has a total cumulative number of patrons per premise of 200 or more and resides within the Old Town Entertainment District.

- Purchase of an ID Scanner or comparable application which allows driver’s licenses to be scanned and tagged if there are issues. Patrons can be denied entry to clubs based on previous problems. (Nightclub managers gave positive feedback). The cost is estimated to be an \$800.00 initial investment with a monthly fee of approximately \$30.00
- Post signs (internal & parking lots) to inform patrons of the applicable ordinances (and fines) relating to code of conduct and clearing the premises at closing
- Police notification by nightclub management of special events
- Restrict club entrance to patrons 21 and older after 12:00 a.m.
- Play closing time music identified by the Police Department or use “Mosquito” tool
- SafeBar training attendance for all employees (currently restricted to managers)

## **2.0 City-wide Entertainment Establishment Ordinance Changes**

The following requirements apply to any establish with an entertainment license regardless of occupancy and geographic location.

- Clearer criteria on security plan and crowd management requirements
- Deny license renewal if pre-determined number of nuisance violations are committed
- Add a statement similar to the one being added for massage parlors to deny a license to a person who is either under indictment or charged with a crime of moral turpitude
- Remove current regulations that are either unenforceable or add no value

## **IX. Further Research Needed**

Due to the complexity of the solution, the committee recommends further research for a few improvements that will have a large impact, but will be more difficult to implement.

### **1.0 Security Fund for OTED**

For establishments within the OTED, the committee recommends requiring a contribution to a security fund to be used to increase the security of Old Town. The fund could be used for CPTED (Crime Prevention through Environmental Design); off-duty officers or other innovative ideas. More research is needed to determine how this can be implemented.

### **2.0 Nuisance Event Ordinance**

Current state statute allows for the concept of criminal nuisances which the City can utilize to stop or padlock nuisance businesses. The committee recommends investigating a broader concept of a nuisance event which encompasses more activities than current Kansas state law. Generally, a nuisance event ordinance allows the City to charge for Police services for an event requiring special security assignment in order to protect the public peace, health, safety and welfare.

### **3.0 Require Off-duty Officers**

Require entertainment establishments to hire off-duty officers to work the front door based on the total cumulative number of patrons per premise.

### **4.0 Enforcement**

During research of other communities and review of the City's licensing code, it was discovered that the City's licensing regulations already include many best practices. License suspension/revocation is not being utilized as a tool. There is anecdotal evidence as to why this is the case, but no quantitative data in terms of root cause. It is recommended that further investigation be conducted to determine how enforcement could be used as an effective tool for nightclub owner behavior management.

Licensing requirement changes will not be effective if enforcement is absent from the process.

It is also recommended occupancy be monitored via soft counts as patrons are leaving establishments rather than stopping operations for a hard count. This will allow for overcrowding enforcement without provoking the crowd.

## X. Summary

The committee recommends moving forward with several solutions that will improve the situation. The solutions that will have the most impact are complex and require more research, vetting and planning.

The committee recommends to move forward with these initiatives:

- Partner with the Fire Department
- Training /Voluntary/Incentives
- Traffic Controls – Temporary pilot solution
- Streamline Citation Process
- WPD policy change to allow off-duty officers to be hired by private clubs to work the front door
- Increase Licensing Requirements
  - Super license in Old Town Entertainment District
  - All licenses

The committee recommends further research, vetting and planning for these recommendations:

- Require bar owner contribution to a security fund
- Nuisance Event Ordinance
- Require off-duty officers to be hired to work the front door based on occupancy
- Enforcement