

# CITY COUNCIL REPORT



Meeting Date: September 20, 2022  
 General Plan Element: **Public Service & Facilities**  
 General Plan Goal: **Provide a safe environment for all citizens, visitors and private interests.**

## ACTION

**Adopt Ordinance No. 4563** amending Sections 23-51, 23-54, 23-55, 23-57, 23-62, 23-65, 23-66, 23-67 and 23-72 and adding Sections 23-74 and 23-75 to the Scottsdale Revised Code relating to public safety plans.

## BACKGROUND

On September 10, 2013, the City of Scottsdale adopted Ordinance 4109 creating a Public Safety Plan Ordinance. The ordinance was in response to the brutal attack and murder of a civilian security officer at Martini Ranch. Prior to the adoption of the ordinance, extensive outreach was conducted with involved stake holders including the public at large, the Arizona State Restaurant Association, the Arizona Licensed Beverage Association and the Downtown Entertainment District Association. The purpose of the Public Safety Plan ordinance was to improve standards for the overall safety of various types of venues and created a more comprehensive safety and security requirement.

It has been nine years since the original Public Safety Plan Ordinance was adopted. While the Public Safety Plan Ordinance has generally been effective, several potential improvements to the ordinance have been identified. On August 26, 2021, the City Council voted to direct the City Manager in consultation with the City Attorney to return to the City Council with recommended amendments to the Public Safety Plan Ordinance and conduct related public outreach as expeditiously as possible.

The proposed ordinance is in response to City Council direction.

## ANALYSIS & ASSESSMENT

### Recent Staff Action

City staff from the Police Department and City Attorney's office drafted proposed amendments to the Public Safety Plan Ordinance making several potential improvements to the existing ordinance as follows:

1. Creation of definitions of control and controlling person for greater accountability.

2. Better definition of a public safety incident and creation of a definition for significant bodily injury.
3. Requirements that public safety plans include a plan for line management and information on surveillance equipment.
4. Clarification of uniform requirements and alternatives to such requirements.
5. Creation of a violation for failure to preserve evidence of a public safety incident.
6. Creation of a requirement for businesses to engage in line managements.
7. Other miscellaneous and conforming changes.

### **Community Involvement**

An initial draft ordinance was developed and feedback was received from various downtown businesses (see attachment 2). Some of that feedback was accepted by City staff in a subsequent draft such as reducing the proposed time for retaining surveillance videos due to cost..

Between March 24, 2022, and May 1, 2022, the Scottsdale Police Department's Community Engagement Section conducted a public outreach process through social media. Two comments were received (see attachment 3).

### **RESOURCE IMPACTS**

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The amendments to the ordinance should not require additional resources and should create additional efficiencies as police personnel will better be able to gather evidence of public safety incidents due to the preservation and retention requirements in the amended ordinance. Additionally, effective line management by impacted businesses should lead to less need for police response in certain cases.

### **OPTIONS & STAFF RECOMMENDATION**

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**City Staff recommends adoption of Ordinance No. 4563** amending Sections 23-51, 23-54, 23-55, 23-57, 23-62, 23-65, 23-66, 23-67 and 23-72 and adding Sections 23-74 and 23-75 to the Scottsdale Revised Code relating to public safety plans.

### **RESPONSIBLE DEPARTMENT(S)**

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Police Department, City Attorney's Office

### **STAFF CONTACTS (S)**

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Luis Santaella, Deputy City Attorney, [lsantaella@scottsdaleaz.gov](mailto:lsantaella@scottsdaleaz.gov)

**APPROVED BY**

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Luis E. Santaella, Deputy City Attorney

480-312-2405, lsantaella@scottsdaleaz.gov

8/29/22

Date



Jeff Walther, Chief of Police

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8/29/22

Date



Jim Thompson, City Manager

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8/29/22

Date

**ATTACHMENTS**

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1. Ordinance #4563
2. Business Review of Proposed Changes
3. Summary of Public Comment received by the Scottsdale Police Department

ORDINANCE NO. 4563

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 23-51, 23-54, 23-55, 23-57, 23-62, 23-65, 23-66, 23-67 AND 23-72 AND ADDING SECTIONS 23-74 AND 23-75 TO THE SCOTTSDALE REVISED CODE RELATING TO PUBLIC SAFETY PLANS

BE IT ORDAINED by the Council of the City of Scottsdale as follows:

Section 1. Sections 23-51 of the Scottsdale Revised Code is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec. 23-51. Definitions.**

In this article, unless the context otherwise requires a different meaning:

*Business* means a corporation, limited liability corporation, company, partnership, any other type of fictitious person or in the event the business is not owned by a fictitious entity, the individual owners. A business does not mean a governmental agency or entity, or a non-profit organization organized for charitable or religious purposes.

*Chief of Police* means the Chief of the Scottsdale Police Department, or designee.

*Control* means the power to direct or cause the direction of the management and policies of an applicant or licensee, whether through the ownership of voting securities or a partnership interest, by agreement or otherwise. Control is presumed to exist if a person has the direct or indirect ownership of or power to vote ten percent or more of the outstanding voting securities of the applicant or licensee or to control in any manner the election of one or more of the directors of the applicant or licensee. In the case of a partnership, control is presumed to mean the general partner or a limited partner who holds ten percent or more of the voting rights of the partnership. For the purposes of determining the percentage of voting securities owned, controlled or held by a person, there shall be aggregated with the voting securities attributed to the person the voting securities of an officer, partner, employee or agent of the person or a spouse, parent or child of the person. Control is also presumed to exist if a creditor of the applicant or licensee holds a beneficial interest in ten percent or more of the liabilities of the licensee. The presumptions in this paragraph regarding control are rebuttable.

*Controlling Person* means a person directly or indirectly possessing control of a business and as identified in the Public Safety Plan.

*Fire Chief* means the Chief of the Scottsdale Fire Department, or designee.

*Disc jockey or DJ* means a person who actively plays, mixes or arranges sounds or music by using turntable(s), computer(s), and/or other electronic device(s) and may emcee or otherwise perform for patrons within a business, whether or not that person interacts with patrons within a business. Disc jockey does not include karaoke.



*Live entertainment* means live entertainment as defined in Section 3.100 of Appendix B of this code.

*Peak hours* means those hours listed on an approved public safety plan as being a businesses' peak hours of operation.

*Private event* means an event not open to the general public where either live entertainment or a DJ perform and the event is by invitation only. Invitation only does not include an event where members of the public may purchase tickets in advance or at the door.

*Promoter* means a person who contracts for or arranges with a business, that either requires age verification for admittance or provides a DJ or live entertainment, to provide any activity, and who is responsible for or directly organizes the presentation of the activities or events.

*Public Safety Incident* means an incident where a Scottsdale Police Officer has probable cause to believe a crime has occurred and the crime is classified as a felony under state law consisting of a riot, sexual assault, a brawl or a disturbance, in which bodily injuries are sustained by any person and such injuries would be obvious to a reasonable person, or tumultuous conduct of sufficient intensity as to require the intervention of a peace officer to restore normal order, or an incident in which a weapon is brandished, displayed or used. Public Safety Incident does not include the use of nonlethal devices by a peace officer.

*Security officer* means an employee of a business whose primary responsibilities include the security and safety of the employees, patrons and premises of a business regulated by this article.

*Security personnel* means security officers and management personnel responsible for the day to day activities of security officers.

*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.

Section 2. Sections 23-54 and 23-55 of the Scottsdale Revised Code are hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec. 23-54. Public safety plan required; non-transferable.**

a. It shall be unlawful for any business required by this article to have a public safety plan ~~or the controlling person of such business~~ to operate without a city approved public safety plan.

b. A public safety plan required by this article is in addition to any other approval, license or permit required to engage in business by the city, county, state and federal governments, and shall be nontransferable, either person-to-person or location-to-location.

c. For the purposes of this section, a business that is required to have a public safety plan is a business to which this article is made applicable pursuant to Section 23-52.

**Sec. 23-55. Public safety plan submittal.**

Every business requiring a public safety plan shall furnish to, on forms provided and developed by, the Chief of Police the following information:

- a. Plan of operation including a crowd management plan, hours of operation and a listing of peak hours;
- b. Site/building information;
- c. Copy of floor plan and city approved occupancy limit;
- d. Safety conditions;
- e. Patron parking, ingress and egress, vehicular and pedestrian traffic control including line management plan, if applicable;
- f. Listing of management personnel and controlling persons;
- g. Staffing including the number of security and operations personnel;
- h. Contact person and information designating who can receive complaints from the public and/or city on behalf of the business;
- i. Evacuation routes; and
- j. Locations of any surveillance equipment to include the physical location where surveillance footage is stored (digitally or otherwise), and the average retention time of such surveillance footage; and
- k. j. Any additional criteria required by the Chief of Police.

Section 3. Section 23-57 of the Scottsdale Revised Code is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec. 23-57. Special requirements.**

No public safety plan shall be approved pursuant to this article that does not contain all of the following requirements:

- a. 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 except that:
  1. For businesses where sixty (60) percent or more of total gross sales are food sales, upon presentation of proof substantiating such sales and upon a finding of good cause taking into account the size, type and safety conditions of the venue, the Chief of Police may authorize such a business to have staffing of at least one (1) security officer per seventy five (75) patrons during peak hours; and
  2. For businesses where ninety (90) percent of the occupant load as determined by the Fire Chief is based on fixed seating and upon a finding of good cause taking into account the size, type and safety conditions of the venue, the Chief of Police may authorize such a business to have staffing of at least one (1) security officer per one hundred (100) patrons during peak hours.
- b. That all security personnel attend training provided by the city or an entity designated by the city within thirty (30) days of hire that at a minimum covers, general security training, liquor law compliance, crowd management and fire safety. All security personnel shall attend refresher training provided by the city or an entity designated by the city every two (2) years from the date of their initial training.
- c. That all security personnel review and be familiar with the public safety plan for their employing business.
- d. That a business with two (2) or more public safety incidents within a one (1) week period or three (3) or more public safety incidents within a one (1) month period be required to retain the services of a minimum of two (2) off-duty peace officers to supplement existing security



personnel during peak times for a minimum period of three (3) months or until at least three (3) consecutive months have gone by without two (2) or more public safety incidents, which ever period is longer. In the alternative based on the size and type of venue, occupancy and nature of the triggering public safety incidents, the Chief of Police may reduce the requirement above for two (2) off-duty peace officers to one (1) off-duty peace officer.

- e. That a business with one (1) or more public safety incidents involving the use or threatened use of a deadly weapon or ~~deadly dangerous~~ instrument or a death ~~or~~ catastrophic bodily injury ~~or a significant bodily injury~~ be required to retain the services of a minimum of two (2) off-duty peace officers to supplement existing security personnel during peak times for a minimum period of three (3) months or until at least three (3) consecutive months have gone by without any public safety incidents involve the use or threatened use of a deadly weapon or deadly instrument, which ever period is longer. In the alternative based on the size and type of venue, occupancy and nature of the triggering public safety incidents, the Chief of Police may reduce the requirement above for two (2) off-duty peace officers to one (1) off-duty peace officer.
- f. That all security personnel wear an appropriately styled shirt or jacket with the word "Security" on both the front and back in three (3) inch lettering that is clearly visible. The Chief of Police may waive this requirement upon good cause, if the business is able to demonstrate to the Chief's satisfaction that this requirement can be met through alternative means such as the wearing of ~~a polo shirt with the name of the business, a dress suit and tie~~, metal security badges, pins or embroidered patches ~~or any combination thereof~~.

Section 4. Sections 23-62 of the Scottsdale Revised Code is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec. 23-62. Review and appeals.**

Any person aggrieved by any decision with respect to either the denial of or a refusal to issue a public safety plan, ~~the classification of a public safety plan incident~~, or the revocation of a public safety plan, shall be entitled to the review and appeal procedures provided in Chapter 16, Article I.

Section 5. Sections 23-65, 23-66 and 23-67 of the Scottsdale Revised Code are hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec. 23-65. Onsite records required; inspections.**

a. Each business required to have an approved public safety plan shall maintain onsite a current copy of the plan, proof that all security personnel have completed the training required by this article and proof that all security personnel have reviewed the public safety plan. These records shall be made available for inspection and review upon the request of the Chief of Police, ~~any Scottsdale police officer~~, the City Manager or designee or the Fire Chief whenever occupied.

b. The premises of a business required to have ~~a security and~~ ~~a public~~ safety plan shall be open to inspection to verify compliance with an approved plan whenever occupied by the Chief of Police, ~~any Scottsdale police officer~~, the City Manager or designee or the Fire Chief.

c. All security personnel that have completed the training required by this article shall carry proof of such completion upon their person while on duty and present it to any Scottsdale police officer upon demand.



d. It shall be unlawful for any employee or controlling person of a business to fail to comply with the provisions of this section. A violation of this section is a petty offense and shall be punished by a fine of fifty dollars (50) per violation. A second or subsequent violation of this section within one (1) year of a first violation is a class one misdemeanor.

**Sec. 23-66. Failure to follow public safety plan.**

It shall be unlawful for a business or controlling person to fail to follow the requirements of a city approved public safety plan.

**Sec. 23-67. Mandatory Reporting.**

a. Any business regulated by this article shall immediately report to the Scottsdale Police Department any act constituting a public safety incident that occurs on its premises located within the City of Scottsdale.

b. A violation of this section by a business or controlling person is a civil offense and shall be punished by a fine of not less than one thousand dollars (\$1,000.00) per violation. A second or subsequent violation of this section within one (1) year of a first violation is a class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than two thousand dollars (\$2,000.00) per violation. The court shall not suspend any part of any fine required by this section.

Section 6. Section 23-72 of the Scottsdale Revised Code is hereby amended as follows with new language shown in shaded format and deleted language in strikethrough format:

**Sec. 23-72. - Security officer to patron ratios; supervisory personnel; failure to comply with uniform requirements.**

a. For calculating the ratio of security officers to patrons, supervisory security personnel employed in that capacity full time may be counted as security officers. A business may also include towards its security officer to patron ratio one (1) supervisor or manager not employed as a full time security supervisor, who has undergone the training required by this article and whose duties include supervision of on duty security officers. Personnel who do not comply with the uniform requirements found in Section 23-57(f) may not be counted as part of the required ratio.

b. Except as otherwise authorized by law and by subsection c below, 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).

c. When appropriate and necessary on duty management personnel and door staff in dress suits may also act as security personnel if carrying a radio.

Section 7. Sections 23-74 and 23-75 of the Scottsdale Revised Code is hereby added as follows with new language shown in shaded format and deleted language in strikethrough format:

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

a. 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 thirty (30) days. This evidence includes, but is not limited, to all surveillance footage, photos, video captures, audio/video recordings, and/or logbooks. Except as otherwise provided by law, 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 or search warrant.

b. Any employee or controlling person who intentionally, knowingly or recklessly fails to comply with the provisions of this section is guilty of class one misdemeanor and shall be punished, in addition to any other penalties authorized by law, by a fine of not less than one thousand dollars (\$1,000.00) per violation. The court shall not suspend any part of any fine required by this section.

**Sec. 23-75. Line Management.**

a. 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:

1. fail to maintain orderly lines of patrons;
2. allow a line of patrons to obstruct traffic or pedestrians;
3. fail to have security personnel present and engaging in routine line checks once a line has more than fifty (50) people in line; or
4. fail to remove and/or trespass disorderly patrons when authorized by state law to do so.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_ day of \_\_\_\_\_, 2022.

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

ATTEST:

\_\_\_\_\_  
David D. Ortega, Mayor

\_\_\_\_\_  
Ben Lane, City Clerk

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney

By: Luis E. Santaella, Deputy City Attorney

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**PUBLIC SAFETY PLAN  
2020 ORDINANCE UPDATE  
BUSINESS REVIEW OF PROPOSED CHANGES**

FOR CITY COUNCIL CONSIDERATION

W HOTEL  
MAYA DAY & NIGHTCLUB  
THE DISTRICT BURGER BAR  
MAYA HOTEL  
DIERKS BENTLEYS WHISKEY ROW

EL HEFE  
FARM AND CRAFT  
HAND CUT CHOPHOUSE  
RIOT HOUSE

Attachment #2



## 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 - 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
  - (suggested SPD definition) **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.
  - (suggested Business definition) **Control** means the power to direct or cause the direction of the management and operational policies of a business as identified in the PSP.
2. Introduce a definition for controlling person
  - (suggested SPD definition) **Controlling Person** means a person directly or indirectly possessing control of a business.
  - (suggested Business definition) **Controlling Person** means a person directly or indirectly possessing control of a business as identified in the PSP.
3. Introduce a definition for significant bodily injury
  - (suggested SPD definition) **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.
  - (suggested Business definition) **Significant bodily injury** means an injury that causes permanent and substantial or protracted and obvious disfigurement, permanent substantial loss or protracted impairment of any body organ or member.

# PUBLIC SAFETY PLAN – PROPOSED CHANGE #1 UPDATE DEFINITIONS

- IN PREVIOUS CONTROL DEFINITIONS; PRIVATE RESTAURANT/BAR OWNERS SHOULD NOT BE HELD LIABLE FOR UNRULY CUSTOMERS WHEN OTHER INDUSTRIES GET PROSECUTION SUPPORT FROM AUTHORITIES.



World Business Legal Markets Breakingviews Technology Investigations Sports

September 23, 2021  
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Aerospace & Defense

## Lawmakers, air industry call for new action on unruly passengers

3 minute read

By David Shepardson and Doina Chiacu



WASHINGTON, Sept 23 (Reuters) - U.S. lawmakers, aviation unions and others on Thursday pushed for new actions to try to deter the rising reports of unruly passenger incidents.

Delta Air Lines (DAL.N) wants other U.S. airlines to share lists of passengers who have been banned during the COVID-19 pandemic for disruptive behavior to help deter aggressive behavior.

"We've also asked other airlines to share their 'no fly' list to further protect airline employees across the industry," Delta said in a memo seen by Reuters. "A list of banned customers doesn't work as well if that customer can fly with another airline."

Delta said since the COVID-19 pandemic it has put more than 1,600 people on its "no fly" list. United Airlines has banned more than 1,000 people.

House Transportation Chairman Peter DeFazio asked at a hearing Thursday on "air rage" if there are legal impediments to airlines sharing "no fly" lists. He said the Federal Aviation Administration (FAA) could potentially create a list from airline input.

The rate of unruly airline passenger incidents has dropped sharply but remains twice as high as last year, the FAA said Thursday.

Representative Eddie Bernice Johnson, a Democrat, asked why the Justice Department is not doing more to prosecute unruly air passengers.



# 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.
  - See proposed Change #5 response
  
2. Introduce the requirement to disclose locations of surveillance equipment and surveillance data storage.
  - Disclosure of video camera positions and data storage is acceptable.
  - (need suggested definition added) All PSP entitled businesses will disclose all video camera and data storage positions in their PSP. Video cameras and data storage will remain the private property of the businesses. In order to obtain access to any video recorded, Scottsdale Police Department will be required to submit an evidence request form to the business or obtain a court order.
  
3. Introduce a requirement for employees to attend court when the business, or patrons are involved in a criminal matter.
  - (need suggested definition added) Employees shall be required to attend Court matters for felony offenses or those where the business is directly involved in the loss as a victim, and the City will need to issue a subpoena to involved employees.
  - (explanation) An employer cannot require an employee to attend Court unless the employee is going to be paid for their time, so they will need to be subpoenaed.

## PUBLIC SAFETY PLAN – PROPOSED CHANGE #3

### ADD FAILURE TO COMPLY WITH UNIFORM REQUIREMENTS TO SEC. 23-72

- I. Updates to acceptable security attire is proposed and only acceptably dressed security can be counted as on-duty.
- (need suggested definition added) 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). With the exception that Managers on Duty, or Doorstaff in a dress suit may also be allowed to act as security personnel if carrying a radio and clocked in on shift.
- (explanation) Managers on Duty are almost always involved in helping remove unruly customers, and are frequently supportive to SPD and security staff.



## PUBLIC SAFETY PLAN – PROPOSED CHANGE #4

### INTRODUCTION OF SEC. 23-74 FAILURE TO PRESERVE EVIDENCE OF A POTENTIAL PUBLIC SAFETY INCIDENT

- I. 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.
- (suggested SPD definition) 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.
- (suggested Business definition) All businesses required to have a public safety plan pursuant to this article are required to preserve any and all video evidence of a public safety incident for thirty (30) days, in addition all businesses are required to preserve any and all photos, video captures, audio recordings, and/or logbooks for one (1) year.
- (explanation) It is not economically viable to retain 24 hour, 7 day a week video surveillance for one (1) year. The cost would be thousands of dollars per month for every bar/restaurant in the City of Scottsdale and would be unmanageable. Additionally SPD's own preservation protocol for video preservation is 30 days.
- 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.
- (suggested Business definition) Such evidence shall be provided within seventy-two (72) hours of submitted evidence request form or specified by court order. All PSP businesses shall be required to use the below evidence request form that will be completed by SPD for all requests.
- (explanation) Video can not be requested directly from store level staff or management, as it is personal property of the business. Store level employees do not have authority or access to release business personal property. If the chain of evidence is compromised evidence will ultimately be destroyed or go missing and the business will have no ability to control that outcome.



LAW ENFORCEMENT AGENCY SECURITY VIDEO REQUEST

Please review the following information:

- Neither the completion of this form nor the service of a subpoena guarantees that security video is available or can/will be provided.
- Any security video provided pursuant to this request process remains the property of the business.
- The release of any portion of the security video by the requestor to a third party without businesses consent or a court order is strictly prohibited.

Requestor Name/Title

Requestor Department/Agency

Phone Number (Please include area and ext. if applicable)

Requestor Department/Agency E-mail

Mailing Address ( No P.O. Box)

City, State Postal/Zip Code

Business Address (City)

Police Report No. / Case No.

PLEASE LIMIT VIDEO REQUESTS TO UNDER 60 MINUTES

Date of Incident (mm/dd/yyyy)

Agency Case/Report/File Number

Incident Time

Video Start Time (24-hr)

Video End Time (24-hr)

Description of Incident and/or Person(s) of Interest

Please email your request to

## PUBLIC SAFETY PLAN – PROPOSED CHANGE #5

### 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.
- (reply) This Proposed Change is not reasonable for a business to manage public property in any situation.
- (explanation) Any and all businesses that have leased premises are held to their property line to manage public persons and / or public property per their General Liability Insurance coverage limits. If the City of Scottsdale wants such a requirement any such businesses must be indemnified by the City of Scottsdale against any and all losses or prosecution by the public.

# RIOT HOSPITALITY GROUP BACKGROUND

- RIOT HG HAS BEEN A COMMUNITY LEADER FOR MANY YEARS;





## CONCLUSIONS

- The Downtown businesses represented here respectfully request the City Council adopt the 'suggested Business definitions' herein as the definitions to the update Public Safety Plan.
- The businesses represented here would also request the ability to hire off duty Police Officers to support SPD and keep the area and the businesses safe.
- Thank you



**SCOTTSDALE POLICE DEPARTMENT**

**PUBLIC SAFETY PLAN**

**PUBLIC COMMENT SUMMARY**

**June 1, 2022**

On August 26, 2021, the City Council provided direction to the City Manager in consultation with the City Attorney to return to the City Council with recommended amendments to the Public Safety Plan Ordinance (Scottsdale Revised Code Chapter 23, Article 4) and conduct related public outreach in advance of doing so.

In support of this effort between March 24, 2022, to May 1, 2022, the Scottsdale Police Department's Community Engagement Section conducted a public outreach process through social media.

During the public comment period, only two comments were received:

“I was at the council meeting when presented. They all make sense and are not onerous to business owners. I support them all. “

“I have reviewed the proposed changes to the Public Safety Plan Ordinance and find all the proposed changes to be acceptable. Well done.”

During the public comment period, we did not receive any negative or suggestions on changes. On May 1, 2022, the public outreach period ended.

Thank you,

Cmdr. Chris Coffee

Professional Standards Division