

Chancellor's Alcohol Task Force Report

The following report was presented September 4, 2007, by Mayor Richard Howorth to the Chancellor's Alcohol Task Force. The specific initiatives or plans in response to the Task Force recommendations to the City of Oxford are indicated numerically in the text, beginning after ten paragraphs of remarks.

Because the City's efforts to deal with problems related to the so-called culture of alcohol issue pre-date the formation of this task force, and I think extend beyond some of your recommendations, what I want to do here is report fully on the City's work to date, including some initiatives that have not yet been put into play; talk a bit more broadly on the subject for reasons I hope will be obvious; and, in this process, address all of your recommendations.

I want to commend and thank all of you who have cast yourselves within this issue for a time, and thank the Chancellor and Chairman Hill for their leadership. You have all represented the community very well. I also want to introduce you to City Attorney Pope Mallette, who has been extremely helpful to the city regarding much of what I'll get to in a moment, and who has worked closely and well with Lee Tyner.

As I entered office in 2001, in the back of my mind I was toying with the idea that I might one day initiate the extension of bar hours in Oxford, the sale of cold beer, and enable the sale of alcohol on Sundays. New to local office, my idea was to wait a while before launching into this, to spend a couple of years earning trust, respect, and political capital -- for those all would be needed for such ideas.

As you know, Laura Treppendahl was killed in February, 2003. You all

know how she died, a tragedy that was compounded by who Laura Treppendahl was -- not that one can value one life as greater than another's. But you all know, or have heard, the quality person that she was. My thinking about alcohol and Oxford immediately began to change.

We formed a task force -- city and university officials, bar owners, citizens, Ole Miss students, law enforcement officials -- and looked at a variety of ways to affect change. We held open meetings and invited everyone to speak. Many did. We spoke to bar owners about ceasing to advertise binge drinking -- penny pitchers, two-for-one shots, and such. We discussed ways to deal with the inordinate number of minor-in-possession charges, and began discussions with ABC -- the folks in Jackson who oversee regulation and enforcement of alcohol licensees -- and the Attorney General's Office. We generated a lot of publicity that paralleled the community's thinking: things have to change. We had bar owners talking to each other and to us about tighter controls. I spoke with student groups, where there was positive interaction. We began to hope that the culture had begun to tip the other way.

Aimee Ewing's death proved this to be wrong, of course. We immediately closed parking on and around the bypass. We began having deeper discussions with ABC agents about how the ABC works -- what a business has to do to get its license suspended or revoked, what the authority and capacity of the ABC actually is. We were in discussions with court officials about what kinds of penalties for alcohol-related offenses might prove more effective. We worked with Marc Showalter and the University Counseling Center when he established the BASICS program. We began considering ways to restructure the police department in order to get more supervision in bars.

Then Officer Robert Langley was killed. I say these names as if they

connote simple events. Each was a distinct tragedy, horrible for their families and friends and their home communities; for their fellow students and the university staff and faculty; horrible for this community, for me and for the aldermen, for UPD, OPD and other law enforcement officers, for all of us who work for the city; not to mention those responsible for or charged in their deaths, and for *their* families, *their* friends, and *their* respective communities.

As needless and tragic as the death of Officer Langley was, it was not the last time this community would suffer. If my information is correct, the coed injured in the crash this past spring following an Ole Miss baseball game only very recently got out of the hospital -- I understand not yet recovered from injuries. The person behind the wheel in that incident was just charged with aggravated DUI, as had been two of the others mentioned previously. The student allegedly involved with Officer Langley's death has been charged with capital murder. All four drivers involved or said to be involved in these incidents were Ole Miss students. All were under 21. Reportedly, one had been drinking at an Ole Miss baseball game, one in the grove before an Ole Miss football game, and the other two allegedly were drinking – illegally -- in Oxford bars the night the deaths occurred.

For us in the City, and for everyone in the community, the tragedies with alcohol as a common denominator continue to have devastating effects on the many people left to deal with the physical, emotional, and legal implications of mistakes that arise from alcohol-related events.

After Officer Langley's death Chancellor Khayat immediately appointed this task force and you know the rest. The City continued to work in those same areas which became or included your recommendations.

In the last six months or so, the City has done the following:

Amended its alcohol ordinance. This includes a (1) requirement for keg registration. As you know, research shows a strong correlation between beer kegs and binge drinking along with easy access of alcohol to minors. From a law enforcement perspective, if, say, in the past, a case of alcohol poisoning occurred from a keg party, one could not determine who was responsible for the keg. Now if one wants to rent a keg, one must provide identification, which of course creates a liability link to those who, for instance, contribute to minors. We realize kegs easily may be replaced by more cans of beer, but with tougher enforcement at point of sale and individuals having the advantage of being able to count how many cans or bottles one drinks, we believe this is something of an improvement.

The ordinance (2) is now tied to local beer permits, which are required by the city (not just the ABC), and the ordinance now (3) requires each licensed establishment to have a designated compliance representative, who (4) will be required to receive attendance certification for a training program from ABC or the city. The ordinance (5) enables the city to suspend or revoke either a server or a business's permit. Putting a local compliance representative into a cooperative working relationship with the Oxford Police Department will be a positive thing. We are not simply trying to play "gotcha" with local establishments; indeed, those who are working to comply with the law and run a responsible business, and there are many of them here, we wish to help, to be partners with. Those who are not will be treated accordingly.

Something we did not realize before we got fairly deep into all this is how the Alcoholic Beverage Commission operates, and their operational capacity, or lack thereof. The ABC, based in Jackson, is the regulatory and enforcement

agency for all alcohol licensees in the state. We appreciate and respect ABC and the agents we have dealt with; they do a good job. We also appreciate the assistance we have had from time to time from agents from the Attorney General's office. However, even though Mississippi receives over \$30 million in revenue from alcohol sales each year, there are fewer than 30 ABC agents responsible for covering the entire state. ABC operates under the State Tax Commission, and licensee infractions are adjudicated by them, rather than the courts. So, we now have added local authority to municipal court which we believe will prove to be effective.

The Board of Aldermen and the Lafayette County Board of Supervisors both have unanimously adopted resolutions recommending to the State Legislature two changes in state law that we have forwarded, along with a letter of support for these resolutions from Chancellor Khayat, to our state legislative delegation (Warner McBride, Tommy Reynolds, Gray Tollison, Noal Akins, and Jack Gadd). The first recommendation is (6) to have DUI offenses carry a mandatory penalty of two-to-ten days in jail. (Presently there is no jail time; in contrast, there are some *hunting offenses* that carry mandatory penalties of two weeks in jail.) Research shows that, generally, states or countries with stiffer DUI penalties have lower rates of DUI offenses. (In Norway a DUI-first warrants 3 weeks in jail and loss of license for a year; a DUI-second results in the revocation of a driver's license for life.) Our recommendation is in keeping with Tennessee law and that of many other states.

The second recommendation to the legislature is (7) to enable an increase in the penalty for use of a false ID, which, of course, is our biggest obstacle in

relation to minor-in-possession infractions. Presently the penalty -- in this age of terrorism and identity theft -- is a \$200 fine. We're recommending a \$500 fine and up to 30 days of community service. We also have (8) changed our local ordinance to create the same penalty for one who knowingly permits the use of one's ID by someone else, which the law does not now do. This may have some effect, but I wish the federal government approached the manufacture of false IDs by internet operators with some greater sense of purpose. Until that happens, we'll only be making stop-gap efforts locally.

Within the coming months we (9) will hire additional police officers (eight in the coming year), up to half of whom will (10) form a special task force to deal with alcohol related infractions – just as we have a metro-narcotics unit that deals with drugs. In addition to more DUI enforcement, these officers will be involved in developing what we intend to become (11) a robust community service program that will enhance court sentencing options for alcohol related offenses. Apart from some DUI penalties, these are now mostly fines, which don't have much meaning to some students and other young people, whose fines often are paid by parents. We think that serving up to thirty days of community service may mean more to some people than a fine. Again, we don't just want to “play cops” here – we'd like people in the community to volunteer to serve as mentors in this program, and for the program to be somewhat more meaningful than busting rocks.

We also wish (12) to pursue with the University the formation of a permanent advisory body to collect data and advise the University and the City on a regular basis on matters related to the culture of alcohol.

We get indications from MDOT that our (13) public transit grant will be

approved this year. If so, we can begin to create a comprehensive transit system that in many other college communities throughout the country has been very helpful in alleviating parking, traffic, and traffic-accident problems.

We have been successful in working with Congressman Roger Wicker to secure a \$250,000 house appropriation earmark to the city that will go toward (14) supplementing the University's counseling program, BASICS, which, with its less than four percent recidivism rate, should be regarded as a model program to other universities and their respective communities.

In the mid-1980s the federal government changed, or forced the fifty states to change, the legal drinking age from 18 to 21 but since then has taken almost no part in enforcing that law. If they are going to require state and local governments to enforce their laws, accordingly, they should help provide local governments the resources to do so.

I admit my sympathy to students, or those between 18 and 21, who argue that, logically, in my view, the drinking age should equate to being old enough to vote or enlist in the armed services. Those are laws I can not change, however, and the oath of office for Mississippi mayors and aldermen is basically this: "I promise to faithfully support the Constitution of the United States, the Constitution of the State of Mississippi, and discharge the duties of the office of which I am about to enter."

If we did have the ability to completely create our own laws here, I might be in favor of something like lowering the drinking age for college students to twenty in exchange for the removal of driving privileges freshman year, or lowering the drinking age to nineteen and limiting driving privileges to upperclassmen. But I'm not a dictator (and aren't you glad?), so all we really can do is talk about those

issues – which I’m clearly willing to do -- and it would be especially nice to do so in an environment of progress.

I’ve spoken previously on the number and rates of DUI, minor-in-possession, and public drunk arrests. In the last quarter of 2006, when Robert Langley was killed, Oxford had an annualized average of 1 alcohol-related arrest for every 7 citizens. If our public safety record with regard to alcohol related incidents remains what it has been, the chances for change are not very good. But I believe we can change that.

We want to join every effort with the University administration, students, and citizens to support ways that people can enjoy life in Oxford. The lives lost and ruined that I have mentioned above have occurred in instances of the imperilment of public safety. Again, upholding the law is our solemn oath and, where matters of public safety are at risk, we are going to do that first and foremost.

Much has been said out there – in the rumor mill – about how law enforcement officers treat students. There are accusations of OPD officers being “cowboys” and tough on students. Specifically there persists the question – why do police officers “waste their time” arresting people who are tipsy trying to walk home instead of getting behind the wheel and trying to drive home. Occasionally I get this call from a parent of a student who was arrested the night before, complaining their son or daughter was only trying to get home safely.

Let me state that I believe the ONLY reason Oxford police arrest anyone for public drunk is that, in addition to being publicly drunk, the person is creating trouble of some kind or presents a fairly obvious potential for danger or harm to oneself or someone else. (This part often seems to be lost on the person arrested

and/or his or her parents.) I have been in cars with officers and watched them NOT arrest people who appeared to me to be fairly obviously drunk – but were being chaperoned to the car by a friend or appeared to be otherwise under supervision or control.

I tell parents, when I get this complaint, of a student, five or six years ago, who was arrested on a public drunk charge, booked into jail, and then was released from jail to the recognizance of a friend – who took him back out to continue drinking. Later that night this young man dove into the shallow end of a swimming pool, and he is now quadriplegic. This is not hypothetical; it is something that happened and something that we do not wish to have happen again.

We realize relations are said to be tense – as I heard one student leader describe it recently – between students and the city. We want to work with students, to listen to and communicate with them. That requires two or more people having a discussion.

In the several fomenting editorials and columns on the subject of alcohol that have appeared in the *Daily Mississippian* over the last six months or so, I believe only one writer actually talked to me. Last week five DM reporters called me – all on some subject other than alcohol. In six years the DM editorial board has never asked to meet with me. My only meeting with them occurred at my request. I have had a fair amount of experience with issues related to the First Amendment, and I would not and will not attempt to suggest to the DM or any other newspaper how to go about its business. That said, I encourage students and the administration to promote responsible, critical-but-non-adversarial, insightful, journalism. My door remains open, as I have said continually throughout my six years in office, to any students at any time. It should also be said that we are

grateful, of course, to the thousands of students, and others, who drink legally and act responsibly, and encourage others to do the same.

Tonight the board of aldermen will appoint a new police chief. In the interview process to select the new chief our board had many discussions about community policing. Students are part of our community and we absolutely want them to feel good about Oxford. Our police officers are going to be firm where the law's concerned, but they will also be fair. They are here to protect and to serve, and they know that, and I believe our new chief is going to ensure that students feel that way, too.

At the beginning of my remarks I mentioned some of the names of the victims of drinking and driving here. The reason I did that is because, while those of us in this room remember the incidents and the victims, each year 3,500 new students, among others, move into this community who are not a part of our community's memory. We owe our remembrance, and appropriate action, to those who have been harmed or lost their lives, and to their families and friends.

I am not so naïve as to think we can change the entire culture, or prevent every drunk-driving tragedy from occurring, at least not now. But I do think we must work hard to prevent ourselves, students and citizens, as individuals and as a community, from participating in this phenomenon. And the definition of participation here includes pretending the phenomenon does not exist, or failing to try to prevent it.