

Memorandum

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CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

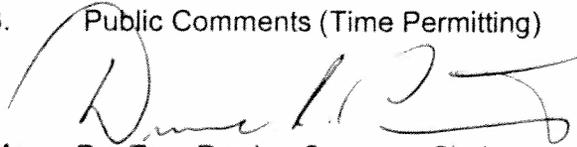
DATE July 30, 2010

TO Honorable Members of the Public Safety Committee:
Delia Jasso (Vice-Chair), Jerry Allen, Tennell Atkins, Sheffie Kadane,
Linda Koop, Ann Margolin, Ron Natinsky, David Neumann

SUBJECT **Public Safety Committee Meeting**
Monday, August 2, 2010, 12:00 p.m. - 2:00 p.m.
1500 Marilla Street, City Hall, Room 6ES, Dallas, Texas 75201

AGENDA

- | | |
|--|---|
| Call to Order | Mayor Pro Tem Dwaine Caraway, Chair |
| 1. Approval of June 21, 2010 Minutes of the Public Safety Committee Meeting | Mayor Pro Tem Dwaine Caraway, Chair |
| 2. Synthetic Cannabinoids and Salvia Divinorum | Tom Perkins, City Attorney and Deputy Chief Patricia Paulhill
Dallas Police Department |
| 3. Blunt Wrap Presentation | Craig Williamson and Robert Peeler
Cigar Association of America |
| 4. Safer Dallas Better Dallas | Charles T. Terrell, Chair
Safer Dallas, Better Dallas Police Department |
| 5. Crime Report | Police Chief David O. Brown
Dallas Police Department |
| 6. Upcoming City Council Agenda Items for August 25, 2010 | |
| ▪ Proposal to Accept the Texas Burglary and Automobile Theft Prevention Authority (ABTPA) Grant Funds | |
| ▪ Dallas Police Department Body Armor Grant | |
| 7. Administrative (Police) Reports
(Informational Memo)
Previous Case presentations:
Control #09-357 and #09-459 | Deputy Chief Nancy Kirkpatrick
Dallas Police Department |
| 8. Public Comments (Time Permitting) | |


Mayor Pro Tem Dwaine Caraway, Chair
Public Safety Committee

- c: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
C. Victor Lander, Administrative Municipal Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Helena Stevens-Thompson, Assistant to the City Manager- Council Office
-

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation or matters where legal advice is requested of the City Attorney, Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. The contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.074 of the Texas Open Meetings Act.

DRAFT

Public Safety Committee Meeting Record

The Public Safety Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Public Safety Committee Coordinator at 214-670-3246.

Meeting Date: Monday, June 21, 2010

Convened: 12:01 p.m.

Adjourned: 1:01 p.m.

Committee Members Present:

Mayor Pro Tem, Dwaine Caraway, **Chair**
Delia Jasso, **Vice-Chair**
Jerry R. Allen
Tennell Atkins
Sheffie Kadane
Linda Koop
Ann Margolin
Ron Natinsky

City Executive Staff Present:

Ryan Evans, First Assistant City Manager
Fire-Rescue Chief Eddie Burns, Sr., DFR
Assistant Chief Louie Bright, III, DFR
Deputy Chief Bobby Ross, DFR
Deputy Chief Joe Pierce, DFR
Jackie Middlebrooks, CAO
Shun Session, CMO

Committee Members Absent:

David Neumann

Other Council Members Present:

AGENDA:

1. **Call to Order**

Presenter: Mayor Pro Tem, Dwaine Caraway, Chair

Action Taken/Committee Recommendation(s):

Mayor Pro Tem Caraway called an Open Session of the Public Safety Committee Meeting to order at 12:01 p.m., Monday, June 21, 2010 at City Hall, 1500 Marilla, 6ES, Dallas, TX, 75201. A quorum was present.

2. **Approval of Meeting Record for June 7, 2010 Public Safety Committee Meeting**

Presenter: Mayor Pro Tem, Dwaine Caraway, Chair

Action Taken/Committee Recommendation(s): Motion made to approve the minutes.

Motion made by: **Tennell Atkins**

Item passed unanimously: X

Item failed unanimously:

Motion seconded by: **Delia Jasso**

Item passed on a divided vote:

Item failed on a divided vote:

3. **Public Comments**

Presenter: Robert Peeler and Craig Williamson, Cigar Association of America

Action Taken/Committee Recommendation(s):

Mr. Peeler and Mr. Williamson made comments to Blunt Wraps.

A motion was made by Ms. Koop recommending that Blunt Wraps be placed on the August 2, 2010 Public Safety Committee agenda as a presentation to the committee. Mr. Atkins seconded the motion and it passed by unanimous vote.

4. **2006 Bond Program Update**

Presenter: Assistant Chief Louie Bright, III, Dallas Fire-Rescue Department

Action Taken/Committee Recommendation(s):

Assistant Chief Bright provided the committee with the 2006 Bond Program Update. The purpose of the briefing is to provide an update on the status of projects that were approved in the 2006 Bond program. Topics of discussion were as follows: (1) history (2) replacement/new fire stations (3) future site acquisitions and (4) major maintenance projects.

The committee had the following concerns/recommendations: (1) mountain creek fire station (2) district 1 analysis & major projects (3) age of station #9 and future plans to repair (4) age of station #54 & 40 (5) land for station #37 (6) future plans for station #44 and (7) age of station #55 and future plans to repair.

Follow up: Staff will provide a listing of major maintenance projects and age of fire stations; district by district.

5. **EMS Bicycle Medical Team**

Presenter: Deputy Chief Bobby Ross, Dallas Fire-Rescue Department

Action Taken/Committee Recommendation(s):

Deputy Chief Ross provided the committee with the EMS Bicycle Medical Team presentation. The EMS Bicycle Medical Team program created an incredible opportunity for Dallas Fire-Rescue to enhance its EMS program while also going a step further in providing the best emergency medical care to the citizens of Dallas. The purpose of the Bike Medics is to help address the need for a more rapid response at special events and large gatherings. Topics of discussion were as follows: (1) utilization of Bike Medics (2) benefits to the department (3) 2008-2009 Special Events (4) equipment and (5) training and purchasing costs.

*The committee was provided with a video and a demonstration on the Bike Medic/Stryker Power-Pro XT stretcher.

The committee had the following concerns/recommendations: (1) storage of bikes (2) total number of bikes (3) cost per bike, fully equipped (4) frame size and (5) future plans for bikes at each station.

6. **Stryker Power-Pro XT**

Presenter: Deputy Chief Bobby Ross, Dallas Fire-Rescue Department

Action Taken/Committee Recommendation(s):

Deputy Chief Ross provided the committee with the Stryker Power-Pro XT presentation. Dallas Fire-Rescue is upgrading all of their current "H" Frame Stretchers to the New Stryker Power-Pro XT. The Stryker Power-Pro XT Stretcher is an innovative and powerful stretcher that will lift a patient by way of a battery powered hydraulic motor. The new Stryker Power-Pro XT is designed to lift patients up to 500 lbs without assistance, and it will lift patients up to 700 lbs with minimal assistance from the operators. These new power stretchers may eliminate many injuries to our firefighters associated with lifting patients. Topics of discussion were as follows: (1) the need (2) history of back injuries 2008-2009 (3) history of DFR injuries (4) total cost to department related to injuries (thru 2009) (5) Power-Pro XT and (6) Power Stretcher Advantage.

The committee had the following concerns/recommendations: (1) cost per stretcher (2) cost savings (3) number of additional stretcher's needed for all frontline units (4) life span of stretcher (5) expenditure for injuries (6) weight of cot (7) maximum weigh Stryker Power-Pro XT can hold (8) backup battery (9) number of current stretchers (10) stair chair and (11) where are Stryker Power-Pro XT's made.

7. **Administrative (Fire) Reports**

Presenter: Deputy Chief Joe Pierce, Dallas Fire-Rescue Department

Action Taken/Committee Recommendation(s):

Deputy Chief Pierce provided the committee with an update to the Fire Reports.

The committee had the following concerns/recommendations: (1) No recommendation was given for this item.

8. **Upcoming City Council Agenda Items for June 23, 2010**

- a. Revised Parking Garage Lease for Police
- b. Interlocal Agreement and Memorandum of understanding – City of Duncanville
- c. Interlocal Agreement and Memorandum of understanding – City of Grand Prairie

The committee had the following concerns/recommendations: (1) garage adjacent to DPD headquarters. Mr. Evans provided background information.

A motion was made by Mr. Natinsky to accept/recommend the upcoming council agenda items to the full Dallas City Council for approval on the June 23, 2010 agenda. Mr. Kadane seconded the motion and it passed by unanimous vote.

APPROVED BY:

ATTEST:

Mayor Pro Tem, Dwaine Caraway, Chair
Public Safety Committee

Shun Session, Coordinator
Public Safety Committee

Memorandum

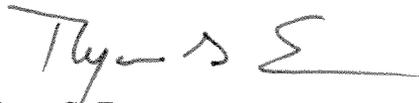


DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: **Synthetic Cannabinoids and Salvia Divinorum**

Attached is briefing material on the "Synthetic Cannabinoids and Salvia Divinorum" to be presented to the Members of the Public Safety Committee on Monday, August 2, 2010.



Ryan S. Evans
First Assistant City Manager

c: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
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Helena Stevens-Thompson, Assistant to the City Manager Mayor/City Council

Synthetic Cannabinoids and Salvia Divinorum

**Dallas City Attorney's Office
and the
Dallas Police Department**

August 2, 2010





ISSUES

- ❑ **What are synthetic cannabinoids?**
- ❑ **What is salvia divinorum?**
- ❑ **What are the effects of these products?**
- ❑ **Are these products available in Dallas?**
- ❑ **How are other governmental entities addressing these products?**
- ❑ **What can the City of Dallas do?**



Synthetic cannabinoids

- Since 2006, K2 products have been sold as incense or potpourri in smoke shops and other retailers.
- It is a mixture of herbal and spice plant products that have been sprayed with a synthetic compound similar to THC, the active ingredient in marijuana.

Common products





What is salvia divinorum?

- ❑ Genus name- Salvia
- ❑ It is a psychoactive plant that is native to Mexico.
- ❑ Its active psychoactive component is salvinorin A.
- ❑ Sold as “Sally D” or “Magic Mint”

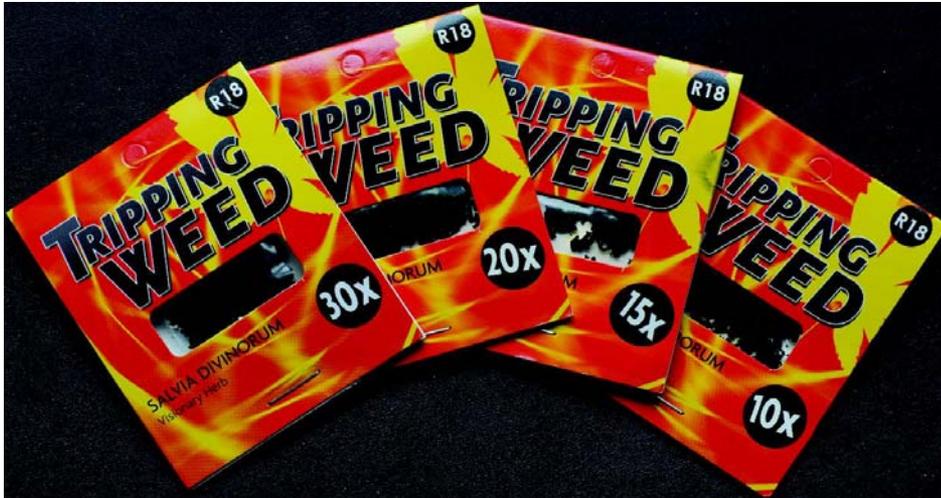
Salvia divinorum plants



Salvia products

Salvia divinorum

Lions-tail with
salvia divinorum



Drug Paraphernalia



What are the effects of synthetic cannabinoids?

5.18.10 U.S. Dept. of Justice Drug Alert Watch

- ❑ Law enforcement agencies report increased use of synthetic cannabinoid products
- ❑ Possibly used to avoid a positive drug test for marijuana and the resulting consequences
- ❑ When smoked, products produce the hallucinogenic effects of marijuana
- ❑ Users report effects last between 30 minutes-2 hours

What are the effects of synthetic cannabinoids?

Drug Alert Watch cont.

Reported adverse side effects include:

- Panic attacks
- Agitation
- Tachycardia (accelerated heart rate)
- Elevated blood pressure
- Anxiety



What are the effects of synthetic cannabinoids?

Reported adverse side effects cont.

- Pallor
- Numbness and tingling
- Vomiting (which can be severe and may require sedation)
- hallucinations (which can be intense)
- In some cases, tremors and seizures

What are the effects of synthetic cannabinoids?

The Texas Poison Center Network

Statewide:

- **119 calls**
- **105 exposures to synthetic cannabinoids**
- **Including 5 users having major medical issues**

Dallas County

- **6 calls**
- **mostly moderate medical issues**

(Jan. 1 – July 14)

Are products containing synthetic cannabinoids and salvia divinorum available in Dallas?

Yes.

- ❑ These products are available for purchase in head shops, gas stations, and other locations in the city.
- ❑ It is also available for purchase on the Internet and in magazines.

How are other governmental entities dealing with these products?

- ❑ Presently, these products are not illegal under federal law.
- ❑ These drugs are not approved by the FDA.
- ❑ The DEA lists *Salvia Divinorum*, Salvinorin A, and the synthetic cannabinoids found in Spice as drugs and chemicals of concern.

States that ban or restrict synthetic cannabinoids and/or salvia divinorum

- ❑ **Alabama**
- ❑ **Georgia**
- ❑ **Kansas**
- ❑ **Kentucky**
- ❑ **Louisiana**
- ❑ **Missouri**
- ❑ **Tennessee**
- ❑ **Arkansas (emergency order from Health Board)**

- ❑ **while Illinois, Michigan, New Jersey, and New York are considering bans.**

(as of 7.10.10)

State of Texas



Sen. Florence Shapiro, of Plano, has discussed the potential dangers of K2. She is working to draft legislation regulating these products on a state level.



Sen. Florence Shapiro

- Sen. Shapiro realizes that the state legislature will not consider legislation concerning K2 until 2011.
- She supports Texas cities in enacting ordinances regulating K2 during this interim period.



Texas cities that ban or restrict synthetic cannabinoids and/or salvia divinorum

- ❑ **Mansfield**
- ❑ **Allen**
- ❑ **McKinney**
- ❑ **Jasper**
- ❑ **Port Arthur**
- ❑ **Sulphur Springs**



What can the City of Dallas do?

Enact an ordinance to:

- **ban the use of these products in the city**
- **ban the possession, sale, or transfer of these products in the city**
- **prohibit smoking paraphernalia used with these products**
- **assess a fine not to exceed \$2000 for the use, possession, sale, or transfer of these products**

Questions



Memorandum



DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: **Blunt Wrap Presentation**

Attached is briefing material on the "Blunt Wrap Presentation" to be presented to the Members of the Public Safety Committee on Monday, August 2, 2010, by Craig Williamson and Robert Peeler, Cigar Association of America.



Ryan S. Evans
First Assistant City Manager

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Blunt Wrap Presentation

Dallas City Council Public Safety Committee Meeting

August 2, 2010

Cigar Association of America

Craig Williamson

Robert Peeler

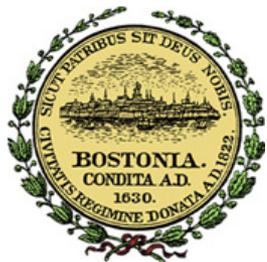


What are "blunt wraps" used for?



"Blunt wraps are primarily intended for use with marijuana or cannabis." "Blunt wraps constitute drug paraphernalia."

SOURCE: US Customs and Border Protection Agency ruling, November 26, 2008



"Blunt wraps are heavily marketed to the youth and often used as drug paraphernalia."

Source: City of Boston Public Health Commission Ordinance, adopted December 11, 2008



"According to focus groups with teens, blunts remain the most popular form for smoking cannabis."

Source: National Institute on Drug Abuse, Community Epidemiology Work Group Report, "Epidemiological Trends in Drug Abuse "



"While blunts generally contain more marijuana than a regular joint, they look like a regular cigar."

Tobacco Technical Assistance Consortium - Tobacco 101/Tobacco Products, See www.ttac.org



"Blunts may be laced with other substances including PCP and crack cocaine."

Source: National Institute on Drug Abuse, Community Epidemiology Work Group Report, "Epidemiological Trends in Drug Abuse"



“It is quite evident from the vast number references on the Internet that blunt wraps are sold and bought for use with marijuana or cannabis.”

SOURCE: US Customs and Border Protection Agency ruling, November 26, 2008

A cursory search of the internet will return thousands of results relating blunt wraps to illegal drug use.

For example, the website grasscity.com shows the following guide on how to roll your own marijuana blunt using blunt wraps:



Blunt Wraps Are Marketed With Obvious Drug References

EXAMPLE 1:
Blunt Wrap
Brand Double
Platinum Wrap,
"KUSH" flavored



Drug References



"KUSH" is a slang term
for Marijuana

Source: White House Office of
National Drug Control Policy



"JuJu" is a slang term
for a Marijuana joint

Source: White House Office of
National Drug Control Policy



EXAMPLE 2:
Zig Zag Brand
Premium Wrap,
"Blue JuJu"
flavored



Blunt Wraps Are Now Being Marketed as “Cigar Wraps” In An Attempt to Legitimize the Product

-A Distinction Without a Difference-

"Blunt" Wraps BECOME "Cigar" Wraps



Changing the label on package from “blunt wrap” to “cigar wrap” does not change the fact that the product inside the package is the same product that U.S. Customs determined to be “primarily intended for use with marijuana or cannabis.”

Q: Would AB 2757 treat blunt wraps differently than other products primarily intended for drug use?

A: No, California law already restricts the sale of many products “intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body” to retail environments that prohibit minors.

These products include:



"Bongs"

Pipes



"Roach clips"



MYTH: The fact that blunt wraps can be used legally with “roll-your-own” cigar tobacco proves that they are not drug paraphernalia.

FACT: The standard for determining whether blunt wraps are prohibited drug paraphernalia is NOT whether the items are compatible for use with illicit substances, but whether they are PRIMARILY intended for use with illicit substances.



“Although blunt wraps may have more than one use, they constitute drug paraphernalia.”

SOURCE: US Customs and Border Protection Agency regulatory ruling, November 26, 2008

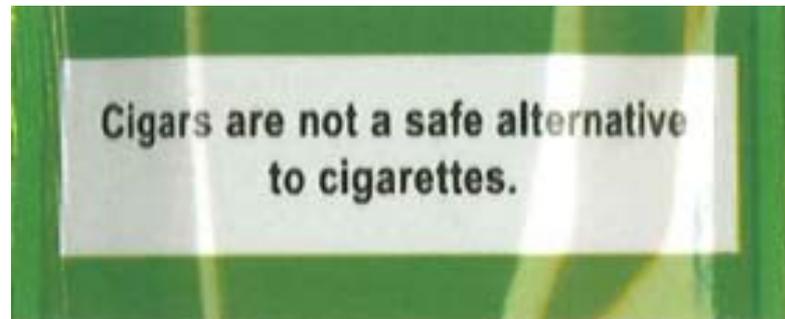
MYTH: Blunt wrap manufacturers contend that blunt wraps and roll-your-own cigar tobacco are sold together in a 1 to 1 ratio.

FACT: A recent survey of distributors in the 12 state region of the western U.S. including California revealed that 85% of distributors DON'T EVEN CARRY roll-your-own cigar tobacco for sale.

Distributors and retailers don't carry roll your own cigar tobacco because consumers aren't buying it, which further suggests something other than cigar tobacco is being used in blunt wraps.

MYTH: The fact that blunt wraps carry the federal Surgeon General's Cigar Warning proves that they are a legitimate cigar product.

FACT: The Federal cigar warning label requirement is ONLY applicable to products that meet the very specific federal definition of a cigar, which is: "any roll of tobacco wrapped in any other substance containing tobacco" (other than a cigarette).



Wraps plainly do not meet this definition, and placing the federal cigar warnings on their packaging is at best misleading, and at worst is a deliberate attempt to create the illusion that blunt wraps are legitimate cigar products.

CUSTOMS RULING

LEXSEE 2008 U.S. CUSTOM HQ LEXIS 989

U.S. Bureau of Customs & Border Protection Rulings – HQ Series

2008 U.S. Customs HQ Lexis 989; HQ H041682

November 26, 2008

Reference: Drug Paraphernalia; 21 U.S.C. § 863; Blunts; Blunt Wraps; Blunt Wrappers; Marijuana or Cannabis

LEXSEE 2008 U.S. CUSTOM HQ LEXIS 989

U.S. Bureau of Customs & Border Protection
Rulings - HQ Series

2008 U.S. CUSTOM HQ LEXIS 989; HQ H041682

November 26, 2008

DOCUMENT-NO: [*1] ENF-4-02-OT:RR:BSTC:IPR H041682 RFC

CATEGORY: Restricted Merchandise

Edward L. Earle
HBI International
3315 W. Buckeye Road, Suite B
Phoenix, AZ 85009

REFERENCE: Drug Paraphernalia; 21 U.S.C. § 863; Blunts; Blunt Wraps; Blunt Wrappers; Marijuana or Cannabis

Dear Mr. Earle:

This letter is in response to your September 11, 2008, dated request to U.S. Customs and Border Protection (CBP) on behalf of your company, BBK Tobacco & Foods, LLP, dba, HBI International (Phoenix, Arizona). In your request, you seek an advance or pre-importation ruling with respect to the classification of certain blunt wraps or blunt wrappers under the Harmonized Tariff Schedule of the United States (HTSUS). Please note that as we have determined below that the merchandise that is the subject of your ruling request to be prohibited and inadmissible merchandise, an advance or pre-importation ruling will not be issued with respect to the classification of the merchandise under the HTSUS. See 19 CFR 177.7(a) (No ruling letter will be issued in response to a request for a ruling in any instance in which it appears contrary to the sound administration of the Customs and related laws to do so.).

FACTS

In your letter, [*2] you state, in part, that:

I am writing on behalf of BBK Tobacco & Foods, LLP dba HBI International ("HBI"). HBI's address is listed above and the merchandise referenced below will be entered in either Los Angeles, CA or Phoenix, AZ. This ruling request is in regards to a prospective importation of homogenized tobacco wrappers from the Dominion Republic or the Philippines. To HBI's knowledge, there are no issues on the commodity pending before the Customs Service [sic] or any court.

I am writing to request a tariff classification ruling for the enclosed blunt wrapper samples. Enclosed are various types of blunt wrappers packaged in either a foil-type sleeve or a tube-shaped plastic container. The samples are identified as JUICY Blunts, KINGPIN Blunts and CYCLONE Blunts. These products are principally used in the United States for a consumer to use to make his own cigar. However, none of

LexisNexis

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the referenced products can be smoked alone as a cigar or cigarette. It is important to note this distinction since these products are more accurately identified as a cigar wrapper rather than an actual cigarette or cigar.

The products referenced above consist of approximately []% volatiles, [*3] []% extractives, []% wood fiber content, []% inorganic ash and []% tobacco fiber content. Overall, tobacco-wrapping papers were comprised of (1) volatiles--which included alcohol-based flavorings and water moisture; (2) extractives--which included non-volatile flavorings, added sugars and glues; (3) wood fiber--which was in the form of tree-based kraft pulped softwood and hardwood; (4) inorganic ash--which included filler such as calcium carbonate and clay added to the wrap during the paper making process; and (5) tobacco fiber--which originated from national tobacco leaf, which was added during the paper making process.

Three samples of the merchandise were received in this office with the request. The samples are identified as follows: (1) "Juicy Double Blunts" (Made in the Dominican Republic: <www.juicyblunts.com>); (2) "Kingpin Premium Blunts" (Made in the Dominican Republic: <www.zensmoke.com>); and (3) "Cyclones Pre Rolled Cone Blunts" (Made in the Philippines: <www.zensmoke.com>).

[SEE PICTURES OF THE THREE SAMPLES IN ORIGINAL]

ISSUE:

Whether the "blunt wraps" or "blunt wrappers" under consideration constitute drug paraphernalia for purposes of 21 U.S.C. § 863(d).

LAW [*4] & ANALYSIS

As concerns what constitutes "drug paraphernalia" for purposes of 21 U.S.C. § 863, the statute, provides, in part, as follows:

(a) In general. It is unlawful for any person--

- (1) to sell or offer for sale drug paraphernalia;
- (2) to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or
- (3) to import or export drug paraphernalia.

...

(d) "Drug paraphernalia" defined

The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body, such as--

- (1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (2) water pipes;
- [*5] (3) carburetion tubes and devices;

- (4) smoking and carburetor masks;
- (5) roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (6) miniature spoons with level capacities of one-tenth cubic centimeter or less;
- (7) chamber pipes;
- (8) carburetor pipes;
- (9) electric pipes;
- (10) air-driven pipes;
- (11) chillams;
- (12) bonges;
- (13) ice pipes or chillers;
- (14) wired cigarette papers; or
- (15) cocaine freebase kits.

(c) Matters considered in determination of what constitutes drug paraphernalia

In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

- (1) instructions, oral or written, provided with the item concerning its use;
- (2) descriptive materials accompanying the item which explain or depict its use;
- (3) national and local advertising concerning its use;
- (4) the manner in which the item is displayed for sale;
- (5) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- [*6] (6) direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;
- (7) the existence and scope of legitimate uses of the item in the community; and
- (8) expert testimony concerning its use.

(f) Exemptions

This section shall not apply to—

- (1) any person authorized by local, State, or Federal law to manufacture, possess, or distribute such items; or
- (2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products, including any pipe, paper, or accessory.

21 U.S.C. § 863.

In *Posters 'N' Things v. United States*, 511 U.S. 513, 114 S. Ct. 1747, 128 L. Ed. 2d 539 (1994), the U.S. Supreme Court had an opportunity to consider the phrase "primarily intended...for use." Although the court was interpreting the text in former 21 U.S.C. § 857, in 1990, Congress repealed that section of title 21 and replaced it with the 21 U.S.C. § 863, which is indicated in *Posters 'N' Things* to be identical to current section 863. See Crime Control Act of 1990, Pub. L. 101-647, §2401, 104 Stat.4858. [*7] See also, 21 U.S. at 516, n. 5; *United States v. Search of Music Marketing, Inc.*, 212 F.3d 920, 925 (6th Cir. 2000).

In *Posters 'N' Things*, the court concluded that the phrase "primarily intended...for use" is to be understood objectively and refers generally to an item's likely use. 21 U.S. at 521. Moreover, the court noted that this "is a

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relatively particularized definition, reaching beyond the category of items that are likely to be used with drugs by virtue of their objective features." 21 U.S. at 521, n. 11. Additionally, the court stated that "items 'primarily intended' for use with drugs constitute drug paraphernalia, indicating that it is the likely use of customers generally, not any particular customer, that can render a multiple-use item drug paraphernalia." 21 U.S. at 521-22, n. 11. Therefore, items having possible multiple uses can constitute drug paraphernalia for purposes of 21 U.S.C. § 863 if the likely use by customers of the seller of the items is for use with drugs.

An Internet search reveals a number of web sites that sell or advertise or promote blunt wraps or blunt wrappers similar to those imported by HBI International that also sell or advertise [*8] or promote other items likely for use with drugs. See, e.g., www.monstersmokeshop.com.

In addition to the many above-mentioned web sites offering for sale or advertising or promoting blunt wraps or blunt wrappers, a number of references were found on the Internet relating to blunts, blunt wraps and blunt wrappers for use with marijuana or cannabis. They include the following ones:

Cannabis Smoking/Rolled/Blunt

A "blunt" is a method for smoking marijuana in which the marijuana is smoked inside a tobacco leaf obtained from the outer layer of a cigar.

There are three main methods for producing blunts. The first method is to hollow out the interior of a pre-made cigar and fill it with cannabis. The second method is to rip or cut the cigar lengthwise from end to end, after which the contents are discarded and the wrapping rerolled like a new cigar. **The third method is to buy cigar paper (commonly referred to as a wrap) which can come in a variety of flavors, and roll it like a joint.** (Emphasis added.)

See www.wikipedia.org

Tobacco Technical Assistance Consortium/Tobacco 101/Tobacco Products

Blunts - Regular cigars that have marijuana added to the tobacco

[*9]

Blunts are made by hollowing out a factory-made cigar and stuffing it with marijuana or by rolling one's own cigar.

Technology

While blunts generally contain more marijuana than a joint, they look like a regular cigar.

Philly Blunts are inexpensive cigars that are often used to create marijuana blunts.

Blunt wrappers

The term *blunt* is also used to describe the blunt wrapper, tobacco leaf that can be cut to the size of the blunt the user wants to make.

Blunt wrappers are often flavored to taste like rum, cherry, strawberry, vanilla ice cream, etc. (Emphasis added.)

See www.tnac.org

NYU Steinhardt School of Culture, Education & Human Development Center for Health, Identity,

Behavior & Prevention Studies/Substances--Marijuana

A blunt, by definition, is marijuana rolled into the emptied wrapper of a cigar.

See www.steinhardt.nyu.edu

Blunt: a marijuana cigarette, specif. one made by putting marijuana into the wrapper of a hollowed-out cigar.

See www.yourdictionary.com

Blunt: Slang, a cigar stuffed with marijuana.

See dictionary.reference.com

Blunt: a cigar that has been hollowed out and filled with marijuana. [*10]

See www.merriam-webster.com

Blunt - A joint rolled in tobacco-leaf wrapper of a cigar.

See www.marijuanadictionary.com

Facts About Marijuana

Marijuana is most often smoked in hand rolled cigarettes known as *joints* or *rolls*. Some marijuana users cut open cigars, replacing the tobacco with marijuana to create a *blunt*. Blunts may also contain mixtures of marijuana and crack cocaine.

See www.psychiatric-disorders.com

How Stuff Works/How Marijuana Works/Marijuana Usage

Some users slice open a cigar, remove the tobacco and refill it with marijuana. The marijuana-filled cigar is often called a **blunt**.

See www.howstuffworks.com

Office of National Drug Control Policy: Street Terms

Blunt -- Marijuana inside a cigar, cocaine and marijuana inside a cigar.

See www.whitehousedrugpolicy.gov

National Institute on Drug Abuse/Marijuana: Facts Parents Need to Know

Q: How is marijuana used?

A: Most users roll loose marijuana into a cigarette (called a joint or a roll) or smoke it in a pipe or a water pipe, sometimes referred to as a bong. Some users mix marijuana into foods or use it to brew a tea. **Another method is to slice open** [*11] **a cigar and replace the tobacco with marijuana, making what's called a blunt.** (Emphasis.)

LexisNexis

Page 6

See www.drugabuse.gov

National Institute on Drug Abuse/NIDA InfoFacts: Marijuana

How is Marijuana Abused?

Marijuana is usually smoked as a cigarette (joint) or in a pipe. **It is also smoked in blunts, which are cigars that have been emptied of tobacco and refilled with marijuana. Since the blunt retains the tobacco leaf used to wrap the cigar, this mode of delivery combines marijuana's active ingredients with nicotine and other harmful chemicals. (Emphasis added.)**

See www.drugabuse.gov

Office of National Drug Control Policy/Pulse Check: Trends in Drug Abuse April 2002

How do marijuana users take marijuana?

As reported in the last *Pulse Check*, joints remain the most common vehicle for smoking marijuana. However, **blunts (hollowed-out cigars filled with marijuana) are more common than joints in many cities, as reported by epidemiologic/ethnographic and nonmethadone treatment sources. (Emphasis added.)**

See www.whitehousedrugpolicy.gov

In light of the above, it is quite clear that there is a very large and extensive market for blunt wraps or blunt [*12] wrappers similar to those imported by HBI International that are likely or primarily purchased for use with marijuana or cannabis (*i.e.*, to wrap and smoke the marijuana or cannabis).

In your submission, you allege that the blunt wraps or blunt wrappers that HBI International imports "are principally used in the United States for a consumer to use to make his own cigar." No evidence was submitted to establish or substantiate this allegation. In fact, you have not submitted any evidence to show or establish the likely or primary intended use of the imported blunt wraps or blunt wrappers by the customers who purchase them from or through HBI International or from or through HBI International's customers and affiliates. Finally, the record does not show or establish that the blunt wraps or blunt wrappers under consideration are traditionally intended for use with tobacco products. See 21 U.S.C. § 863(f).

As shown above, it is quite evident that from the vast numbers of advertisements, promotions and references on the Internet relating to blunt wraps and blunt wrappers, they are likely sold and bought for use with marijuana or cannabis. This is a relevant factor to consider in [*13] determining whether the blunt wraps or blunt wrappers under consideration constitute drug paraphernalia. See 21 U.S.C. § 863(e) (Logically relevant factors may be considered in determining whether an item constitutes drug paraphernalia.). Moreover, as indicated above, no evidence was submitted in the instant case to show or establish the likely use or intended primary use of the blunt wraps or blunt wrappers by the customers who purchase them. *Id.* Upon review, then, we conclude that the blunt wraps or blunt wrappers under consideration are likely or primarily intended for use with marijuana or cannabis (*i.e.*, to wrap and smoke marijuana or cannabis) by the customers who purchase them from or through HBI International or from or through HBI International's customers and affiliates. Therefore, although the blunt wraps or blunt wrappers may have more than one use, they constitute drug paraphernalia. 21 U.S.C. § 863(d); See also, *Posters 'N' Things*, 21 U.S. at 521-22, n. 11 ("[I]tems 'primarily intended' for use with drugs constitute drug paraphernalia, indicating that it is the likely use of customers generally, not any particular customer, that can render a multiple-use [*14] item drug paraphernalia.").

CONCLUSION

The above-referenced blunt wraps or blunt wrappers constitute drug paraphernalia for purposes of 21 U.S.C. § 863(d). Therefore, the blunt wraps or blunt wrappers are unlawful and inadmissible, and their importation is prohibited. 21 U.S.C. § 863(a). Any future importations of the blunt wraps or blunt wrappers will be subject to seizure. 19 U.S.C. § 1595a(c).

ISSUED-BY: George Frederick McCray, Chief
Intellectual Property Rights & Restricted
Merchandise Branch

CUSTOMS SERVICE DISCLAIMER: Inclusion of Customs ruling in LEXIS does not constitute publication of the ruling under 19 CFR 177.10(b). An established and uniform practice is created for Customs rulings only by full-text publication in the Customs Bulletin and only if the ruling concerns a rate of duty or change.

Legal Topics:

For related research and practice materials, see the following legal topics:

International Trade Law
Imports & Exports
Classification of Merchandise
Harmonized Tariff Schedule
International Trade Law
Imports & Exports
Duties, Fees & Taxes
General Overview

BOSTON BAN

Boston Public Health Commission Regulation Restricting the Sale of Tobacco Products in the City of Boston

Whereas, tobacco is one of the leading causes of death in the United States and lung cancer, which has a correlation to smoking, has been the leading cause of cancer death among Boston residents;

Whereas, tobacco is currently sold in health care institutions such as pharmacies and drug stores;

Whereas, the sale of tobacco products is incompatible with the mission of health care institutions because it is detrimental to the public health and undermines efforts to educate patients on the safe and effective use of medication;

Whereas, educational institutions in the City of Boston also sell tobacco products to the younger population, which is particularly at risk for becoming smokers;

Whereas, the sale of tobacco products is also incompatible with the mission of educational institutions which educate the younger population about social, environmental and health risks and harms;

Whereas, there are certain tobacco products such as blunt wraps that are frequently marketed and sold to the youth and are also known to be used as drug paraphernalia;

Therefore, the Boston Public Health Commission in recognition of the harmful effects of tobacco on vulnerable populations, believes that it is important that the sale of tobacco products be banned by educational and health care institutions in the City of Boston and that blunt wraps also be banned in furtherance of its mission to protect, promote and preserve the health and well-being of Boston citizens.

Boston Public Health Commission Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section I: Definitions

Blunt wrap: cigarette-like rolling paper that is thick and dark and usually made from tobacco leaves. Blunt wraps come in flavored varieties and are heavily marketed to the youth and often used as drug paraphernalia.

Health care institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employers health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.

Entity: any single individual, group of individuals, corporation, partnership, institution, employer, association, firm or any other legal entity whether public or private.

Educational institution: any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Retail establishment: any store that sells goods or articles of personal services to the public.

Tobacco products: any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe, tobacco, snuff, chewing tobacco and dipping tobacco.

Boston Public Health Commission Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section II: Prohibition Against the Sale of Tobacco Products by Health Care Institutions

No health care institution located in the City of Boston shall sell or cause to be sold tobacco products. Additionally, no retail establishment that operates or has a health care institution within it, such as pharmacy or drug store, shall sell or cause to be sold tobacco products.

Section III: Prohibition Against the Sale of Tobacco Products by Educational Institutions

No educational institution located in the City of Boston shall sell or cause to be sold tobacco products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

Section IV: Prohibition Against the Sale of Blunt Wraps by All Entities

No retail establishment or entity in the City of Boston shall sell or cause to be sold blunt wraps.

Section V: Violations

1. A violator of this Regulation may receive:
 - a. In the case of a first violation a fine of two hundred dollars (\$200.00);
 - b. In the case of a second violation within 24 months of the first violation a fine of seven hundred dollars (\$700.00); and,
 - c. In the case of a three or more violations within 24 months of the second or current violation, a fine of one thousand dollars (\$1000.00) for each violation
2. Each calendar day an entity operates in violation of any provision of this regulation shall be deemed a separate violation.
3. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Boston Public Health Commission or a city of Boston department or agency from suspending, or revoking any license or permit issued by and within the jurisdiction of such departments or agency for repeated violations of this regulation.

Boston Public Health Commission

Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section VI: Enforcement

1. Authority to enforce this regulation shall be held by the Boston Public Health Commission, its subsidiary programs or designees; the City of Boston Inspectional Services Department and the City of Boston Police Department.
2. Any violation of this regulation may be enforced in the manner provided in M.G.L. c. 111 § 187, by the Boston Public Health Commission, its subsidiary programs or designees.
3. Any person may register a complaint under this Regulation to initiate an investigation and enforcement with the Boston Public Health Commission, its subsidiary programs or designees.
4. Any fines or fees collected under this regulation shall be used for the enforcement of these regulations and/or for educational programs on the harmful effects of tobacco.

Section VII: Non-retaliation

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this regulation or exercises any right conferred by this regulation.

Boston Public Health Commission

Regulation Restricting the Sale of Tobacco Products in the City of Boston

Section VIII: Non-preemption

Nothing in this Regulation shall be deemed to preempt the further limitation of the sale of tobacco products in the City of Boston by any local regulatory body within the limits of its authority and jurisdiction.

Section IX: Severability

If any provision, clause, sentence, paragraph or word of this regulation or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this regulation are declared severable.

Section X: Effective Date

This Regulation shall take effect within 60 days from the date of acceptance by the Board of the Boston Public Health Commission.

Authority: M.G.L. c. 111, §31; M.G.L. c. 111, App. §§2-6(b), 2-7(a)(1), and 2-7(a)(15).

CA LAW

CALIFORNIA HEALTH AND SAFETY

CODE SECTION 11364.5

SUMMARY: Existing California Law Requiring Products That Are “intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body” to be sold in retail establishments that prohibit minors, and a list of those products.

11364.5. (a) Except as authorized by law, no person shall maintain or operate any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless such drug paraphernalia is completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of 18 years not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be signposted in reasonably visible and legible words to the effect that drug paraphernalia is kept, displayed or offered in such room or enclosure and that minors, unless accompanied by a parent or legal guardian, are excluded.

(b) Except as authorized by law, no owner, manager, proprietor or other person in charge of any room or enclosure, within any place of business, in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away shall permit or allow any person under the age of 18 years to enter, be in, remain in or visit such room or enclosure unless such minor person is accompanied by one of his or her parents or by his or her legal guardian.

CALIFORNIA HEALTH AND SAFETY

CODE SECTION 11364.5

11364.5. contd. (c) Unless authorized by law, no person under the age of 18 years shall enter, be in, remain in or visit any room or enclosure in any place of business in which drug paraphernalia is kept, displayed or offered in any manner, sold, furnished, transferred or given away unless accompanied by one of his or her parents or by his or her legal guardian.

(d) As used in this section, “drug paraphernalia” means all equipment, products, and materials of any kind which are intended for use or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. “Drug paraphernalia” includes, but is not limited to, all of the following:

(1) – (12) Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as the following:

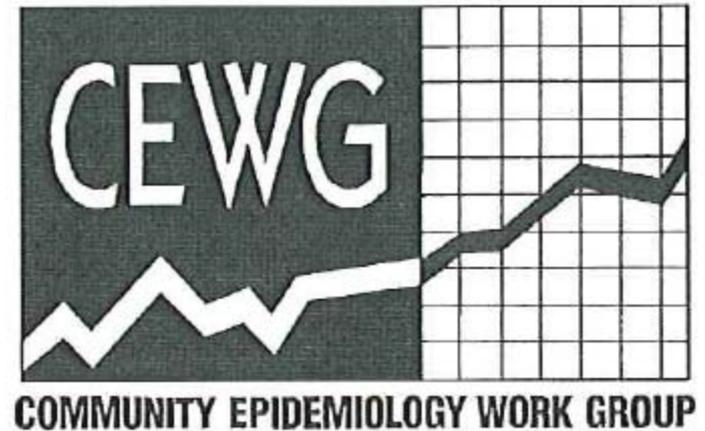
CALIFORNIA HEALTH AND SAFETY CODE SECTION 11364.5

11364.5. contd.

- (A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
- (B) Water pipes.
- (C) Carburetion tubes and devices.
- (D) Smoking and carburetion masks.
- (E) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand.
- (F) Miniature cocaine spoons, and cocaine vials.
- (G) Chamber pipes.
- (H) Carburetor pipes.
- (I) Electric pipes.
- (J) Air-driven pipes.
- (K) Chillums.
- (L) Bongs.
- (M) Ice pipes or chillers.

NIDA REPORT

NATIONAL INSTITUTE ON DRUG ABUSE COMMUNITY EPIDEMIOLOGY WORK GROUP



EPIDEMIOLOGIC TRENDS IN DRUG ABUSE VOLUME I

Proceedings of the Community Epidemiology Work Group
Highlights and Executive Summary

June 2002

NATIONAL INSTITUTES OF HEALTH
Division of Epidemiology, Services and Prevention Research
National Institute on Drug Abuse
6001 Executive Boulevard
Bethesda, Maryland 20892

MARIJUANA

Overview

After trending up in the 1990s, marijuana indicators continued to increase in 8 CEWG areas and leveled off in 12, with Atlanta reporting a “general decline.”

Boston

Marijuana remains widely available. According to focus groups with teens, blunts remain the most popular form of smoking cannabis. However, one contact reported that tobacco control efforts in Boston are reducing the availability of cigars for making blunts, prompting more use of the rolling papers.

Chicago

Marijuana use, alone and in combination with other drugs, appears to be increasing throughout the Chicago metropolitan area.

Honolulu

Statewide, marijuana treatment admissions are the second highest in the 10 years of data recorded by the Hawaiian CEWG. Deaths involving marijuana also increased.

Minneapolis

Marijuana use among Minnesota youth has increased since 1992. Marijuana was the primary drug of abuse for one out of five people who entered addiction treatment programs in 2001, and, of those, one-half were younger than 18.

New York

Marijuana indicators continue to reach new peaks.

Philadelphia

The rate of marijuana ED mentions in Philadelphia in the first half of 2001 was the highest among CEWG cities. Focus groups reported the increased availability and use of commercial blunt wrappers made of cigar tobacco leaves as an alternative to buying cigars.

St. Louis

Marijuana indicators have been trending up for some time. Primary treatment admissions more than doubled between 1997 and 2000.

DAWN ED Data on Marijuana

Rates of marijuana/hashish ED mentions per 100,000 population are depicted in exhibit 20. As shown, the rates were highest in Philadelphia (59 mentions per 100,000 population), followed by Detroit (48), Boston (42), and Chicago, Miami, and St. Louis (all reporting 41 mentions).

DAWN comparisons of ED data for the first halves of 2000 and 2001 show that rates of marijuana ED mentions per 100,000 population increased significantly in Baltimore, Minneapolis/St. Paul, Philadelphia, Phoenix, and Seattle, while decreasing significantly in Dallas.

From 1994 to 2000, several CEWG areas experienced significant increases in the rates of ED marijuana mentions per 100,000 population (exhibit 21). Between 1994 and 2000, as well as from 1998 to 2000 and from 1999 to 2000, increases in marijuana ED rates were significant in Denver, Miami, Minneapolis/St. Paul, and Seattle. From 1998 to 2000, significant increases also occurred in Los Angeles, Phoenix, St. Louis, and San Francisco, with San Diego showing a significant decline. From 1999 to 2000, significant increases in rates of marijuana ED mentions also occurred in Boston, Chicago, and San Francisco.

Questions?

Memorandum



DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: **Safer Dallas Better Dallas**

Attached is briefing material on the “Safer Dallas Better Dallas” to be presented to the Members of the Public Safety Committee on Monday, August 2, 2010, by Charles T. Terrell, Safer Dallas, Better Dallas Police Department.



Ryan S. Evans
First Assistant City Manager

Attachment

CC: Honorable Mayor and Members of the Dallas City Council
Mary K. Suhm, City Manager
Deborah Watkins, City Secretary
Tom Perkins, City Attorney
Craig Kinton, City Auditor
C. Victor Lander, Administrative Municipal Judge
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Helena Stevens-Thompson, Assistant to the City Manager Mayor/City Council

Safer Dallas Better Dallas

Charles Terrell, Chairman

Jack Hammack, Chairman Emeritus

Gary Griffith, President



August 2, 2010

Safer Dallas Mission

Mission of “Safer Dallas Better Dallas”

(1) to protect the citizens of Dallas from becoming victims of crime and to engage our citizens in a partnership with Dallas Police

(2) to support the efforts of our Dallas police officers

(3) to make Dallas America’s Safest City

Safer Dallas History

- Safer Dallas Better Dallas, a 501(c)3 organization, was founded in the summer of 2005 by Jack Hammack and Charles Terrell.
- Over 100 Dallas business and community leaders chose to join the new organization's Steering Committee to show their support for Dallas police.
- Safer Dallas works to accomplish its goals by raising money from Dallas foundations, businesses, and citizens to purchase equipment and training for our Dallas police officers.

Safer Dallas Better Dallas

Board of Trustees & Steering Committee

Board of Trustees

Hon. Charles T. Terrell, Chair
Hon. Gary Griffith, President
Hon. Jack Hammack
Brent Christopher
Linda Evans
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***Trustee Emeritus**

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Darren Blanton
Chris Boyd
Hon. Hollis Brashear
Timothy M. Bray
Gerald Bright
Chief David Brown
Victor Burke

Safer Dallas Results

- A record \$15 million grant to the Dallas Police Department by the Caruth Fund of the Communities Foundation of Texas.
- \$5 million of the \$15 million grant funded the first “priority wish list” of our police department and purchased equipment such as the latest camera technology for police cars, back seats barriers for police cars to protect our officers, rifles and cell phones for our investigators.

Safer Dallas Results

- A grant of \$840,000 from the Meadows Foundation that resulted in elevated, digital cameras to cover the Central Business District.
- A grant of \$100,000 to Downtown Dallas Association for elevated cameras in the Central Business District.
- The purchase of several hundred AR 15 assault rifles for our police officers made possible by the generosity and leadership of a prominent businessman, Rotary Club of Dallas, and individual citizens.
- On January 8, 2008 the Communities Foundation of Texas announced the award of the final phase of the grant, which is \$9.5 million, to fund the creation of the W. W. Caruth, Jr. Police Institute at Dallas in collaboration with the University of North Texas System and located at the new UNT Dallas campus.
- Raised funds for the purchase of a dog for the Narcotics Unit.
- Raised \$25,160 for Sgt. Greg Epley
- Raised \$440,000 from Communities Foundation of Texas to launch DOORS Re-Entry Program

2009 Public Safety Accomplishments

- Violent crime rate at 36 year low
- Non-violent crime rate at 36 year low
- Total crime rate at 36 year low
- Violent crime is down 65% since 2003
- Total overall crime is down 28% since 2003

Safer Dallas Better Dallas

Focus on Re-entry

The City of Dallas asked “Safer Dallas Better Dallas” to address the challenge of re-entry into our community by hundreds of parolees from prison each month. We created a system “DOORS” to address this issue. Christina Melton Crain, former Chairman of the Texas Department of Criminal Justice is the DOORS President and Michael Lee, is our Chief Operating Officer.

“Opening *DOORS*”

Dallas One-stop Optimized Re-entry System

City of Dallas Public Safety

Committee Presentation

August 2, 2010

9

Learnings

Best Practice Programs concur but fall short in some key areas:

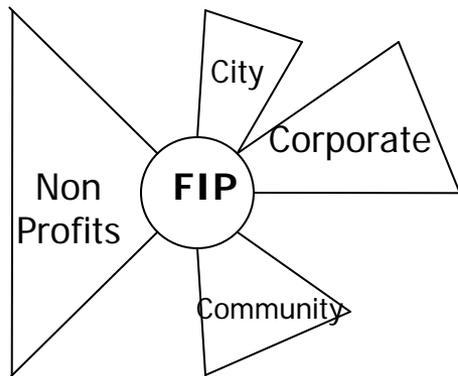
	Community Partners	Pre-release Program	Case Assessment	Case Tracking	Provider Assessment	Research/Evaluation
<i>DOORS</i>	✓	✓	✓	✓	✓	✓
KS	✓	✓	✓	<i>In Process</i>	<i>Identified Need</i>	
MD	✓	✓	✓			
PA	✓	✓	✓	✓		
Boston	✓	✓	✓	<i>In Process</i>		
Philly	✓	✓	✓		<i>Identified Need</i>	
Chicago	✓	✓	✓			

Process Inefficiencies are a barrier to sustained success

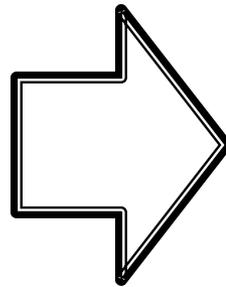
Overall Objective

Seven One Stop Centers

1. North Dallas – Operation Oasis;
2. South Dallas – MASS;
3. East Dallas – Project Reconnect;
4. West Dallas – West Dallas Community Centers;
5. Oak Cliff – Vision Regeneration;
6. Pleasant Grove – The Wilkinson Center;
- & 7. Downtown Dallas – The Bridge



DOORS



Current

Progress is being made supporting Former Incarcerated Persons in Dallas but the success rate is small and the need gaps are large

Future

By having a seamless approach to re-entry: aligning existing programs and closing FIP needs gaps, DOORS will jumpshift the success rate & impact on our community

Business Goals

Business Requirements to Address

New 501©(3) & Executive Board

- City Public Safety Initiative – State Wide Initiative
- Enforce evidence based practices

Reduce Duplication of Effort

- Provide scalable evidence based solutions
- Facilitate collaborative service efficiencies

Productivity and Collaboration

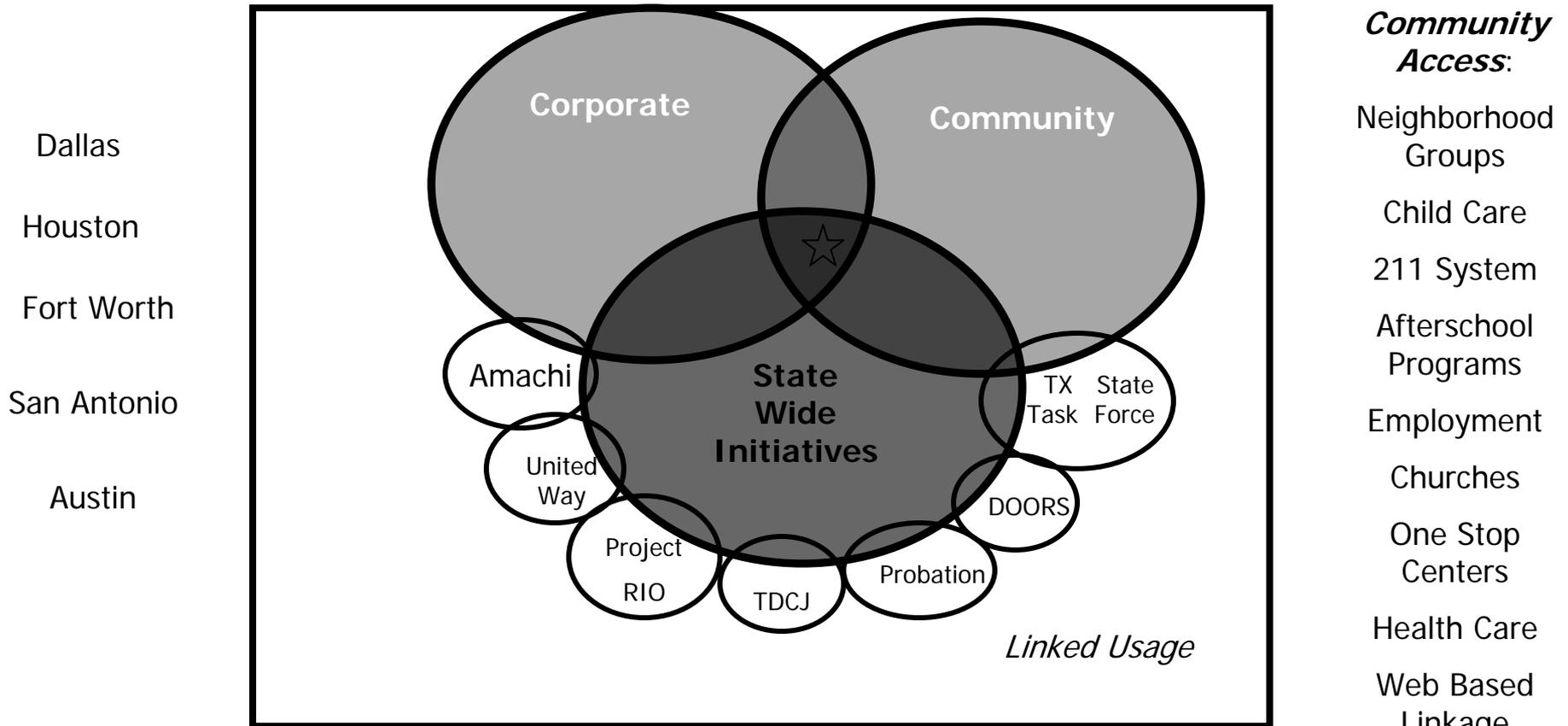
- Improve quality of service to clients
- Continued acquisition / retention of partnerships for better service coverage

Improve Cost Structure

- Reduce service costs through leveraging services & funding
- Independent outcome evaluations

DOORS State Wide Community Network

The DOORS web based community network will leverage the power of a centralized multi-dimensional database. It will marry individual & organizational needs with available services and support providers using critical data based linkages.



Questions?

Memorandum

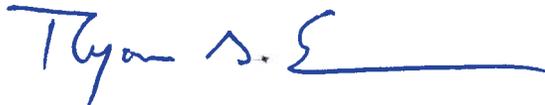


DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: **Crime Report**

Attached is briefing material on the "Crime Report" to be presented to the Members of the Public Safety Committee on Monday, August 2, 2010.



Ryan S. Evans
First Assistant City Manager

Attachment

CC: Honorable Mayor and Members of the Dallas City Council

Mary K. Suhm, City Manager

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Helena Stevens-Thompson, Assistant to the City Manager Mayor/City Council

PUBLIC SAFETY COMMITTEE CRIME BRIEFING

INDEX CRIME YEAR TO DATE 7/28/10

CRIME TYPE		Actual YTD		Actual LYTD	% CHG YTD
Violent Crimes					
Murder		85		99	-14.1%
Rape		327		261	25.3%
Robbery		2612		3027	-13.7%
Business	464		684		-32.2%
Individual	2148		2343		-8.3%
Aggravated Assault		2391		2390	0.0%
Total Violent Crime		5415		5777	-6.3%
Non-Violent Crimes					
Burglary		10818		10844	-0.2%
Business	2493		2658		-6.2%
Residence	8325		8186		1.7%
Theft		21374		23020	-7.2%
Shop Lift	4140		4422		-6.4%
BMV/Auto Acc	11310		12669		-10.7%
AutoTheft		5152		5915	-12.9%
Total Non-Violent		37344		39779	-6.1%
Total Index Crimes					
		42759		45556	-6.1%

Upcoming Council Agenda Items

Memorandum



CITY OF DALLAS

DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: Proposal to Accept the Texas Burglary and Automobile Theft Prevention Authority (ABTPA) Grant Funds

In a memo dated April 5, 2010, and presented to the Public Safety Committee members on May 12, 2010, the Dallas Police Department's Auto Theft Unit sought approval to apply for grant funds from the Texas Burglary and Automobile Theft Prevention Authority (ABTPA). The requested amount was for \$626,116.00, with a Cash Match of \$125,451.00 and an In-Kind Match of \$517,923.00. The actual award was for \$607,253.00 and there will be no changes to the Cash Match or In-Kind Matching amounts. The City Council approved the application process at the council meeting conducted on May 12, 2010. The grant period will be from September 1, 2010, through August 31, 2011.

Once accepted these funds will provide monies for the funding of one sergeant to supervise the grant application process and the required monthly paperwork, one new sergeant position to supervise the field operations and day to day supervision of the officers, three senior corporals working on grant goals related to arrests, crime prevention activities, identifying of vehicles, case filing, locating legal and illegal repair shops, along with responding to call-back duties. This money will also fund one civilian clerk to assist in the office with clerical duties and one Police Research Specialist to track trends related to Auto Theft issues.

The awarding of the funds was determined and announced at a Grant Review hearing in Galveston, Texas on June 16, 2010. On June 29, 2010, the Dallas Police Department was formally notified by mail of the listed award of \$607,253.00. The Dallas Police Department is seeking the support and recommendation of the Public Safety Committee in gaining approval from the City Council to accept this grant and continue this proactive approach to combat the Auto Burglary and Theft problem in the City of Dallas.

With your approval this item will be set for the City Council meeting on August 25, 2010.

A handwritten signature in black ink, appearing to read 'Ryan S. Evans'.

Ryan S. Evans
First Assistant City Manager

Memorandum



CITY OF DALLAS

DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: Dallas Police Department Body Armor Grant

The Dallas Police Department was the recipient of the Bulletproof Vest Partnership Reimbursement from the U.S. Department of Justice, Bureau of Justice Assistance for the 2009 Regular Solicitation period which ends September 30th, 2011. This reimbursement covers vest purchased during the period of April 1, 2007 through September 30, 2011. The total amount of the reimbursement is \$49,954.

The Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 (Public Law 105-181) and reauthorized by the BVP Act of 2000 (Public Law 106-517) is a unique U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Since 1999, over 11,900 jurisdictions have participated in the BVP Program, with \$173 million in federal funds committed to support the purchase of an estimated 450,000 vest. The purpose of the Act is to save the lives of law enforcement officers by helping units of local government equip their law enforcement officers with ballistic vests. The Act funds up to 50 percent of the cost of each vest purchased or replaced by law enforcement applicants. Jurisdictions and agencies can fully participate in this program without regard to supplanting. Ballistic vest that have been purchased have a life cycle of 5 years and fitted to the individual officer.

Participating units of local government are required to provide a 50% match for participation in the program. The Dallas Police Department submitted an application for the 2009 Bulletproof Vest Partnership and was notified that \$49,954 has been awarded to pay for 50% of the cost of approximately 233 vests purchased during the period April 1, 2009 through September 30, 2011.

The Dallas Police Department is seeking the support and recommendation of the Public Safety Committee in gaining approval from the City Council to accept these funds.

A handwritten signature in black ink, appearing to read 'Ry - S E'.

Ryan S. Evans
First Assistant City Manager

Memorandum



DATE: July 30, 2010

TO: Members of the Public Safety Committee

SUBJECT: Administrative (Police) Reports
I. A. D. Cases to be Presented to the Public Safety Committee on August 2, 2010

NEW CASE PRESENTATION:

None

PREVIOUS CASE PRESENTATION:

Control #09-357

Council District: 8
Involved Officers: (1) White Male
Suspect: (1) White Male

On September 26, 2009, at approximately 10:00 a.m, the officer was working one-man as Element B-335 and dressed in a Class B uniform and driving a marked police vehicle. The officer volunteered for half of a two-man call regarding a suspicious person at 2078 Edd Road. The officer arrived at the location before his cover was assigned by the police dispatcher. Upon his arrival, the officer made contact with the citizen who had requested the assistance of the police. The citizen pointed out two individuals walking northbound in the 2000 block of Edd Road who appeared suspicious. One of the suspects was riding a bicycle and the other was walking. The officer drove his vehicle a short distance to speak with the individuals. After making contact with the suspects, the officer obtained information from both suspects and conducted subject checks. The subject check revealed that Suspect #1 had an outstanding drug warrant. The officer at this point instructed Suspect #2, who was on the bicycle, to leave the location and instructed Suspect #1 to wait in front of the police vehicle. At this time both suspects made eye contact with each other and Suspect #1 fled on foot southbound from the location into a wooded area. The officer pursued Suspect #1 a short distance into the woods. When the officer caught up with Suspect #1 a struggle ensued which resulted in the officer on the ground and Suspect #1 sitting on top of the officer. Suspect #1 then attempted to take the officer's weapon but was unable to remove it from the holster. Suspect #1 then reached around the officer's gun belt and removed the officer's OC canister from its pouch. Suspect #1 pointed the OC canister towards the officer inches from his face and stated, "You fucked up now." Believing that Suspect #1 was about to spray him with the OC spray and fearing that his weapon would be taken which would cause him serious bodily injury or death, the officer fired one round from his service weapon striking Suspect #1 once in the chest. Suspect #1 was transported to Baylor Hospital by Dallas Fire Rescue where he was pronounced deceased. The officer sustained several scratches to his face and bruising to his neck but was not seriously injured.

UPDATE: The Internal Affairs Division investigation revealed the officer was justified in his use of deadly force.

STATUS: Complete

Case #CN09-357 was presented at the October 20, 2009, Public Safety Committee Meeting.

Control #09-459

Council District:5

Involved Officers: (10) White Males
(1) Hispanic Males
(2) Black Males
(2) Mesquite Officers

Suspect: (1) Black Male

On December 27, 2009, at approximately 9:15 p.m., Mesquite Officers became involved in a vehicle pursuit involving a white Chevrolet Impala whose occupants were suspected of robbing a Papa John's Pizza at gun point. The vehicle being driven by the suspect was traveling at a speed of 120 mile per hour as it entered the City of Dallas. As the suspect vehicle entered Dallas, Air One alerted Dallas officers of the suspect's direction of travel but no Dallas officer entered the chase. The driver of the suspect vehicle exited the vehicle, as it was moving, near the intersection of Mesita and Muskogee. At this point, the pursuing Mesquite officers temporarily lost sight of the suspect, but Dallas officers who were in the area located the suspect as he ran onto the front porch of a private residence at 10008 Mesita Drive. As the suspect stood on the porch, he held an automatic pistol in one hand and a cellular phone in the other. A Dallas supervisor on the scene attempted to talk the suspect, who was talking to his mother on the cellular phone as he held the pistol to his head, into putting the gun down but the suspect refused. The fifteen Involved Officers, two Mesquite Officers and fifteen Witness Officers from both Dallas and Mesquite took up positions of cover. As the officers stood in their positions, the suspect continued to talk on the phone while moving the pistol from the side of his head to under his chin. As the suspect was moving the pistol from under his chin in a downward motion while moving the pistol back to the side of his head, the Involved Officers felt in fear of their lives and fired several shots at the suspect striking him multiple times. Dallas Fire Rescue transported the suspect to Baylor Medical Hospital where he died as a result of his injuries. No injuries were sustained by the officers.

The other suspects involved in the robbery of Papa John's Pizza were apprehended about a block away at 1445 Algonquin Drive.

UPDATE: The Internal Affairs Division investigation revealed the officers were justified in their use of deadly force.

STATUS: Complete

Case #CN09-459 was presented at the January 19, 2010, Public Safety Committee meeting.



Ryan S. Evans
First Assistant City Manager