

**Comments to the
Pennsylvania House Judiciary Policy Committee**

**Thomas R. King, Chief of Police
State College Police Department**

**Wednesday, September 12, 2012
10:00 AM**

**State College Borough Municipal Building
Council Chambers**

Senate Bills 941 and 943.

I want to share some information about the very serious underage and excessive drinking epidemic in the State College area. State College is home to the Pennsylvania State University, which has over 45,000 students enrolled each year. The population of State College is about 42,000 residents of which 30,000 or 71% are between the ages of 15 and 24. This is a staggering figure. The state-wide percentage of 15 to 24 year olds is 14%.

State College Police investigates about 6,500 crimes each year. More than two-thirds of all these crimes involve alcohol. There is not enough time today to provide details about the major problems we face in State College because of underage and dangerous drinking but I do want to mention several disturbing facts and trends:

- More than two-thirds of all types of crimes are alcohol fueled.
- More than 90% of sexual assaults are alcohol fueled.
- More than 90% physical assaults are alcohol fueled
- The majority of our domestic violence cases are alcohol fueled
- Last year 657 Penn State students were transported to our local medical center for alcohol overdose. The number of students requiring medical attention for excessive alcohol consumption has increased 55% since 2006.
- Last year the average Blood Alcohol Content (BAC) for students requiring medical attention was .287, an all time high and up from .255 the previous year.
- Blood alcohol level content (BAC) of those arrested for drunk driving and public drunkenness are increasing each year.

State College is a destination community for many sports fans, concert goers, tourists, young adults visiting PSU students, alumni, and other visitors. Alcohol use and abuse is a very serious problem throughout the year but is magnified during the many special events in State College. State College Borough has 42 hotel and restaurant liquor

licenses, two (2) distributors, two (2) club licenses, and one (1) Performing Arts Facility license. We continue to receive requests to have liquor licenses transferred from other parts of Centre County into State College.

Additionally, the State College area has four (4) Pennsylvania state liquor stores. Over a 14 year period, sales at these stores increased 180%, with 81% of the increase occurring between 2004 and 2008. In 2011, the four (4) state liquor stores in State College had a total sales volume in excess of \$23 million.

YEAR	TOTAL SALES IN DOLLARS	INCREASE FROM 1997
1997-98	8,324,332	N/A
1998-99	9,331,650	12%
1999-00	9,896,729	19%
2000-01	10,907,456	31%
2001-02	11,557,966	39%
2002-03	12,602,044	51%
2003-04	15,058,505	81%
2004-05	16,197,207	95%
2005-06	17,842,432	114%
2006-07	19,701,012	137%
2007-08	20,792,739	150%
2008-09	22,941,916	176%
2009-10	21,978,789	164%
2010-11	23,336,332	180%

It is very costly to provide the level of police services needed to respond each year to the thousands of alcohol related crimes and to keep State College safe. Our police department is comprised of only 65 sworn officers and 12 support personnel. In the last five (5) years, the police department budget has increased 26%. The 2012 police budget of \$9 million represents 43% of the overall Borough general fund budget.

It can be difficult to understand the impact of underage and excessive drinking solely by data so I want to provide you some actual cases our police department has responded to just over the past 10 days:

- 21 year old male found passed out in the hallway of Beaver Hill apartments.
- Residents were awakened at 4:24 am by a noise and finding the patio door open. A 22 year old male, intoxicated and partially clothed, tried to force his way into

several residences thinking he was entering his own residence. He was 9 blocks away from his house.

- A 20 year old female was intoxicated and entered a fraternity through an open window. She had a BAC of .238 and had to be transported to MNMC for alcohol overdose.
- 21 year old male was trying to open an unmarked police car door in the Municipal Building parking lot by using a dollar bill as a fob. The male was intoxicated not knowing where he was and thinking the unmarked police car was his own.
- 21 year old female was transported to MNMC for alcohol overdose after she was observed sitting on a downtown sidewalk sitting in a puddle of her own vomit and unable to stand on her own.
- 21 year old male was found walking down the middle of West College Avenue in an intoxicated state with only one shoe.
- 21 year old male passed out on a bench on a downtown street. He had a BAC of .276% and was transported to MNMC.

These are just a few examples of underage and public drunkenness cases our department has responded to and investigated recently. On average the State College Police Department charges between 800 and 900 persons for underage drinking and public drunkenness.

Unfortunately at times excessive drinking results in serious injury or even death.

- April 2010 – 21 year old male ran into path of a police car while intoxicated and was seriously injured.
- September 2009 – 18 year old male died from a fall while intoxicated.

As mentioned earlier is the trend of more Penn State students each year requiring treatment at our local medical center for alcohol overdose and a corresponding increase in blood alcohol content. Below is a chart showing this data for the past six (6) years. The average BAC for students requiring emergency medical treatment for excessive alcohol consumption was higher this past academic year (2011-12) than any other year.

YEAR	Number of Students to Hospital for Alcohol	Number Students per 1,000 students	Average BAC Levels for Students
2006-07	449	10.68	0.241
2007-08	445	10.52	0.250
2008-09	586	13.54	0.253
2009-10	683	15.23	0.250
2010-11	694	15.49	0.255
2011-12	657	14.54	0.287

Despite a stagnant tax base, State College continues to have demands for additional police staff to deal with the thousands of crimes associated with underage and excessive drinking. Funding additional police positions is very challenging. Unfortunately the policing and other public safety costs are paid by the local taxpayers residing in State College. Not only are our residents plagued with disturbances in their neighborhoods, thefts from their property, vandalism, drunks passed out and urinating on their lawn, and other crimes because of underage and excessive drinking but they also have to foot the bill for all of the police service costs. This is a disservice and injustice to our local residents.

Because of the severity of this issue, the State College Police Department, Penn State, and several other entities in our community have implemented and participated in numerous alcohol prevention and enforcement programs, all of which cost significant time and money. Some of these programs include:

- Source Investigation Program (SIP)
- Downtown Safety Enhancement Program (DSEP)
- Neighborhood Safety Enhancement Program (NSEP)
- NEAT – Neighborhood Enforcement & Alcohol Team
- Pre Party Contacts – State College
- University Park Campus Community Partnership
- F8 – First 8 Weeks
- LION – Living in One Neighborhood
- Off Campus Code of Conduct Policy
- Youthful Offender Program (YOP)
- BASICS (Brief Alcohol Screening & Intervention of College Students) – PSU
- Communities That Care (CTC)
- Rental Suspension Ordinance–State College

Many of these prevention and education programs have been implemented over the past five (5) years but we continue to conduct research to find other promising approaches being used successfully in other college towns across the country.

Next month the Borough and Penn State will pilot a new program called the Good Neighbor Program (GNP). This program will be available to persons who have committed alcohol and nuisance crimes in the neighborhoods and has both an education and restorative justice component. If successful, it will be necessary to identify funding to continue this program.

Senate Bill 941 proposes to increase the maximum fine for violations of Underage Drinking and Public Drunkenness while still leaving complete discretion to the Judge to set an appropriate fine. Many see the two main purposes of a criminal fine to include one, to hold a violator accountable for violating the law and the harm he/she may have or could have caused. Second, a criminal fine should be a deterrent. In order to be a deterrent, the fine must be high enough to dissuade persons from committing the crime. If the penalty is significant enough, persons will think twice before engaging in criminal activity.

The current fine for Underage Drinking and Pubic Drunkenness ranges from \$0 to \$300 and is determined by the Magisterial District Judge. This fine amount has remained the same since at least 1974. THAT IS 38 YEARS. Believe it or not, in 1974 I was under 21 years of age. If charged back then with underage drinking, the maximum fine I could have received would have been \$300. Now 38+ years later, the MAXIMUM fine violators can receive is still only \$300. Obviously retaining the same maximum fine for almost four (4) decades does not keep with the intent of the fine, specifically holding violators appropriately accountable and for the fine to serve as a deterrent.

Obviously, the impact and intended purpose of the fine for Underage Drinking and Public Drunkenness has eroded significantly. Based on the BLS Inflation Calculator, do you know what a fine would have to be in 2012 to be equal to a \$300 fine in 1974?

The answer: \$1,379.30

Source: www.data.bls.gov/cgi-bin/cpicalc.pl

I would like to offer a few comments on Senate Bills 941 and 943.

Senate Bill 941

- Fully support a maximum fine of \$1,000 for both Underage Drinking (Section 6308) and Public Drunkenness (Section 5505).
- Encourage two (2) other PA Crimes Code Sections also have the maximum fine increased to \$1,000. Misrepresentation of Age to Purchase Liquor or Malt or Brewed Beverages (Section 6307) and Carrying a False Identification Card (Section 6310.3)

Senate Bill 943

- Fully support the creation of Alcohol Offense Prevention Fees (AOPF) imposed for each conviction of specified alcohol related offenses and crimes.
- Appropriately addresses the serious impact alcohol offenses have on municipalities hosting or having a portion of a college or university in the municipality.
- The list of alcohol related offenses and crimes that would impose the \$100 AOPF is appropriate.
- This AOP fee is critical to the continuation and possible expansion of the array of alcohol prevention and enforcement programs.
- Suggest that the legislation specify that for purpose of the AOPF, a person receiving an alternative adjudication program is still subject to the \$100 AOPF.
- Should ensure the legislation includes a clear definition of what constitutes an Alcohol Prevention Unit to qualify for the \$100 AOPF.

In closing, Senate Bills 941 and 943 would increase the maximum fine to \$1,000 for certain alcohol offenses and establish an Alcohol Offense Prevention Fee of \$100 that would be assessed to the correct people, VIOLATORS. Those who do not commit these crimes are not impacted by this fine increase.

Thank you for the opportunity to provide testimony on these very important pieces of legislation.