

CITY COUNCIL
INFORMATION COMMITTEE MEETING MINUTES
Wednesday, June 18, 2008

ALDERMAN PRESENT:

Tom Johnson, Ron Weifenbach, Sam Kooiker, Deb Hadcock, Bill Okrepkie, Lloyd LaCroix, Ron Kroeger, Malcolm Chapman.

STAFF PRESENT:

Marcia Elkins, Wayne Asscherick and Katie LeClair

(NOTE: For the sake of continuity, the following minutes are not necessarily in chronological order. All referenced documents are on file with the Master Minutes.)

Council President Chapman opened the Informational Committee Meeting at 12:00 p.m. in the Council Chambers at City Hall, 300 Sixth Street, Rapid City, SD 57701.

TOPIC: Drinking and Driving Educational Presentation by Wayne Asscherick of the Rapid City Police Department.

Council President Malcolm Chapman opened the meeting and welcomed presenter, Wayne Asscherick of the Rapid City Police Department and turned the floor over to Mr. Asscherick.

Asscherick introduced the presentation "Let's Have A Few" and explained that the presentation is not to preach, but to offer information. Asscherick stated that he has given this presentation to local schools and throughout the community.

Asscherick stated that DUI includes alcohol, illegal drugs, prescription medication, marijuana, etc. and explained that an individual can be arrested for DUI if their blood alcohol level is lower than 0.08. It, however, requires more work on the police officers part to prove the individual was driving impaired.

Hadcock asked how many drinks is 0.08 for the average person.

Asscherick stated that for most people it is four drinks and explained that a standard drink has 7% alcohol, however, there are new energy drinks that contain 8% alcohol. The public may not be aware.

Hadcock stated it would be good for parents to know that there are energy drinks on the market with alcohol.

Asscherick further explained that kids have told him they can drink the alcoholic energy drinks them in their bed rooms at home and their parents don't know.

Asscherick resumed the presentation by displaying South Dakota statistics showing that the number of alcohol related fatalities came down between 2003-2006. He hopes that this is because the message is getting out, however, he feels it may partially be because of airbags and other improved safety features in vehicles. More people may be living through crashes.

LaCroix asked if it was because of the 27/7 program and discussed some of the things that he has seen while working in the community.

Asscherick asked where we think that South Dakota is statistically, compared to other states, in alcohol related crashes. He continued by stating that we are consistently the worst or the second worst in the nation. The other states that are general on the bottom with South Dakota are our neighboring states, Wyoming, Nebraska, etc.

Weifenbach asked how South Dakota is the worst, is it crashes or number of arrests?

Asscherick stated that the statistics used to be determined by the number of alcohol related crashes, however, that may have changed.

Okrepkie stated that we have less public transportation than in New York, for example, and it may be that we have more drivers per capita. He does not think that it is because we drink more.

Asscherick showed a video clip from comedy show of a mock sobriety test, which had the driver perform silly tasks such as dance. He stated that he played the clip to show that their (the Rapid City Police Department) sobriety checks are not that elaborate, and fairly simple. Asscherick stated that most of the people who are arrested are well over the legal alcoholic level of 0.008.

Weifenbach asked how many of the 739 DUI arrests lead to convictions.

Asscherick stated that he does not have that information with him. However, he stated that he could go to the states attorneys' office and get that information and e-mail it out.

Asscherick discussed that the number of arrests have been going up, however, the number of accidents have gone down. Asscherick then showed a chart with the number of alcohol related fatalities in Rapid City and further explained that this is the number one homicide in Rapid City. Asscherick continued stating that Rapid City does not have as many people getting shot or stabbed as we do dying from alcohol related crashes. Asscherick showed on a chart that as the Rapid City Police Department arrests offenders, as the word gets out that the Rapid City Police Department will arrest them if they drink and drive, people realize that a DUI will affect their insurance and their family the DUI injury crashes have gone down. Asscherick continued that there have only been two years, 1996 and 2007, that no one in Rapid City has been killed by an alcohol related crash.

Weifenbach asked if the statistic presented were specifically for alcohol related crashes as Asscherick stated in the beginning of the presentation DUI includes illegal drugs, prescription medication, etc.

Asscherick stated that they are.

Okrepkie asked how alcohol compared to other forms of drugs such as, methamphetamines, marijuana, cocaine, etc. Asscherick stated that alcohol was by far the largest factor when it comes to DUI's, however, there may be some DUI's that are a combination of alcohol and other drugs. There are DUI's that are specifically related to marijuana, methamphetamines; or some other kind of drug, however, alcohol is by far and away the predominant factor when it comes to crashes.

Asscherick showed the different levels of intoxication, 0.000 - >0.300, Asscherick showed that after people have reached 0.25 BAC they are hurting their bodies, could go into respiratory arrest. He continued stating that drivers experience impairment of their divided attention skills at 0.04 BAC. When the small amount of alcohol is combined with other factors such as not being familiar with the area or weather crashes can occur.

LaCroix asked if the statistics were based off the average person.

Asscherick stated yes.

La Croix stated that different people have different tolerance levels. He recently met someone who just looked just tired, however, when a PPT was performed on this individual he was at a 0.43 BAC. His was on crutches and his speech as fine; however, someone else with that BAC would be dead or passes out. LaCroix continued when some people get under 0.100 they start going through withdrawals and get the shakes.

Asscherick agreed that some people are in a constant state of intoxication, he knows people that live life constantly between 0.200 and 0.300 BAC However, when you really start to look at them and start forcing them to do more than one thing at a time you really start to see the impairment come out and notice the indicators that the person would not be able to operate a vehicle. Asscherick continued that this is something that he looks at when he is doing field sobriety checks.

Kookier asked, stating that he did not need an answer today, what percentage of the DUI's happen during Rally week. Asscherick stated that was a good question and he would get that information and e-mail it.

Johnson asked, stating that he knew that the subject of the meeting was DUI, what the impairment rating of someone that is making a phone call, trying to text or just run a marathon is. He continued that there are a number of factors that affect a person's ability to drive.

Asscherick stated that he has seen some studies that say that a person driving on a cell phone actually drives worse than someone under the influence of alcohol. Sleep deprivation will impair people as well. Asscherick continued that anyone who is impaired, regardless of the impairment needs to make the decision that keeps everyone safe. People need to know when they are not safe to operate a vehicle and make the right decision. He is focusing on alcohol because it is probable the biggest Asscherick then showed a video of a graphic commercial from a European country telling people never to drink and drive. Asscherick stated one of the reasons he shows the video is because the driver is not fall down drunk and probably not at the presumptive level. That is why you see cops involved in making presentations like this, because they see accidents like the one shown in the video all the time and have to tell the spouse or parents that their loved one is dead.

Weifenbach thanked Asscherick for the presentation that rouses a lot of thought processes and asked who don't want to see commercials like the one shown? Is it because of people who sell alcohol or the community?

Asscherick stated that in his opinion these types of commercials are something that we as a nation don't want to look at. In the areas that these types of commercials are being run it, with a combination of other things, has had an effect.

Weifenbach stated that he has family in Europe where they have a 0.08 policy and if you get one DUI you are done, they will lock you up and throw away the key.

Asscherick agreed that there are many countries that you get one DUI and you loose your driver's license for life.

Asscherick stated that he is from the crime prevention office and in that office they have three "E's," Educate, Encourage and Enforce. Educate: Educate people that are serving alcohol to keep it out of the hands of people under 21 years old or people that are intoxicated already and MADD presentations. Encourage: Encourage compliance with the law, through safe rides home for School of Mines students with Rapid Taxi, encourage people to use Scooters. Encourage people to have a plan and the fortitude to stick with the plan. Enforcement: Sobriety Check Points, DUI Officers who are out looking specifically designated to look for DUI's and Liquor Establishment Stings.

Hadcock asked if bars have any type of programs to educate the bartenders and owners of bar's.

Asscherick stated that there are programs such as RASP Classes and TAM Classes to teach people.

Hadcock asked if when they, as a city, issue liquor licenses; there is a program to encourage the people who are serving alcohol to take the classes.

Asscherick stated yes. The Department of Revenue, the department that controls the liquor license, encourages businesses to send their employees to the classes. Example of encouragement: If an establishment sends their employees to a class and later one of those employees serves alcohol to an individual who is underage the Department of Revenue will waive some of the civil penalties the establishment would have to pay. The establishment can state that they did everything they could to make sure their employee know what the law was and how to handle the situation.

Asscherick stated that people know that when they drink they make bad decisions. The information is out there and there is no excuse not to know.

Asscherick continued his presentation discussing victims of drunk driving on a national level. Denise Wagoner was a model in 1995 and then was in an alcohol related car crash. Asscherick showed a photo of what she looked like prior to and after the crash. Denise's face was almost completely ripped off by the windshield during the accident. She is now blind and her face is unrecognizable after several reconstructive surgeries. Denise was the drunk driver in the accident. Asscherick stated that you don't always die in an alcohol related crash.

Asscherick continued by showing a video of a woman, named Jacqueline, who was hit by a drunk driver. Prior to the accident she was beautiful and after the accident she had almost not features. Asscherick followed with a video of the drunk driver who hit Jacqueline entitled "Reggie's Regrets." Reggie stated that he went from a football game on Friday to a jail cell on Saturday. The now incarcerated drunk driver discussed life in jail.

Asscherick stated that he is sick of people who only think about the tragedy of drinking and driving after something bad happens to them. After they have hurt someone or after someone they know has been hurt. He stressed that we need make better decisions now, before there is an accident, and that is what his program is about.

Asscherick continued with a video of Jacqueline stating that the person who caused her accident destroyed her life completely.

Asscherick presented information on local crashes. He showed a photo of a crash on Haines Ave and Anamosa where a car with an intoxicated driver and four passengers ran a flashing red light at 70 mph and was struck by a truck. The car hit the truck so hard that it bent the entire front end of the truck to the right. Three people in the car, all siblings died. One mother lost three of her children that night, and there are now "Why Die" signs at that location.

The next accident Asscherick presented took place on Seger Drive north of the mall. Rick was driving so badly that the police had numerous calls from people telling them to catch him before he hurt someone. They did not catch him in time. Anthony Robinson and his foster daughter were hit by Rick and injured in the accident. Asscherick called Anthony prior to this presentation and invited him to attend; however, Anthony is having a hard

time getting past the crash both physically and mentally. Rick was on the wrong side of the road driving into oncoming traffic, Anthony pulled as far as he could to the side of the road and was still hit by Rick. In this accident the drunk driver, Rick, died. Rick's femur bones went through, and were lodged in, the dash board. Asscherick went to Western Dakota Tech to find Rick's room mate and tell her that Rick had died. When Asscherick informed her that Rick was in a crash and had died she asked if he was drunk again.

The next accident Asscherick presented took place on Elkvale Road. The driver was not really that intoxicated, he was at approximately 0.03 BAC, however, with road conditions, confusion and alcohol, it turned into a fatal crash in which he died. Ironically, the person driving the other vehicle was an airman for Ellsworth Airforce base with Airmen Against Drunk Driving. He went downtown and picked up some people so that they could have a safe ride home and then was in this crash. Asscherick stated that he included this to show that crashes happen, even when people are not at the presumptive level.

The next accident Asscherick presented took place on Haines Ave and Seahawk. Andrew Crocker was out jogging in the morning on the left side of the road so that he can get out of the way for vehicles. A young lady came along driving drunk on the wrong side of the road, came up behind Andrew, hit him, killing him, and took off. She hit him so hard that it knocked him out of his shoe. Asscherick stated that the crash is not his story; it is the end of a person's life. Asscherick introduced Cindy Crocker, Andrew's wife, to tell Andrew's story.

Chapman thanked Cindy Crocker for being here today, stated that they all (council members) appreciated her for her presence and creating more awareness in the community and that they are all saddened by the circumstances and circumstances that brought her here.

Cindy thanked Chapman and stated that she was asked to tell her story, her fairy tale. She and Andrew met in high school, she was 17 and he was 18. He would carry her books to class for her then dash off to her class. She did not think that he was ever on time for a class the entire time they were dating. They later broke up, to hear him tell the story Cindy broke his heart, broke it into a million pieces and he was ruined forever. Cindy does not think it was quite that bad. They went their separate ways, he went to BH and became a teacher, she moved to California and later moved back. Five years later when two of their friends got married, Andrew was the best man and Cindy was the maid of honor. They decided that they needed to be together and were married that June. He was a talented teacher; volunteered at the Y, became passionate about physical fitness and coordinated the Astronomy Room at the Arts and Sciences Center.

Cindy stated that when their son Cameron was born he brought a red baseball mitt to the hospital and instead of singing, recited the periodic table of elements. He coached their son's soccer team and was Cub Scout master. When their daughter was born if anyone else wanted to hold her they had to tear her out of his arms.

Cindy stated that September 6, 2005 started like a normal day, Andrew went jogging like he always did. She got up and wondered why Andrew was not home yet. She got ready for work, got their and their 7 year old ready for school and their 2 year old ready for day care. By now she was very worried because Andrew was not home. She knew something was wrong and decided to go looking for him, perhaps he fell down, broke something and could not call. Cindy loaded the kids in the car and went looking for Andrew telling the kids to watch out for Daddy. When she reached the road block she told the officer that her husband was missing and asked if there was a jogger down. A few minutes when later two sheriff's deputies came to talk to her, Cindy described Andrew and asked if he was hurt. The sheriff's deputy informed her that he was not hurt, he was dead. In that instant her fairy tale turned into a living nightmare. She remembers sitting on the curb begging God to send someone to tell her that Andrew wasn't really dead and it was a mistake. But no one came. One of the deputy's drove them home and she had to tell her children that their hero was dead. Cindy stated that she and her children have endured unimaginable suffering because of the choices of one individual. Her daughter worried that if she went to sleep mommy would go to live with the angels like daddy. Her son was afraid that he would die like daddy.

Cindy stated that she received calls and letters from the students Andrew taught and people from the YMCA.

Cindy stated that the person who hit Andrew was a 22 year old young lady who was later sentenced to 15 years in prison. Cindy asked us to imagine going to prison at such a young person and being 37 by the end of your sentence. Middle age, Cindy continued, or if you live as long as Andrew, only a year away from your death. Cindy asked us not to make the mistake of thinking that you are more in control, more careful or that you would never hurt anyone, because alcohol impairs judgment and your ability to drive. It takes courage to take the keys from someone; however, one person can make a huge difference. She asked that we don't allow one more senseless death of another father, husband, son, brother or friend. Cindy stated that we have the power to save a like by stopping someone from drinking and driving, the choice is ours to make. Cindy asked that we make a plan, stick to your plan, and make sure your friends do too. Cindy asked that we remember Andres face; he is not just a number, he was not just one of the 74 people killed in 2005. Cindy hopes that Andrew's life continues to touch people and people use his experience to save a life.

A video showing more photos from Andrews's life followed Cindy's presentation.

Asscherick continued presentation with a video and the message that buzzed driving is drunk driving, people are intoxicated and impaired to some extent and people don't always realize that they are impaired. The decisions that we make every day can affect our lives in two directions, positive or negative. A simple decision can destroy us or give us success and these decisions matter in our community.

Asscherick thanked the council for their attention and closed the presentation.

Chapman thanked Asscherick and Cindy Crocker for being here and sharing.

Weifenbach thanked Asscherick for the presentation and stated that it makes you think. Weifenbach thanked Cindy Crocker for sharing her tragic experience with them, stated that she has a beautiful family and God bless her.

Chapman asked Asscherick what is the role of the council as policy makers to help combat alcohol related accidents and injuries.

Asscherick stated that in his opinion the support of the council means a lot to the police department. They are out there and trying to keep the impaired drivers off the road. Such drivers are on the roads 24 hours a day 7 days a week. Asscherick stated that they really appreciate the councils support in all the things the police department does to try to combat this problem.

Weifenbach stated that when you arrest someone for DUI they have already driven drunk. Prevention is the way to prevent the person from getting in the car in the first place.

LaCroix stated that there are some programs in the community and early education that are happening to combat the problem. LaCroix stated that he wanted to acknowledge what is being done, that he would like to see more and thanked Asscherick for his presentation.

Chapman adjourned the meeting at 2:00 pm.