



City of San Antonio

Legislation Details (With Text)

File #: 18-5294

Type: Staff Briefing - Without Ordinance

In control: Governance Committee

On agenda: 9/19/2018

Title: A briefing and possible action on a Council Consideration Request from Councilmember Greg Brockhouse, District 6, on possible good samaritan protections for residents that take action to protect children and animals unattended in vehicles. [Erik Walsh, Deputy City Manager; William McManus, Chief of Police]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Review the City Code as it Relates to Cases of Children or Domestic Animals Unattended in a Motor Vehicle or Inclement Weather.pdf

Date	Ver.	Action By	Action	Result
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DEPARTMENT: Police Department, Animal Care Services

DEPARTMENT HEAD: William P. McManus, Chief of Police
Heber Lefgren, Animal Care Services Director

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Good Samaritan Provision - Unattended Children & Domestic Animals

SUMMARY:

On February 22, 2018, Council member Greg Brockhouse, through a Council Consideration Request (CCR), requested the Governance Committee review city policy and consider creation of provisions “that would provide for a ‘Good Samaritan’ defense for residents that take necessary and prudent action in cases where children or domestic animals are left unattended in a motor vehicle or inclement weather to relieve the threat of danger.”

BACKGROUND INFORMATION:

The SAPD and ACS routinely educate the public on the dangers of leaving children and pets unattended in

vehicles during the winter and summer months at various community meetings and events, public service announcements through social media and local news outlets. As part of these efforts, the criminal penalties for such acts, as well as tips and strategies to minimize the risk of unintentionally leaving children and pets in vehicles, are also publicized.

Both Departments will review their current strategies and work closely with other City departments and advocacy agencies to support and publicize its efforts to continue to educate the public on this topic and resources that may be available.

Since 2017, the SAPD has responded to a total of 1,184 calls related to children locked in vehicles. The table below provides an annual breakdown. Year to date totals are current as of July 31:

2017 Total	2017 YTD	2018 YTD
764	422	420

Since 2017, ACS has responded to a total of 24,098 animal neglect calls which resulted in 1,237 citations being issued for failure to provide food, water, shelter or medical care. Approximately 30 calls per year pertain to animals left unattended in a vehicle. It is important to note that ACS officers respond to all calls related to suspected animal abuse yet a significant number of the animal neglect calls received by ACS are determined to be unfounded.

City Code

Chapter 21 Article 1 Section 21-1 of the City Code establishes that police officers, fire department personnel and emergency medical personnel are authorized to take actions necessary to relieve the threat of danger to a child regardless of possible damage to the vehicle. City code does not address actions taken to protect animals that are in danger; staff will research the possible inclusion of language specific to animals.

The City Attorney’s Office is currently reviewing existing ordinances of other major Texas cities to determine if protections granted to public safety personnel are offered to residents. In addition, a review of existing state law is being conducted to determine the protections offered to Good Samaritans and what actions could be taken by the City.

RECOMMENDATION:

The SAPD and ACS recommend scheduling a briefing before the Public Safety Committee during its October meeting to provide an overview of current City efforts, discuss the findings and recommendations of the City Attorney’s Office as it relates to the possible modification of city code and consider the inclusion of this topic as part of the City’s legislative agenda.