

**Huntington Beach Police Department
Strategies to Address DUI Drivers
Report to City Council
July 1, 2010**




DRUNK DRIVING
OVER THE LIMIT. UNDER ARREST.

Introduction

The following report discusses both the extent of the DUI problem in Huntington Beach and strategies developed by the police department for dealing with the issue. The report presents initiatives aimed at the prevention, detection, arrest and prosecution of DUI offenders. Many of the programs are long term and on-going in nature and are currently, or have at some point, been grant funded.

One of the most important aspects of our approach is the development and constant reinforcement of an organizational culture that recognizes the significant impact the police department can have not only on public safety, but people's quality of life and well being, by aggressively working to reduce incidents of DUI driving.

Executive Summary

The Huntington Beach Police Department currently operates a very robust anti-DUI program consisting of a wide variety of strategies that approach the issue using a variety of methodologies. The police department's DUI strategy has met with a great deal of success which has been recognized by a number of community stakeholder groups including Mothers Against Drunk Driving and the California Office of Traffic Safety.

The police department places a high priority on DUI driving enforcement and will continue to emphasize the importance of the issue as well as maintain a constant vigil of self examination regarding the strategies employed to ensure the use of emerging technology and techniques to combat the DUI driver.

The police department has been awarded \$1.4 Million in grant funding during the last five years to support a wide variety of DUI strategies. We will continue to aggressively search out and apply for available funding sources including grants to support our on-going DUI efforts.

The police department currently uses and plans to continue employing the below listed strategies to deal with the issue of DUI drivers:

- Sustain policy and organizational culture that place great emphasis on DUI
- Compulsory blood draws on refusals
- Every 15 Minutes Program
- Responsible Beverage Service training
- DUI Checkpoints
- Saturation Patrols
- DUI Team of specially trained and equipped officers
- Arrest Tracking
- Arrest Warrant Detail
- Aggressive use of helicopter to identify and apprehend DUI's

Listed below are new strategies the police department plans to, or has recently employed:

- Send notification letters to all ABC licensed establishments when a patron is arrested for DUI

We do this in hopes that a responsible business owner will evaluate their business practices and the conduct of their employees to minimize the likelihood of future patrons leaving their establishment impaired. In doing so, our goal is to prevent a significant number of DUI accidents and reduce the number of injuries and deaths.

In tracking this information we also intend on using the data to strategically focus our enforcement efforts on locations that appear to be producing the most DUI drivers. We will also use the accumulated data to appropriately manage restrictions placed on the operation of the businesses through the various licensing and permit processes.

- Post names of DUI arrestees on city/PD website

It is our hope that publicly posting the names of DUI arrestees will not only provide an increased incentive to avoid such behavior but will also promulgate information from the public who may know something about the offenders who are listed. We expect to receive information from the public regarding the behavior of people listed which may enable us to prevent them from continuing to drive with a suspended license or avoid arrest pursuant to a warrant for the original offense.

- Send additional officers to DUI specific training as funding allows

Sending more officers to DUI specific training will enable us to locate and apprehend more offenders before they have an opportunity to become involved in a traffic collision potentially causing injury or death. With increased training comes enhanced effectiveness which increases the department's capability as a whole to arrest more DUI offenders.

- Add a third DUI Motor Officer to the DUI Team when staffing allows

Because the DUI Team is our single most effective strategy for dealing with DUI drivers, adding a third member to the team would potentially increase our ability to arrest DUI offenders by 30%. This significantly enhanced ability to locate and arrest offenders before they can be involved in a traffic collision will make our community safer by reducing DUI related injuries and deaths.

- Enhance the DUI Warrant Detail

This can be accomplished in a variety of ways including operating specific warrant operations more frequently throughout the year as funding allows, adding staff to the size of each warrant operation and refining the way warrant information is passed on to patrol officers. By using existing staff in the Records Bureau and our Crime Analyst we believe we can streamline the notification process when a warrant is issued for the arrest of a local offender. By expediting the dissemination of this information to Patrol Officers, they will have an enhanced ability to apprehend chronic offenders which are often the most dangerous to other motorists.

- Search out new grant funding opportunities as they emerge

Extent of the Problem

The most current statistics available from the California Office of Traffic Safety (OTS) from 2008 indicate out of 55 cities with populations between 100,000 and 250,000, the City of Huntington Beach has the 3rd highest arrest rate for DUI drivers in the state based on our population.

In spite of this high arrest rate for DUI drivers, Huntington Beach is still ranked 7th highest for persons injured or killed in traffic collisions and is 4th highest in our population category for the number of alcohol related traffic collisions. As you can see in the table below, in spite of our high numbers of DUI arrests, the number of alcohol related traffic collisions has remained fairly constant over the last three years.

| Alcohol Related Collisions | | DUI Arrests | |
|-----------------------------------|-----|--------------------|------|
| 2007 | 284 | 2007 | 1726 |
| 2008 | 302 | 2008 | 1729 |
| 2009 | 274 | 2009 | 1687 |
| 2010 Jan-May | 95 | 2010 Jan-May | 632 |

For the last 3 years, the Huntington Beach Police Department has been recognized by the California Office of Traffic Safety and Mothers Against Drunk Driving (MADD) for our efforts and achievements regarding DUI enforcement.

During the last decade, the police department has increased the number of DUI arrests by 70%. For the last 3 years the department has averaged making over 1700 DUI arrests a year. Officers working various DUI Grants have been responsible for making roughly 40% of those arrests.

Two examples of how we compare to other Orange County cities may help provide some local context. According to the most recent yearly reports from the California Office of Traffic Safety; Irvine, having almost an identical population to Huntington Beach, reported 709 DUI arrests for 2008 while we had 1729. During that same period, Anaheim, with a population almost double Huntington Beach, reported only 862 DUI arrests.

The same OTS data supports another interesting comparison. The City of Fullerton has a population of 137,000 compared to our 201,000. They also have a very similar downtown business district to ours which has a high number of popular ABC licensed establishments. In 2008 they arrested 1,188 DUI drivers compared to our 1729. The statistics indicate they arrested 1.44% of the licensed drivers in their city for DUI while Huntington Beach PD arrested 1.42% of the licensed drivers in the City of Huntington Beach for DUI.

Even with all we have done there remains a significant DUI problem in Huntington Beach.

On a prior occasion, we implemented an operation to detect and arrest impaired drivers leaving the downtown parking structure. This operation was developed based on complaints and observations from both officers and citizens who reported a high number of impaired drivers leaving the parking structure in the early morning hours immediately following the 2:00 AM closure of area bars.

We stationed plain clothes personnel who could closely observe drivers leaving the parking structure who would alert nearby officers who would then stop the car and investigate.

In spite of having 12 officers standing by to stop suspected drunk drivers, once the bars began to close, there was such a rush of suspected drunk drivers that within 10 to 15 minutes all of the officers had detained suspected drunk drivers. Those drivers were ultimately arrested while a large number of suspected drunk drivers continued to drive out of the parking structure with no one left to stop them. Our resources were so quickly overwhelmed we believe on any given night a large number of drunk drivers likely leave our downtown area undetected.

This is but one example of an event that leads us to believe there are significant numbers of undetected DUI drivers each day in Huntington Beach.

Current Strategies

The Huntington Beach Police Department currently employs a variety of strategies to prevent, detect, apprehend and prosecute DUI drivers. The foundation for all of our strategies is an organizational message that we place great value on each and every DUI arrest. We believe they not only prevent deaths, injuries and traffic collisions; but potentially change people's lives in a positive way that prevents other negative behaviors related to drug or alcohol abuse.

Many of these strategies are grant funded in one form or another. Specific grant funded activity will be detailed in a later portion of this report so you can see the great extent we go to in order to receive outside funding for our DUI enforcement efforts. Other strategies are simply procedural or cultural, based on the organizational expectations perceived by our employees and fostered by our management and supervisory personnel.

Compulsory Blood Draws for Refusals

One example of our aggressive message regarding the value we place on the apprehension and prosecution of DUI offenders is our policy regarding securing physical evidence in DUI cases.

When a DUI offender is arrested they are required by law to submit to a chemical test of their blood, breath or urine. In approximately 20% of our DUI arrests, the offender will refuse to provide a chemical sample. For a variety of reasons many agencies both in Orange County and the greater Southern California area simply handle this situation administratively through the California DMV as a refusal to provide a chemical sample. This approach makes criminal prosecution for DUI extremely difficult and unlikely, if not impossible in most cases.

While handling a refusal to provide a chemical sample administratively through the California Department of Motor Vehicles does have some repercussions for the violator such as a license suspension, it does not have the same impact as a criminal prosecution combined with an administrative refusal.

Our approach, as supported by applicable law, is to obtain a blood sample even from those arrestees who initially refuse to provide one. We have a policy and specific equipment that allow us to lawfully obtain a blood sample which ultimately allows us to prosecute the offender for DUI in criminal court. It also allows us to prosecute them administratively through the DMV for their refusal to supply us a chemical sample when suspected of DUI.

This two pronged approach allows us to ensure the offender is subject to a greater penalty which includes court ordered drug and alcohol counseling and treatment. They would not receive this court ordered treatment as the result of an administrative action by the DMV for simply refusing to supply a chemical sample. We believe this is an appropriate step for us to take that enhances the likelihood the violator will not reoffend.

Anecdotally, our officers have heard numerous DUI offenders remark that they couldn't believe we were going to take a blood sample even though they refused to give it to us. This belief was the result of being arrested previously for DUI in another jurisdiction and successfully avoiding prosecution by using the same tactic.

Every 15 Minutes

Prevention is a key component of our strategy that begins with the Every 15 Minutes program provided at our high schools each year. We have been conducting this program for 15 years. It is grant funded by the California Highway Patrol on a yearly basis and is conducted on a rotating basis at a different High School in Huntington Beach each year. Each of you are likely

familiar with the program which consists of many hours of planning followed by 2 days of very high intensity exposure to the aftermath of the DUI related fatality of a number of High School Students. It is our belief this program has a profound effect on both the students and their parents that impacts their future behavior related to drunk driving.

Responsible Beverage Service (RBS) Training

Another preventative measure is Responsible Beverage Service (RBS) training. This training is provided to any employee of a Huntington Beach business location that engages in serving alcoholic beverages. The training has been provided in the past through OTS funded grants, California Department of Alcoholic Beverage Control grants and through the Community Services Program. The training consists of several hours of instruction regarding various laws pertaining to alcohol and how to serve alcoholic beverages responsibly. The training is provided in an attempt to prevent underage drinking as well as the over serving of patrons which frequently leads to drunk driving.

DUI Checkpoints

For a number of years we have been running grant funded DUI Checkpoints. Each year, the number of checkpoints has varied from as few as 4 a year to 8 scheduled for this year. Our checkpoints have been very productive in comparison to those run in other jurisdictions. While the numbers are not tracked officially, our average number of DUI arrests per checkpoint is 9. According to numbers quoted in press releases, the average for other checkpoints in the county appears to be approximately 4.

Each of these checkpoints has an informational or educational element as well as the obvious enforcement initiative. Motorists who are diverted to the screening area are all provided a pamphlet which contains information regarding drunk driving. Our last DUI checkpoint was conducted on May 29, 2010. Officers screened 388 vehicles for DUI, handed out 300 informational pamphlets and had 1394 vehicles go through it resulting in 8 DUI arrests among other enforcement actions taken.

The DUI checkpoints are performed using a variety of resources including a DUI Trailer Command Post worth \$ 28,000 which was obtained through one of our previous OTS DUI grants.

Saturation Patrols

We also utilize a number of saturation patrols throughout the year. Saturation patrols are teams of extra officers who are deployed primarily on Friday and Saturday nights in areas where large numbers of DUI arrests have been made in

the past. These officers are given the specific mission of apprehending DUI drivers before they become involved in a traffic collision and their efforts are devoted entirely to that mission. They are not used for routine patrol duties while working a saturation patrol. 2 different OTS grants fund a total of 16 DUI saturation patrol operations of varying sizes this year.

DUI Team

One of the most beneficial programs we operate is the DUI Team. The team currently consists of 2 Motorcycle Officers who dedicate their efforts exclusively to arresting DUI offenders. These officers have received specialized training enhancing their ability to detect and apprehend DUI drivers. Their specialized training, experience and clearly defined focus provides them with a level of proficiency that would otherwise not exist. Members of our DUI team have repeatedly distinguished themselves on both a local and state level by winning numerous awards for their proficiency in arresting large numbers of DUI offenders. A member of our DUI Team has led the county in the number of DUI arrests made in a year for the last 3 years. In 2007 he made 467 arrests, in 2008 the same officer made 445 arrests and in 2009 he made 415 arrests.

Patrol officers are afforded more time to pursue proactive anti-crime measures as a byproduct of the DUI Team's acknowledged level of efficiency. Patrol officers who locate potential DUI offenders frequently hand off the investigation after the initial contact to DUI Team members who quickly and efficiently conduct the remaining follow-up, arrest and booking. This allows the original patrol officers to handle other duties rather than remain tasked with handling the DUI.

Arrest Tracking

The department Crime Analyst tracks information provided by all DUI arrestees. Each arrestee is asked where they had been drinking prior to being stopped. This information is shared with DUI Team officers, other traffic officers and all our patrol officers. This information is also shared with our Vice Detectives so they can conduct follow-up investigation if warranted to ensure the ABC licensed establishments are in compliance with all laws and permits governing their operation.

Warrant Detail

We periodically field a team of 6 officers with the specific mission of locating and arresting suspects who currently have warrants for their arrest for failing to appear in court as a result of being previously arrested by us for DUI. This program takes place quarterly and is currently funded as part of a current OTS Grant.

Because of the nature of their lifestyle and constantly moving from one location to another, the process of locating these suspects is very labor intensive and often indicates the suspects have moved from the area to an unknown location. We are generally successful at apprehending the suspect in 10% of our attempts.

Aggressive use of Helicopter Patrol to Identify and Apprehend DUI Drivers

The police department aggressively uses our helicopter flight crews to identify and apprehend DUI drivers. During 2009, our flight crews were directly involved in the detection and apprehension of seventy one impaired drivers. Many, if not all of these, would have gone undetected or escaped apprehension if not for the availability and skill of our helicopter flight crews.

Our flight crews have repeatedly demonstrated to members of the Orange County District Attorney's Office how adept they have become at identifying impaired drivers from their patrol altitude. The flight crews are often sought out by new prosecutors seeking to gain increased insight into their unique abilities related to identifying and apprehending DUI's.

Because many DUI incidents occur at a time of peak demand for our services, it is not unusual they are the only personnel available to observe and monitor the location of a suspected DUI driver for some period of time. Their mobility allows them to respond much quicker to the location of a reported DUI driver than ground units. Often times, their quick response is the only thing that enables ground units to ultimately apprehend the suspect.

In spite of recently reducing the helicopter's flight hours by one-third, we have scheduled their remaining flight hours to ensure their availability during periods of time when DUI drivers are most likely to be found such as the late evening and early morning hours on weekends.

Future Strategies

Notification Letters to ABC Licensed Establishments

Each time a DUI suspect is arrested the investigating officer asks the suspect a series of questions. Some of those questions are designed to determine where the suspect had been drinking prior to being stopped. While their responses remain unproven in most cases, we feel there is some value in tracking their responses. This helps us to identify locations which appear to share some responsibility for creating a number of DUI drivers in our community.

Our department crime analyst tracks the responses by location and provides this data to officers through a periodic report. We also have begun sending form letters to the licensed business operators to notify them when a DUI suspect has been arrested who claimed to have been drinking at their establishment prior to

their arrest. We do this in hopes that a responsible business owner will evaluate their business practices and the conduct of their employees to minimize the likelihood of future patrons leaving their establishment impaired. In doing so, our goal is to prevent a significant number of DUI accidents and reduce the number of injuries and deaths.

In the very short time we have been conducting this analysis, a pattern has emerged which appears to indicate an inordinate number of offenders are likely coming from a small number of establishments in the downtown area. This information is shared with our Vice Detectives and downtown foot-beat officers so they can conduct any follow-up investigation as appropriate.

Post Names of Arrestees in Media/Website

Another initiative we feel has value is to resume publishing the names of DUI offenders on a periodic basis in the local media. Some time ago the Huntington Beach Independent used to publish the names of DUI offenders on a weekly basis. We recently contacted the publisher who told us he was no longer interested in doing so but would be happy to sell us the ad space so we could facilitate the publication of the names.

We believe it would serve the same purpose at no cost to begin posting the names of DUI offenders on the city website, the police department website or both. We believe this could be accomplished with some level of initial effort to set it up followed by minimal effort to update the names on a periodic basis.

It is our hope that publicly posting the names of DUI arrestees will not only provide an increased incentive to avoid such behavior but will also encourage the public, who may know something about the offenders who are listed, to provide information to us. We expect to receive information from the public regarding the behavior of people listed which may enable us to prevent them from continuing to drive with a suspended license or avoid arrest pursuant to a warrant for the original offense.

Continued Emphasis on DUI Arrests and Training

The police department is committed to placing a continued emphasis on the importance of DUI arrests. We also remain committed to providing on-going specialized training aimed at the prevention, detection, apprehension and prosecution of DUI drivers as it becomes available and our funding permits.

Sending more officers to DUI specific training will enable us to locate and apprehend more offenders before they have an opportunity to become involved in a traffic collision potentially causing injury or death. With increased training comes enhanced effectiveness which increases the department's capability as a whole to arrest more DUI offenders.

Add a third DUI Motor Officer to the DUI Team when staffing allows

Because the DUI Team is our single most effective strategy for dealing with DUI drivers, adding a third member to the team would significantly enhance our ability to locate and arrest offenders before they can be involved in a traffic collision. This will make our community safer by reducing DUI related injuries and deaths.

The significance of the problem in Huntington Beach certainly justifies a greater commitment to the DUI Team as soon as our staffing will support it.

Enhance the DUI Warrant Detail

This can be accomplished in a variety of ways including conducting arrest warrant operations more frequently throughout the year as funding allows, adding staff to the size of each warrant operation and refining the way warrant information is passed on to patrol officers. By using existing staff in the Records Bureau and our Crime Analyst we believe we can streamline the notification process when a warrant is issued for the arrest of a local offender. By expediting this information to Patrol Officers, they will be able to apprehend chronic offenders which are often the most dangerous to other motorists.

Currently, when a warrant is issued by the court, the warrant information is forwarded to a member of the Records Bureau staff. That staff member forwards the information to members of the Traffic Bureau for them to follow up on as time permits. By emphasizing the dissemination of this information to a wider group of officers such as the entire Uniform Division, which includes all Patrol and Traffic Officers, we can expect more arrests to be made.

If we forward the warrant information from the Records Bureau staff to our Crime Analyst, she can locate all information relative to the particular suspect such as; who arrested him previously, where the arrest took place, the vehicle involved, residence address, other locations frequented, associated vehicles etc. which will aid in the suspects apprehension. The Crime Analyst will then distribute this information by using a weekly report which is readily available to all officers not only at the station but in their cars while in the field.

The increased amount of available information combined with enhanced timeliness of the notification should increase our percentage of successful warrant service apprehensions.

Grant Programs

Through both past and current strategies, the police department has established valuable working relationships with a number of granting agencies including the

California Highway Patrol, the California Office of Traffic Safety and the California Department of Alcoholic Beverage Control.

We have also established valuable relationships with other stake-holder organizations such as Mothers Against Drunk Driving, the Community Service Program and the Orange County District Attorney's Office.

We are committed to nurturing those relationships and continuing to solicit financial assistance through grants as well as unfunded assistance through collaborative efforts and new techniques to impact the issue of DUI drivers.

Past and Current Grant Funded Programs

Over the past 5 years the Huntington Beach Police Department has been awarded approximately \$1.4 million dollars in funding towards:

- DUI Interdiction Program
- DUI Enforcement Team Program
- DUI Enforcement /Awareness Programs

Each grant and its specific milestones are listed below by the effective year of the grant.

2004-2006 DUI Interdiction Program

- OTS funded \$371,780
- 2 year grant
- 4 DUI checkpoints
- 8 concentrated saturation patrols
- 832 DUI enforcement shifts
- Contact bars to educate on RBS (384 hours impacting 100 establishments)
- Equipment- 27 PAS devices, 2 evidential alcohol devices
- Taxi Voucher Program

2006-2008 DUI Enforcement Team Program

- OTS funded \$664,128
- 2 year grant
- Fully funded 2 Motor Officers as DUI Team
- 8 DUI saturation patrols (6 person team)
- 8 DUI checkpoints
- 8 warrant service operations
- Equipment: 2 fully equipped motorcycles and safety equipment
- Personnel cost for Standardized Field Sobriety Training

The DUI Team officers met with the local district attorney's office and/or local judges as well as the DMV Driver Safety Division to make them aware of the

program, and to gain their support. The DUI Team Officers worked to create media opportunities throughout the grant period to call attention to the program strategies and outcomes. Over 38% of the total department-wide DUI arrests were conducted by the grant's DUI Team.

2008-2009 DUI Enforcement /Awareness Programs

- OTS funded \$181,077 for overtime positions only
- 6 DUI/Driver's License checkpoints totaling 40 DUI arrests, 41 vehicles impounded and 4 criminal arrests.
- 28 DUI Saturation patrols (6 person details) totaling 64 DUI arrests.
- 3 Repeat DUI Offender Warrant Service Operations 13 warrant arrests
- 4 Repeat Offender Stakeout operations using a monthly DUI repeat offender "Hot-sheet" as an aid for current intelligence.
- Equipment: DUI Trailer Command Post

2009-2010 DUI Enforcement /Awareness Programs

- OTS funded \$181,077 for overtime positions only
- 8 Checkpoints
- 12 team DUI Saturation details
- 4 Warrant Service Operations
- Distribute a list of Repeat Offenders
- Press releases
- 4 Saturations for Avoid the 28 initiative
- Equipment: 18 PAS devices

Conclusion

A multitude of conditions exist that likely contribute to such a high number of DUI drivers in Huntington Beach. Some are related to our geography, some related to demographics and some likely related to the number of business establishments licensed to sell alcohol in the area.

The Huntington Beach Police Department has developed an aggressive, comprehensive approach to prevent and apprehend DUI drivers. This comprehensive approach consists of many individual strategies, the most important of which is creating and maintaining a department culture that recognizes the importance of the issue.

The police department will continue to aggressively seek funding opportunities and explore new strategies to aid in the reduction of DUI related incidents while continuing current strategies that have contributed to our past successes.