

SAN DIEGO TRAFFIC OFFENDER PROGRAM

S.T.O.P.

A PROBLEM ORIENTED POLICING ANALYSIS
FOR THE
HERMAN GOLDSTIEN EXCELLENCE IN POP AWARD



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SUMMARY

SCANNING:

In 1995, a San Diego Police traffic officer stopped a violator who had several suspensions on his driving record as well as two outstanding warrants for driving while suspended. This occurred on more than one occasion during the week, and the officer felt there was a trend. The officer received approval to determine the severity of the problem and began by researching statistics maintained by the department's traffic division.

ANALYSIS:

A preliminary investigation revealed that suspended and unlicensed drivers were involved in 39% of all fatal and felony collisions within the City of San Diego. A DMV search revealed there were 45,449 suspended drivers residing in the city limits. Further, DMV estimated that 71 % of those suspended or revoked drivers would continue to drive.

Prosecution of the suspended or unlicensed driver contributed to recidivism. Errors by officers citing violators and a poor communication with the City Attorney's office contributed to dismissal or rejection of 29% of license violations issued during 1995.

RESPONSE:

The Department authorized the creation of a special team that would address several issues involving suspended and unlicensed drivers. The acronym chosen for the team was STOP, or San Diego Traffic Offender program. The team was staffed with a sergeant, five officers, an attorney, and an administrative aide.

Team members were given assignments and goals identified by the Department. These goals included training the patrol force to properly cite violators, improve prosecution and reduce dismissed citations, reduce collisions, and affect unrelated criminal activity. The team devised strategies for capturing habitual offenders and developed a public awareness program. Written and televised media was used to get the word out.

ASSESSMENT:

During the first year of operation, the most significant accomplishment was the reduction of hit-and-run collisions by 27%. The judicial branch became more stringent on prosecution and sentencing. Department support and participation was overwhelming. The project was distributed to other agencies as a model.

PROJECT DESCRIPTION

SCANNING:

In November of 1995, San Diego Motor Officer Bruce Kennedy initiated a traffic stop on a vehicle for a car pool violation. The driver of the car had 11 active license suspensions and several warrants for driving with a suspended license. During his nine-year career with the San Diego Police, Officer Kennedy encountered hundreds of drivers who seemed to flagrantly ignore court and Department of Motor Vehicle orders not to drive a vehicle. Officer Kennedy chose to address the license offender problem because of the widespread disregard of the driver license laws throughout the City of San Diego.

During the initial level of diagnosis, it was discovered that the license offender was more than a local problem. In fact, it was statewide. The license offender was an enormous problem with an estimated 1,720,000 suspended/revoked or unlicensed drivers throughout California! In an effort to determine how he could address such a large issue, more information would be needed to discover exactly how the license offender affected the City of San Diego. Several informal meetings were held with officers and supervisors in order to evaluate what efforts might be considered to address the license offender.

ANALYSIS:

Research began at a local level. San Diego Police Department statistics revealed that during 1995 the San Diego Police Traffic Division investigated 62 fatal collisions and 104 felony cases. Out of 166 fatal or felony cases, 39.2% of the drivers were suspended, revoked or unlicensed. Forty-three percent of the 66 suspended/revoked or unlicensed drivers were repeat offenders and had multiple (as many as eight) suspensions. In January 1996, the DMV advised the San Diego Police Department that there were approximately 45,449 suspended or revoked drivers in the City of San Diego.

In addition to the DMV, combined statistical information from the police department and the San Diego City Attorney's Office corroborated the issues. From January 1, 1995 to December 31, 1995 the San Diego Police Department issued 19,431 citations for license violations. During that same period, the San Diego City Attorney's office prosecuted 13,957 suspended license cases out of the 19,431 citations issued. This figure does not include citations that were filed directly with the court, in which the offender plead guilty or failed to appear. In addition, not all license violations were prosecuted as misdemeanor cases.

Based on these figures, 71% of all license violation citations issued were prosecuted. Approximately 29% of the remaining citations were filed directly with the court, dismissed or rejected. It was apparent that the suspended driver frequently walks away with no consequence for driving illegally.

The history of the suspended license driver has been evident since the tracking of statistical data began in the early 1970's. As with drunk drivers in the 1980's, the attention on the suspended license driver did not begin to gain recognition in California until the early 1990's.

In 1991, the Santa Rosa Police Department began to research the suspended license driver issue. It was during this time that the California State Legislature began working towards more stringent laws. In 1995, the State of California enacted the SAFE STREETS ACT. Several cities throughout the state began to re-evaluate their enforcement posture towards the suspended and unlicensed driver. The state legislature found that out of all the drivers involved in fatal collisions, more than 20% were not licensed to drive.

Statistics from the DMV indicates that suspended/revoked drivers in the City of San Diego have had their privilege to drive suspended or revoked for the following reasons:

Suspension/Revocation Reason	Percent / Number of drivers	
Failure to appear.....	42%	19,089
Driving under the influence.....	29%	13,181
Insurance violations.....	17%	7,726
Other.....	8%	3,635
Negligent operation of vehicle.....	4%	1,818
TOTAL.....	100%	45,449

The ultimate damage that a license offender causes is evident in the legislative findings of the Safe Streets Act: A driver with a suspended license is four times as likely to be involved in a fatal collision than a properly licensed driver. Additionally, over 4,000 persons are killed in traffic collisions in California annually, and another 330,000 persons suffer injuries.

Prior to the P.O.P. project, the suspended license offender was addressed by the police department in several ways. Special details were conducted by the Traffic Division throughout the city specifically targeting drivers who had no license or were driving with a suspended/revoked license. Some training was conducted by traffic officers at area station line-ups, and local court judges were advised of the importance of imposing maximum fines and penalties for license offenses. It was discovered, however, that there was no specific plan or problem-solving effort being conducted within the police department in an organized manner.

The results of the traffic officer's endeavors were negligible. Although the efforts had resulted in the prosecution of suspended drivers, it was apparent that a greater impact needed to be made in all areas. Final analysis of the problem revealed that there were "loop holes" throughout the judicial system. If a reduction of fatal collisions and license offenders was going to be seen, then enforcement, prosecution and conviction had to be evaluated and improved.

During the analysis phase of the project, the local news media began to gain interest in the brazen violations occurring by license offenders. A local television station conducted a special investigation at a court house in San Diego. Several license violators that were ordered by court commissioners not to drive were caught on film driving out of the court parking lot.

The public response from this report was so overwhelming that the Shockwaves were felt throughout the judicial system. Community response began and questions were being asked why nothing was being done. Letters from citizens and newspaper editorials were asking the police and the courts what was going to be done. The POP project was brought to the attention of the police department's chief administrators. Department support was immediate and a response plan was begun.

RESPONSE

At this point in the project, Officer Kennedy began to assess what would successfully modify the enforcement and prosecution methods towards the license offender. Several tactical options were considered:

1. Form a team of uniformed officers that would address the habitual license offenders.
2. Conduct covert operations that would catch habitual license offenders driving.
3. Involve the media in order to publicize the efforts conducted by the police department.
4. Request assistance from the City Attorney's office. Assigning personnel that

would review plea bargaining guidelines, prosecution requirements and court procedures.

5. Increase enforcement effectiveness through education of the police, attorneys, courts and citizens.

Out of the five listed options, it was apparent that not one but all of the objectives would need a response. In order to adequately modify enforcement and prosecution strategies, a determination was made to form a team of supervisors, officers, attorneys and administrative personnel that would formulate a plan addressing the listed options.

The ultimate goal of the team would be to reduce the suspended and unlicensed drivers involved in felony hit-and-run, fatal and injury collisions. The team would focus on the apprehension of offenders through traffic stops, checkpoints, warrant service and surveillance of the habitual offender. A San Diego Deputy City Attorney and administrative personnel would be assigned to process and prosecute all arrests.

Police Department administrators had several requirements prior to implementing a response. What departments or division would provide personnel? Would the department budget allow additional personnel to be hired? Where would financing come from? What equipment would be needed and what are the operational guidelines of the team? All of these supplementary questions would need to be addressed to make the project successful.

In order to accommodate such a large-scale operation, the police department would be required to take valuable personnel from one area and place them into another. The problem encountered: Replacing the vacated positions in order to continue everyday police operations. Many more questions began to arise. How many officers would be needed to operate efficiently? Where would the team operate? Would the City Attorney's office be able to assign personnel? Would additional supervisors be needed? As each question was considered, it was obvious that financial resources would be needed outside of the department budget.

The San Diego Police Department has a wide range of programs that are funded by grants from outside entities. The Traffic Division had experience with grants that dealt specifically with traffic safety issues. With approval from the Traffic Division Captain, Officer Kennedy wrote and submitted a grant proposal to the California Office of Traffic Safety (O.T.S.). O.T.S. is a federally-funded state agency that assists in financing traffic safety projects for police departments throughout the state.

The initial proposal asked for 1.4 million dollars. This would fund a supervisor, six officers, a city attorney, administrative personnel and all the needed equipment to support the team for a two-year period. The police department would absorb any unpaid personnel and equipment costs required outside of grant funding.

During the application for funding, several difficulties were encountered. The beginning guidelines set for the team was based on a budget of 1.4 million dollars. The

Office of Traffic Safety made a tentative agreement to fund the program for an initial amount of \$500,000. This created several problems: The amount of personnel on the team would be diminished, reducing effectiveness; and the department would have to supplement a greater amount of the costs.

In response to this hurdle, police fiscal management was contacted. With their assistance, personnel costs were calculated for every time a vehicle was impounded on a license offense. With the help of the Traffic Division Captain, a proposal was brought before the San Diego City Manager for an "Unlicensed Driver Fee." This cost-recovery fee would be assessed when a vehicle was impounded for a license offense. The money would allow the team to be self-funding without any burden on the police department budget.

A second obstacle during the fee process was encountered with Financial Management. The City of San Diego attempted to gain control of the license fees by routing them to the general fund. The problem with this concept was there would be no guarantee that STOP would have continued funding after the grant. After several meetings with top city officials, an agreement was reached. The fee would be placed in a special account that could only be used for STOP-related activities. In September 1996, the San Diego City Council approved a cost recovery fee of \$72 for every vehicle that was impounded for a driver license offense.

Immediately following City Council approval, a contract for \$635,000 was signed with the Office of Traffic Safety. The police department utilized this initial money to start the San Diego Traffic Offender Program (S.T.O.P.)-

On November 10, 1996, with financing in place, a supervisor, City Attorney, five officers and administrative personnel were brought together to establish the guidelines for operation. The "STOP Team" members selected were Sergeant George Youkhanna, Officers Steve Wheeler, Antoine El-Assis, Curtis Perkins, Donald Cone and Bruce Kennedy. Deputy City Attorney Joan McNamara and Administrative Aide Cheryl Hall were also asked to participate.

The STOP Team began formulating a response to the problem. Based on the five initial tactics, the STOP Team began planning specific objectives supporting its goal of reducing fatal and felony collisions.

The theme "NO LICENSE, NO CAR, NO EXCEPTION" was formulated and became the foundation of its operation. An aggressive media and public information campaign was conducted to stress the consequences of driving without a license, or on a suspended or revoked license. Several other objectives were listed in response to the program:

1. Data bases were created to track all the activities of the STOP Team.
2. Plea bargain guidelines were tightened, requiring stiffer penalties on the reductions.

3. Increase the prosecution of habitual offenders with a "Zero Tolerance" policy.
4. Implement "stake-out" programs to aggressively seek out license offenders.
5. Develop a training program motivating and educating the officers when they should arrest license offenders and impound their vehicle.

Part of the legislature's Safe Streets Act initiative was a vehicle forfeiture law.

The law allowed a license offender's car to be seized and sold at auction by the impounding agency when certain specifications were met. This included the following:

- The driver was actively suspended or unlicensed.
- The driver had a prior misdemeanor conviction for a license offense.
- The driver was the registered owner of the car.

During the analysis phase of STOP, the police department had evaluated the forfeiture law. At that time, the law appeared too complicated to enforce without an increase of department personnel to process the seized vehicles. Funding was not available to provide for this increase, thus the San Diego Police Department chose not to enforce the forfeiture law.

Just prior to the contractual agreement with OTS, State Assemblyman Richard Katz wrote a letter to the City of San Diego inquiring why the second largest city in the state was not implementing the forfeiture law. The City's response was to question the police department. The administration's response was directed to the STOP Team.

A secondary review of the law by the STOP Team concluded that the law could be enforced within the scope of STOP Team's objectives. Santa Barbara Police had developed an effective, yet simplistic method for forfeiting the license offender's vehicle. The STOP Team adopted a similar plan. Modifications were made to meet the needs of San Diego's larger population and the higher number of expected vehicle forfeitures.

Team member Cheryl Hall formulated a plan that aggressively pursued drivers that were "qualified" to have their vehicles forfeited. Due to Ms. Hall's efforts, a system was put into place that reviewed impounds department-wide. Additionally, work began on operating procedures for the STOP Team. Ms. Hall was also working with department personnel to establish a data base program designed to capture all of the STOP Team activities.

Deputy City Attorney Joan McNamara began the lengthy procedure to set up prosecution and seizure procedures for all forfeiture cases filed. The DMV was contacted and arrangements made to have a DMV employee train team members. This would assist them to correctly read license offender driving histories and suspension information. Plea-bargain guidelines were addressed and adjusted in favor of stricter enforcement toward license offenders.

Sergeant Youkhanna's primary task was to coordinate the entire STOP operation. He rewrote department policies that allowed more flexibility for officers when impounding vehicles. Many other tasks included working with the department's Special

Projects Office to build a brand-new facility for the STOP Team. Sergeant Youkhanna was instrumental in the building design, layout, equipment and data systems setup.

Officer Steve Wheeler wrote and submitted a proposal to the Chief of Police recommending various types of commendations that could be given to the officers for their efforts of removing the license offender from the road.

Officer Wheeler and Officer Ei-Assis began contacting various staff within the San Diego County Marshals Office and San Diego Municipal Court. Cooperation with these outside agencies assisted the officers in formulating a strategy to conduct undercover stings. Preparations were made with the news media by Officer Ei-Assis to conduct a press release and simultaneously film the Team's first undercover sting.

Officer Kennedy worked with Data Systems to reprogram the departments Mobil Data Computer. This allowed STOP to capture needed information to track the officers efforts department-wide. In addition, a large-scale computer system change was initiated to advise officers of drivers who have active warrants for their arrest.

Officer Curtis Perkins began the immense task of preparing a plan to train the eight patrol divisions about STOP. Issues that needed to be addressed included what training would be required, who would complete the training and where would training occur. Information was gathered, laws were reviewed, "cheat sheets" were created and enforcement procedures were drafted.

During this initial response stage of the team, Officer Donald Cone was asked to return to his prior assignment in accident investigation. This occurred due to staffing problems within the Traffic Division. Thus, Officer Cone was not present during the first two months of the STOP Team preparation.

With all systems and initial response objectives in place, the STOP Team completed its preparation stage and, in January 1997, began full operation.

ASSESSMENT:

During its first year (January 1, 1997 to December 31, 1997) the program was an exceptional success. The results were based on statistical data retained from activities of the STOP Team and the police department. Cheryl Hall and Sergeant Youkhanna evaluated the effectiveness of the program during its first year. STOP Team members came together weekly to evaluate the program and how it could be improved. All the results of the first year were based on the initial statistical year of 1995.

- There was an 11% reduction in fatal and serious injury collisions involving suspended licensed drivers.
- There was a 27% reduction in Hit-and-Run collisions.
- Overall 25% reduction in fatal and serious injury nighttime collisions.
- Department-wide suspended drivers prosecution rate up from 89% to 96%.
- Department-wide conviction rate for suspended drivers up from 74% to 82%.
- 400 felony counts filed as a result of traffic stops involving license offenders.

- 25 stolen vehicles recovered.
- 21 felony warrants served.
- 139 felony drug arrests.
- > 16 weapons confiscated.
- 16,905 vehicles impounded for license offenses.
- 1,150 vehicles impounded for DUI, Reckless Driving and other traffic-related offenses.
- Over 9,400 vehicles legally registered at the DMV as a result of vehicle impounds (21% increase).
- 270 vehicles seized and forfeited by the SDPD and San Diego City Attorney.
- Cost recovery fees collected: \$1.3 million.

Several areas of the STOP Team goals cannot be recorded statistically. Each individual effort by STOP personnel resulted in outstanding achievements for an overall team effort.

Cheryl Hall and Joan McNamara completed the department wide forfeiture program. STOP Team officers were trained to conduct "On-the-Spot" forfeitures while in the field. Throughout the course of the year, all Traffic Division Officers were trained to respond to any patrol officer request for an "On-the-Spot" forfeiture. This innovative approach restricted the offender's time frame to respond to the forfeiture. It forced the offender to take immediate action towards their license reinstatement, insurance and registration requirements.

Joan McNamara continued her work with the San Diego Courts. An agreement was made on all license offenses that were going to be plea-bargained. Each license offense, upon a plea of guilty, would cause the no license or suspended license charge to become a misdemeanor. This allowed for the offender's car to be forfeited at a later date if the individual continued to drive.

Sergeant George Youkhanna rewrote department impound procedures. These changes enabled the officers to become "pro-impound" and remove vehicles that, prior to STOP, were untouchable. The STOP building was completed and the team moved into their own facilities. The entire building project was funded without any expense to the department or taxpayer. It was essentially paid for by the license offender.

Officer Wheeler and El-Assis completed their projects and a court room sting took place with the news media present. Several license offenders were captured on film, being told by the commissioners not to drive without a valid license. Several minutes later those same individuals were filmed driving out of the court house parking lot. This time they had a little surprise in store for them.

STOP Team conducted traffic stops on the various individuals, arrested the drivers and impounded the cars. On one occasion, a driver was caught by the news crew banging his head against the family car, wishing he had listened to the judge and avoided the STOP Team.

In addition to all of the member activities, it was determined that the program could be enhanced by using the services of the Retired Senior Volunteer Patrol (RSVP). The volunteers were used to impound vehicles during special operations, which enabled the officers more time to detect habitual violators.

Officer Kennedy completed his work with Data Systems, and in a joint operation with the San Diego County Marshal, a network system was completed. Every time an officer runs a license check on an individual, the terminal will advise if the subject has warrants. This is completed automatically with no effort on the officer's part. The funding for this phase of the project was provided by several agencies, including grant funding from OTS.

Officer Perkins concluded that a "Train the Trainer" program would be most effective. It was determined that over 1,000 officers working in the field would need training. Officer Perkins chose six officers from each division and trained them with the latest laws and information concerning the license offender. A DMV trainer from Sacramento flew to San Diego and demonstrated to the officers how to read and interpret the license offender's driving record.

Team members reviewed Vehicle Code law and department policies with the officers. Reports were simplified for impounds and confusing issues concerning license offender arrests were clarified. After the completion of the class, trainers were sent back to their command to instruct the remaining officers in each division.

Continuing training is done through a quarterly information guide. Topics are addressed that assist the officer in the enforcement of the suspended and unlicensed driver.

A team effort that is used frequently consists of researching a computerized list of suspended drivers issued by the DMV. Once a habitual traffic offender is identified, the officers will create a case file for investigation. Rental vehicles are available for the surveillance of the offenders. The officers determine the offenders travel schedule and watch to see if the laws are violated. This has resulted in numerous arrests of chronic offenders.

The STOP Team project has been shared with officers throughout the department using the SARA model. This assists officers involved in other POP projects by demonstrating how resources inside and outside of the department can be found and used for their project. In addition, STOP Team officers attend various division line-ups to inform officers of any DMV changes and assist officers wherever help is needed.

When the Team sees a need that will assist the officer, it responds with support. Recently, problems were encountered when obtaining information on the vehicle impound report. A rubber stamp was created and distributed by STOP. Whenever a vehicle is impounded for a license offense, all the officer has to do is fill in the blanks and the report is complete. This simplifies the officer's job, and administrative personnel receive all the information needed to properly process the report.

AGENCY AND OFFICER INFORMATION:

The San Diego Traffic Offender Program was designed as a response to the chronic license offender. It is the goal of the project to operate until license enforcement is no longer needed. Initial cost estimates to the department were \$1,042,965. However, since the project became self-funding, the financial impact on the police department is inconsequential. The project will continue to be monitored on a regular basis with improvements and adjustments made as needed.

The Department-wide response of STOP has been phenomenal. Overall, police management has encouraged and supported the STOP Team during its 1 >2 years of operation. Officers are consistently conveying news to the STOP Team about their various encounters with the license offender. On numerous occasions, officers have made a traffic stop addressing the "small-time" license offender only to find a felony arrest awaiting them.

Approximately five months after the program began, two additional personnel were hired to increase the efficiency of the STOP Team. Code Compliance Officer Joyce VanDyke was brought on board along with Clerical Aide Sandra Lamb. Joyce became a key player in the goals of the STOP Team with her extensive Spanish language skills. In addition, Officer VanDyke assumed the responsibilities of the post storage hearing officer for every vehicle that is impounded for a period of 30 days. Officer VanDyke is absolutely essential in the success of the STOP Team.

Clerical Aide Sandra Lamb is crucial in supporting the entire staff of the STOP Team. Her responsibilities include administrative support of all the STOP Team personnel, routing new cases and incoming phone calls, answering questions from citizens and completing a multitude of computer related assignments.

To date, four police departments in the County of San Diego are in various stages of operating or planning STOP programs. Several cities throughout the State of California are also operating a STOP Team. Similar results in collision reduction were experienced by those agencies. Inquiries are constantly received by out-of-state agencies looking for information about STOP. Information packages have been developed that are sent all over the nation to assist other departments when establishing license programs. In 1997, STOP was asked to participate as presenters in the International Problem Oriented Policing Conference.

In San Diego, the initial project started from a single traffic stop by one officer. Because of department support and the efforts of numerous personnel throughout the San Diego Police Traffic Division, the STOP project was initiated.

Once the project blueprints were in place, it was the efforts of the STOP Team members that made the program a success. The San Diego Traffic Offender Program is an outstanding example of P.O.P. Each individual had a stake in the outcome of the project. It is the result of an overall team effort combined with innovation and support of numerous outside resources that makes STOP a continuing achievement.