

# CITY OF OAKLAND

## AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2005 JAN 27 PM 4:04

**To:** Office of the City Administrator  
**Attn:** Deborah Edgerly  
**From:** Police Department  
**Date:** February 8, 2005

**Re: A Report from the Police Department on the Special Traffic Offender Program (STOP) and a Proposed Ordinance Amending Ordinance Number 9336 C.M.S. (Master Fee Schedule), to Increase the Impounded Vehicle Release Fee, Assessed by the Oakland Police Department, from One Hundred Seventy-Five Dollars (\$175) to Two Hundred and Fifty Dollars (\$250)**

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### SUMMARY

This report addresses the need to conduct Special Traffic Offender Program (STOP)<sup>1</sup> projects on a regular basis and proposes to amend the Master Fee Schedule ordinance to increase the vehicle release fee associated with the STOP to \$250. The current release fee for impounded vehicles is \$175. The report also recommends the revenues received from the release fees be returned to the Police Department's budget to cover the costs associated with STOP operations in the City.

### FISCAL IMPACT

The STOP program is intended to be cost-covered, with no general fund support. All revenues generated by the program will be used to offset program costs, direct and indirect. All program-related expenses will be charged against the revenues generated through the collection of fees. Using historical data from previous operations to estimate the number of vehicles to be towed in the future, operations have been structured to make the best use of overtime and provide the highest possible impact.

The proposed fee increase is based on current Police Department costs to tow a vehicle - - from the initial vehicle stop to the time the vehicle is released by the OPD Records Section. The costs are based on the standard overtime rate that becomes effective on January 1, 2005, plus 17.77% in Central Services Overhead (CSO) costs. The process and costs are broken down chronologically:

- Police officer spots violator and conducts an enforcement stop:
  - Officer queries a database and issues a citation
  - Officer completes a stored vehicle report and inventories vehicle
  - Officer remains at scene awaiting tow truck
  - 1 hour @ \$70.51 per hour = \$70.51
  
- Police Service Technician (PST) II runs inquiries for officer:
  - 25 minutes @ \$40.30 per hour = \$16.79

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<sup>1</sup> First introduced in 1995 under a special traffic enforcement grant for the California Office of Traffic Safety, the program deploys a team of OPD personnel to specific locations to strictly enforce all Vehicle Code violations, focusing on drivers with suspended or revoked licenses and DUI arrests.

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- Police Service Technician II facilitates the tow:
  - Obtains information from officer
  - Inventories the vehicle and contents
  - Orders the tow
  - 20 minutes @ \$40.30 per hour = \$13.43
- Police sergeant supervises operation and reviews tow reports<sup>2</sup>:
  - Sergeant logs tow onto statistical report
  - 25 minutes per tow @ \$81.37 per hour = \$33.90
- Police Records Specialist (PRS) receives the tow report and releases the vehicle:
  - PRS enters the tow into database
  - PRS files the tow report
  - PRS accepts fees from vehicle owner
  - PRS completes vehicle release form
  - 1.0 hours @ \$40.86 per hour = \$40.86

The minimum estimated cost to process a tow from stop to release is \$176. The recommendation to increase the release to \$250 is justified by the increased cost of “doing business” coupled with the 50% release rate.

Two types of STOP operations, Mobile Operations and Sobriety / Driver License Checkpoints, will be conducted. Each is designed to address specific problems: The small or “mobile” operations will target traffic problems in City neighborhoods and encompass small geographic areas. The larger sobriety / driver license checkpoints, which are static, will be used to address problems along main arterial corridors in Oakland.

### Mobile Operations

The cost of the operations is based on the standard overtime rate. The following represents the cost of a typical eight-hour mobile STOP deployment:

\$ 4,561.60	10 Traffic Officers (Step 6) @ \$456.16
526.24	1 Sergeant of Police
547.52	2 Police Service Technician II @ \$273.76
277.68	1 Police Records Specialist
<hr/>	
<b>\$ 5,913.04</b>	<b>Total cost of operation</b>

<sup>2</sup> Adequate supervision and review of STOP operations is specifically mentioned in the Negotiated Settlement Agreement between the City of Oakland and the plaintiffs in the Delphine Allen, et al. case.

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During an eight-hour mobile STOP operation, an officer may stop approximately 16 vehicles. On average, five of those drivers will be in violation of a regulation that permits or requires the vehicle to be towed. Utilizing the deployment figures above, a typical mobile operation could net 50 vehicles. If 100% of the drivers paid the release fee, \$12,500 would be collected. However, utilizing a more realistic 50% recovery rate (based on the San Francisco experience noted in footnote 3 and OPD's previous experience with STOP vehicle releases), the collected revenues would amount to approximately \$6,250.

### Sobriety/Driver License Checkpoint

\$ 6,842.40	15 Traffic Officers (Step 6) @ \$456.16
526.24	1 Sergeant of Police
1,642.56	6 Police Service Technician II @ \$273.76
277.68	1 Police Records Specialist
<u>\$ 9,288.88</u>	<b>Total cost of operation</b>

The larger, static "sobriety/driver license checkpoint" operations typically tow more vehicles, but are more labor intensive. These operations differ from mobile operations in that they are designed to address traffic safety problems along main arterial thoroughfares and typically result in the towing of 80 vehicles per operation. These operations also include an education component. Using the 50% recovery rate, sobriety / driver license checkpoint projects could return \$10,000 per operation.

Reestablishment of the STOP operations, predicated on increasing the Master Fee Schedule Impounded Vehicle Release fee from \$175 to \$250<sup>3</sup>, will ensure that sufficient funds are available to conduct operations and cover all associated administrative costs. It is conservatively estimated that the program will result in the towing of at least 2,160 vehicles annually and that 50% of the owners (1,080) of towed vehicles will reclaim their vehicles. This would result in \$270,000 being returned to the City to offset the estimated \$254,000 cost of the program.

The Traffic Operations Section commander is responsible for the administration of the Special Traffic Offender Program. Revenues received from STOP operations shall be deposited to the Police Department General Fund (1010), in the Traffic Operations organization code (105640), program PS14, in project A128910. The program will be monitored to ensure it is cost-neutral

<sup>3</sup> The Police Services fees listed the Master Fee Schedule under Fee Description "AN," Special Traffic Offender Program (STOP) Vehicle Release Fees, list two fees: A Towed Vehicle Release fee of \$100 and an Impounded Vehicle Release fee of \$175. It appears that when the STOP fee for towing vehicles was last revised, the old title and fee (\$100) were not deleted. There is only one fee associated with STOP vehicle releases - - the Impounded Vehicle Release. The Master Fee Schedule should reflect that the fee is only for vehicles towed as a result of a STOP Program operation.

and any funds remaining in the account at the end of the fiscal year will be returned to the City's General Fund.

## **BACKGROUND**

In 1994, the Police Department implemented the Special Traffic Offender Program, also known as STOP. The Program began as a means to address reckless and unlicensed/suspended driving in all parts of the City.<sup>4</sup> This overtime-based program was initially funded by a grant from the California Office of Traffic Safety.

In 2002, STOP enforcement resulted in the towing of 3,163 vehicles. Unlicensed/suspended drivers were operating over 90% of those vehicles. Approximately 50% of the vehicles impounded were returned to their owners after the payment of fees.

Without the grant funds from the California Office of Traffic Safety, and the Department's mandate to reduce the amount of un-funded / non-reimbursed overtime operations conducted by the Department, the Traffic Section suspended official STOP operations in June 2003.

## **KEY ISSUES AND IMPACTS**

Reckless driving by those who are unlicensed and/or operating a vehicle on a suspended or revoked driver's license continues to be a problem in our City. Unlicensed drivers are considered dangerous due to the increased likelihood of their being involved in a vehicle collision, especially a hit-and-run. A staggering 67% of the nearly 1,400 cars towed in special operations between December 11, 2003 and August 28, 2004 were from unlicensed drivers. Oakland's rate of hit-and-run collisions is approximately 33%, or nearly 3,400 per year.

The increased release fee is required to cover the increased cost of police overtime due to contractual raises. Fees received will also cover administrative costs associated with the

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<sup>4</sup> A 1990 study by the DMV reported that of drivers with a suspended or revoked license, 33% had a criminal record and 85% of those drivers used their automobile in the commission of a crime. Suspended or revoked drivers were involved in four times more fatal collisions and six times more injury crashes as licensed drivers. Further, these drivers experienced 11 times more DUI convictions as licensed drivers.

In California, 42% of drivers with a suspended or revoked license failed to appear for court hearings, 29% had a prior DUI conviction, and 17% were suspended because of no vehicle insurance.

In San Francisco about 50% of all vehicles impounded for 30 days had drivers cited for driving with a suspended or revoked license. Approximately 20% of those drivers were suspended for serious traffic offenses including reckless driving and driving under the influence of alcohol/drugs. Approximately 40% to 50% of all impounded vehicles were unclaimed and went to lien sale in San Francisco and Santa Rosa.

In an effort to combat the growing problem of suspended, revoked, and unlicensed drivers, Vehicle Code §14602.6 was enacted to provide for the 30-day impoundment of a vehicle driven by a driver with a suspended or revoked license or who has never been issued a license. The 30 day impound law was an integral component of the Safe Streets Act of 1994 (Katz, AB3148) and has been in effect since January 1, 1995.

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program including:

- Program management
- Records management
- Operation and maintenance
- Communications

Dedicated traffic enforcement is a frequent request of Oakland residents. As the Police Department has devoted more of its personnel and fiscal resources to combat serious violent crime in the City, dedicated traffic enforcement and collision investigations have been severely reduced. STOP operations permit the Police Department to strategically address traffic safety complaints and problem drivers in areas of Oakland that would most benefit from the attention. It is important that OPD and the City find ways to fund dedicated traffic enforcement projects, such as STOP, that do not adversely impact an officer's normal daily traffic or patrol duties.

## **PROGRAM DESCRIPTION**

Reestablishment of the STOP operations, predicated on increasing the Master Fee Schedule Impounded Vehicle Release fee from \$175 to \$250<sup>5</sup>, will ensure sufficient funds are available to conduct operations and cover all associated administrative costs. The program will provide a much-needed service for the improvement of traffic safety and the quality of life of Oakland residents. The citizens of Oakland would receive much-needed dedicated traffic enforcement and the people responsible for necessitating the enforcement would be held financially responsible for the cost of the program.<sup>6</sup>

STOP operations revenues will also offset some of the overtime costs associated with "Sideshow" enforcement because all special Sideshow operations will be designated as STOP operations, due to the traffic safety problems inherently linked to Sideshow activities. Currently, overtime operations such as Sideshow enforcement are funded from the General Fund.

The Special Traffic Offender Program (STOP) will be evaluated semi-annually to ensure it is cost neutral.

## **SUSTAINABLE OPPORTUNITIES**

*Environmental* - Many of the vehicles driven by unlicensed/suspended drivers do not have

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<sup>5</sup> The Police Services fees listed the Master Fee Schedule under Fee Description "AN," Special Traffic Offender Program (STOP) Vehicle Release Fees, list two fees: A Towed Vehicle Release fee of \$100 and an Impounded Vehicle Release fee of \$175. It appears that when the STOP fee for towing vehicles was last revised, the old fee and title were not deleted. There is only one fee associated with STOP vehicle releases - - the Impounded Vehicle Release.

<sup>6</sup> The Police Department has a "due process" system that permits vehicle owners to appeal the decision to tow a car. If the tow is found to be in error, the vehicle can be released without charge to the registered owner or the City.

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current registration and are therefore not up to date with smog regulations. As such, they have a negative impact on the environment and air quality. This Program has traditionally removed a number of vehicles classified as "significant polluters" from City streets.

**Economic** - The STOP program and associated vehicle release fee place the cost of the program on the individuals who create the problem and not the general taxpayer.

**Social Equity** - The intent of STOP is to address reckless, unlicensed and suspended drivers. Reducing the number of vehicles involved in these offenses by removing them from the streets, through STOP operations should also reduce the number of hit-and-run collisions in Oakland. A reduction in the number of hit-and-run collisions and collisions involving unlicensed / uninsured operators could potentially result in lower insurance premiums for Oakland's driving public.

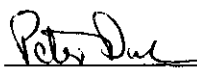
#### **DISABILITY AND SENIOR CITIZEN ACCESS**

There are no ADA or senior citizen access issues identified in this report

#### **RECOMMENDATION**

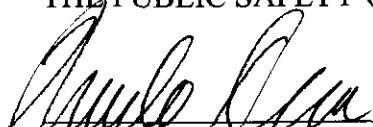
The Police Department recommends the City Council accept this report, adopt the ordinance amending the Master Fee Schedule to increase the STOP release fee from \$175 to \$250, and deposit the release fee revenues in the project established for STOP operations.

Respectfully submitted,

  
\_\_\_\_\_  
Peter W. Dunbar  
Deputy Chief of Police

Prepared by: Lieutenant D. Kozicki  
Bureau of Field Operations  
Special Operations Division, Traffic Section

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
\_\_\_\_\_  
Office of the City Administrator

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*[Signature]*  
City Attorney

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**ORDINANCE No. \_\_\_\_\_ C.M.S.**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 9336 C.M.S. (MASTER FEE SCHEDULE), TO INCREASE THE IMPOUNDED VEHICLE RELEASE FEE, ASSESSED BY THE OAKLAND POLICE DEPARTMENT, FROM ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175) TO TWO HUNDRED AND FIFTY DOLLARS (\$250)**

**WHEREAS**, the Oakland Police Department (OPD) has primary law enforcement responsibilities for traffic enforcement in and around the City of Oakland; and

**WHEREAS**, members of the Oakland Police Department, Special Operations Division, Traffic Enforcement Unit are tasked with enforcing traffic safety laws; and

**WHEREAS**, the City of Oakland periodically updates its Master Fee Schedule to account for general cost of living increases and program changes or other costs; and

**WHEREAS**, reckless, unlicensed, and suspended/revoked license driving; and hit & run accidents continue to be a problem affecting the quality of life of the citizen's of Oakland; and

**WHEREAS**, the fee modifications, additions, and / or deletions proposed herein were approved by the City Council by acceptance of the staff Agenda Report; and

**WHEREAS**, the revenues generated by the program will be used to offset program costs, direct and indirect; and

**WHEREAS**, the program is intended to be cost covered, with no general fund support; and

**WHEREAS**, revenues from the release fees shall be deposited to the Police Department General Fund (1010), in the Traffic Operations organization number 105640, in program PS14, in project A128910; now, therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** The Master Fee Schedule as set forth in Ordinance Number 9336 C.M.S., as amended, is hereby amended to modify fees set by the Police Department as set forth in Exhibit A, attached hereto and made a part hereof.

**Section 2.** This ordinance shall be effective upon approval by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
Interim City Clerk and Interim Clerk of the  
Council of the City of Oakland, California

**EXHIBIT A**

**MASTER FEE SCHEDULE CHANGES**

**FEBRUARY 8, 2005**



**CITY OF OAKLAND**  
**MASTER FEE SCHEDULE**

	<b>Fee Description</b>	<b>CURRENT FEE</b>	<b>NEW FEE</b>	<b>UNIT</b>
AN.	SPECIAL TRAFFIC OFFENDER PROGRAM (STOP) VEHICLE RELEASE FEES			
	1. <del>Towed Vehicle Release</del>	400.00		Vehicle
	2. Impounded Vehicle Release	175.00	250.00	Vehicle

**CITY OF OAKLAND**  
**MASTER FEE SCHEDULE**

<b>Fee Description</b>	<b>FEE</b>	<b>UNIT</b>
AN. SPECIAL TRAFFIC OFFENDER PROGRAM (STOP) VEHICLE RELEASE FEES		
1. Impounded Vehicle Release	250.00	Vehicle



**AN ORDINANCE AMENDING ORDINANCE  
NUMBER 9336 C.M.S. (MASTER FEE SCHEDULE),  
TO INCREASE THE IMPOUNDED VEHICLE  
RELEASE FEE, ASSESSED BY THE OAKLAND  
POLICE DEPARTMENT, FROM ONE HUNDRED  
SEVENTY-FIVE DOLLARS (\$175) TO TWO  
HUNDRED AND FIFTY DOLLARS (\$250)**

**NOTICE AND DIGEST**

This ordinance authorizes an amendment to Ordinance Number 9336 C.M.S. (Master Fee Schedule), as amended, to modify the fee assessed by the Oakland Police Department for release of vehicles towed for violations incurred by drivers as the result of a Special Traffic Offender Program (STOP) operation. The fee imposed will be raised from the *current one hundred and seventy-five dollars (\$175) to two hundred and fifty dollars (\$250)*. This amended fee would become effective immediately upon Council adoption and would remain in effect until further notice.