

Critics say costs, impounded cars aren't worth modest number of DUI arrests at checkpoints

By Fernando Gallo

News-Sentinel Staff Writer | Posted: Saturday, March 19, 2011 12:00 am

Estella Moreno didn't feel good.

The 19-year-old Lodi resident and her boyfriend, Marcos Martinez, were headed home from her mother's house on a Saturday night. Martinez was driving because Moreno was feeling sick to her stomach.

As they headed down Cherokee Lane, they came upon a DUI checkpoint being conducted by the Lodi Police Department. Moreno thought nothing of it — they hadn't been drinking, so it shouldn't have been a problem.

Little did she know that she and her boyfriend would soon be left without a vehicle, walking home from the checkpoint.

Martinez didn't have a license, and as a result, Moreno's car was towed at the checkpoint. Even though the 1997 Honda Accord was in her name, and she had a license, the car was still towed. Police issued a citation for Martinez.

"Neither one of us had a cell phone We asked them, 'Can we call somebody?' And they're like, 'No, we're busy,'" Moreno said. "We had to walk home from right there."

Although checkpoints are designed to catch drunken drivers, police are also checking drivers for valid licenses. If someone gets caught without a license, their vehicle is automatically impounded for 30 days, on the spot. That could mean the loss of a car that isn't worth paying the impound fees.

And it could also mean the loss of a job that depends on that car.

The police department believes in the effectiveness of checkpoints.

But some critics say otherwise. They believe the checkpoints result in relatively few drunk driving arrests — but a lot of impounded cars and hardship for those whose vehicles are towed away. It is a controversy that extends beyond Lodi to other California cities.

The cost of retrieving your car

According to the California Office of Traffic Safety (COTS), which provides grant funding for DUI checkpoints, the agency handed out more than \$54 million in grants for enforcement of alcohol and other drug-related laws in 2010. That money paid for 997 checkpoints throughout the state.

When a car is placed on a 30-day hold, there is no way to retrieve it before the time has elapsed. The police department has no impound lot, so private towing companies within the city store the vehicles. The tow yards charge for transporting your vehicle and storing it.

In Moreno's case, Geweke Body & Towing wanted \$1,600 in fees for her Accord (valued between \$4,000-5,000, according to Kelley Blue Book), she said, in addition to the \$100 release fee she had to pay the city.

"It was money that we didn't have, but my vehicle is the only way I have to and from work, and I work in Stockton," Moreno said. "I had no choice but to get it out."

Some cities charge tow companies that work with police departments, but Lodi does not, according to city spokesman Jeff Hood. The only fee the city collects is the \$100 release fee — everything else is paid to the towing companies.

"The city of Lodi makes no money on an impound; it's not a monetary thing," said Sgt. Chris Jacobson, who is in charge of DUI checkpoints.

"The police department is not a revenue-generating arm of the city, and that is the way that we operate."

A good drunken driving enforcement tool?

At the last Lodi DUI checkpoint in February, four drunken driving arrests were made, while 14 vehicles were towed (10 of them for 30-day impounds). Driving without a valid license, or if your license is suspended or has expired, will get your car impounded for 30 days.

But looking at checkpoints from 2010-11, the disparity widens.

Since July, when Lodi police began following tow and impound numbers more closely, according to Jacobson, there have been six checkpoints. Impound numbers were not available for an August checkpoint, but for the other five, there was an average of 20.2 impounded cars. There was an average of 2.8 DUI arrests per checkpoint. With 738 cars screened on average. That's a DUI arrest rate of 0.3 percent of cars screened per checkpoint.

Statewide, the trend is similar. According to statistics from COTS, from 2006-09, there was an average of 3.4 DUI arrests per checkpoint. But cars were given 30-day impounds nearly five times as often, at 16.6 per checkpoint.

At each checkpoint during the same period, about 554 drivers were screened (meaning they were stopped and an officer spoke to them). About 0.6 percent of all drivers screened end up being arrested for DUI.

But Jacobson stands by checkpoints. He believes in their ability to help curb drunken driving, and said Lodi police only check for licenses because they have to.

"We're not doing it to pick on people, punish people or raise money," he said. "We're doing it simply because that's what the grant (from COTS) states we're supposed to be doing."

In fact, when Jacobson went to a meeting sponsored by COTS early last year, he admitted to those assembled that he didn't even know they were supposed to be checking for licenses.

"I had no clue that I was supposed to do that, and in the past we hadn't done that," Jacobson said.

The price of checkpoints

COTS grants pay for the checkpoints, which Jacobson said wouldn't exist without the agency's money. It takes at least 14 police officers to staff a checkpoint, he said, and they are required to conduct the checkpoint on overtime hours. According to Jacobson, overtime is the only way Lodi can manage to have these checkpoints.

"We don't have enough officers to pull from regular duty just to do a checkpoint," he said. "We wouldn't be able to do it without a grant, because we don't have the money."

Based on the minimum monthly officer's salary provided by the city of Lodi of \$5,295, the News-Sentinel estimates that at least \$4,400 is spent on police wages for every checkpoint. (Assuming 14 officers are being paid time-and-a-half for overtime, at a rate of \$39.71 per hour, for eight hours).

According to COTS fiscal data, Lodi's current DUI enforcement grant is for \$102,000, and it provides funding from October 2010 through September of this year. Jacobson said the grant is supposed to be used for a variety of DUI-related activities, including eight checkpoints and 24 saturation patrols.

Saturation patrols involve officers monitoring certain areas, looking specifically for drunken drivers. Although statistics are not kept as closely for these patrols, they do result in significantly higher arrest numbers, Jacobson said.

"We're aware that saturation patrols are much more effective for arresting DUIs, but (COTS) mandates that we have to do a certain number of checkpoints," Jacobson said. "(COTS) wants that contact with drivers, they want people to see the checkpoints, they want to publicize."

Some organizations and cities have taken issue with the checkpoints and the number of unlicensed drivers from whom they take vehicles. One Southern California resident has gone as far as to file a lawsuit against the city of Escondido and its police department, questioning the legality of checkpoints.

The ACLU of Northern California is also staunchly opposed to checking for unlicensed drivers at checkpoints, and believes the practice unfairly targets immigrants. Aside from those implications, the ACLU also believes funds for checkpoints could be spent more wisely, according to ACLU attorney Julia Mass.

"We think (checkpoints are) a poor use of public safety resources," she said. "They result in far more vehicle impoundment of sober drivers than citations or arrests of drunken drivers. You have to wonder how much officer time is being spent on something that isn't really the primary purpose of the checkpoint."

Based on data from a Los Angeles Police Department grant, the ACLU estimates that each checkpoint costs about \$12,000 to run.

Checkpoints will continue

Jacobson said he understands both sides of the checkpoint argument, but is simply following COTS requirements. If Lodi police don't check for licenses, he said, they are in violation of the terms of their grant.

"Some courts are saying, 'Well, we don't care if there's a statute, you shouldn't be taking the cars.' There's this whole battle going on," Jacobson said. "We're operating under the guidelines to the best of our abilities."

The grant money was able to get the department a valuable new piece of equipment used to investigate fatal car collisions, Jacobson said, which cost about \$20,000. Without the grant money, he said the department wouldn't have been able to afford the expense.

But for now, there will still be a huge expense for people who get stopped and don't have a license. Just like there was for Moreno, who will end up paying more than \$2,300 total in fees and citations from the towing incident.

"We paid, I believe, more than half of what (my) car is worth," she said. "But in this economy ... I didn't have the money to just let it go and purchase another car."

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