

LOS ANGELES POLICE DEPARTMENT



MICHEL R. MOORE
Chief of Police

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October 27, 2023

The Honorable Eunisses Hernandez
Councilmember, 1st District
200 North Spring Street, Room 460
Los Angeles, California 90012

Honorable Councilmember Hernandez:

On August 22, 2023, the Public Safety Committee considered a City Administrative Officer report relative to the Fiscal Year 2023-24 California Highway Patrol Cannabis Tax Fund Grant Program for law enforcement. It was requested that the Los Angeles Police Department (LAPD) report on the details of the past fiscal years regarding the Department's implementation of the Cannabis Tax Fund Program, including:

- a. Numbers and types of operations supported by this grant;
- b. Numbers and types of arrests connected with the grant, including any reasons for arrest other than or in conjunction with Driving Under the Influence conducted during operations associated with this grant; and,
- c. Breakdown by Council Districts and neighborhoods of all aforementioned operations and arrests.

There were six Drug Recognition Expert (DRE) task forces, which were used to assist in training officers in drug-related Driving Under the Influence arrests. The LAPD has conducted six weeklong DRE Task Forces supported by the Cannabis Tax Fund. These task forces resulted in 158 arrests for California Health and Safety Code Section 11550, Under the Influence of a Controlled Substance in Public. This offense is a misdemeanor and when the subject has been identified, they are released with a citation.

An audit of the aforementioned arrests revealed that there were 86 additional charges requested for possession of a controlled substance, which is also a misdemeanor. The 158 arrests were made in the following Council Districts:

Council District 1: 147 arrests
Council District 13: 9 arrests
Council District 14: 1 arrest
Council District 4: 1 arrest

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Additionally, the DRE Unit uses the Los Angeles Diversion, Outreach, and Opportunities for Recovery (LA DOOR) Program during their task forces. The LA DOOR provides resources to individuals at elevated risk for substance use, mental illness, and being unhoused. When individuals accept the resources available via LA DOOR, the charges against them are dismissed by the Los Angeles City Attorney's Office.

Should you or your staff have any questions concerning this matter, please contact Deputy Chief Donald R. Graham, Jr., Commanding Officer, Transit Services Bureau, at (213) 922-3614.

Respectfully,



MICHEL R. MOORE
Chief of Police

Enclosure

FACT SHEET
CANNABIS TAX FUND GRANT PROGRAM
October 27, 2023

BACKGROUND

It was requested that the Drug Recognition Expert (DRE) Unit, Traffic Group, Los Angeles Police Department (LAPD), provide an overview of the DRE task forces and arrests made in the past fiscal years that were supported by the California Highway Patrol Cannabis Tax Fund (CTF) Grant Program. In addition to the amount of DRE task forces, the DRE Unit was directed to evaluate the number and types of field operations supported by this grant, the number of arrests connected with this grant, and a breakdown by Council Districts of the arrests made.

History

The LAPD originated the DRE Program and formally recognized the DRE program in 1979. The LAPD officers noticed that community members who were arrested for Driving Under the Influence (DUI) and had low Breath Alcohol Concentration (BAC) were unable to operate a vehicle safely. The officers reasonably believed that the arrestees were under the influence of drugs; however, they lacked the knowledge and skills to support their conjecture. In response, two LAPD sergeants collaborated with various medical doctors, research psychologists, and other medical professionals to develop a simple, standardized procedure for recognizing drug influence and impairment. These efforts culminated in the development of a multi-step protocol and the first DRE program.

In 1992, the Governing Board of the International Association of Chiefs of Police (IACP) approved program oversight of all DRE training. As a result, the DRE program is governed by the IACP and all law enforcement agencies must adhere to these strict guidelines to participate in the DRE training. The DRE training is comprised of the Advanced Roadside Impaired Driving Enforcement (ARIDE), Impaired Driver Apprehension Program (IDAP), and DRE school. Currently, only three agencies in California are sanctioned by the IACP to provide DRE training. These agencies are the California Highway Patrol (CHP), Fullerton Police Department, and the LAPD.

The IACP created a Technical Advisory Panel (TAP) that provides best practices through program standards, scientific support, and curriculum development and updates. The TAP is comprised of doctors and researchers within the scientific community, including the Southern California Research Institute. The TAP establishes credibility within the scientific community and maintains the validity of courtroom testimony related to DUI enforcement when agencies use the IACP DRE model. All officers trained in DUI enforcement nationwide utilize the same curriculum and standards.

The IACP requires that each officer participate in a field certification portion following the classroom training. The field certification portion is done within 90 days of the classroom training. This portion of the training requires officers, under the direct supervision of DRE instructors to evaluate subjects suspected of being under the influence of drugs other than alcohol. The purpose of the mandated field certification is to test students in the Standardized Field Sobriety Test (SFST) instructional and psychophysical impairment phase. The students are supervised during their arrests and a toxicology sample is collected to confirm their opinion of

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drug use. The CTF Grant Program was implemented by the State of California in 2021, to assist law enforcement in DUI training and testing.

DRE Task Forces and Arrests

The LAPD has conducted six weeklong DRE task forces supported by the CTF Grant program. These task forces resulted in 158 arrests for California Health and Safety Section 11550, Under the Influence of a Controlled Substance in Public. This offense is a misdemeanor and when the subject is identified, they are released with a citation.

An audit of the aforementioned arrests revealed that there were 86 additional charges requested for possession of a controlled substance, which is also a misdemeanor. The 158 arrests were made in the following Council Districts:

Council District 1: 147 arrests
Council District 13: 9 arrests
Council District 14: 1 arrest
Council District 4: 1 arrest

Additional Resources Used

The DRE Unit uses the Los Angeles Diversion, Outreach, and Opportunities for Recovery (LA DOOR) program for their task forces. The LA DOOR provides resources to individuals at an elevated risk for substance use, mental illness, and being unhoused. When individuals accept the resources available through LA DOOR, the charges against them are dismissed by the Los Angeles City Attorney's Office.

CONCLUSION

It was revealed that the DRE Task Forces conducted have been adhering to the IACP requirements for DRE training, as no suspects or officers were injured during this training. The DRE Unit will continue to provide oversight during these task forces to ensure that they are conducted in a professional and safe manner.

Prepared by:
Drug Recognition Expert Unit
Traffic Group

MOTION

I MOVE that, in the matter of PUBLIC SAFETY COMMITTEE REPORT relative to the Fiscal Year (FY) 2023-24 California Highway Patrol (CHP) Cannabis Tax Fund Grant Program (CTFGP) for law enforcement, **Item 8** (CF 23-0795) on today's Council agenda, **BE AMENDED** to add the following instruction:

4. INSTRUCT the Los Angeles Police Department (LAPD) to report on the details of past fiscal years of the Department's implementation of the Cannabis Tax Fund Grant Program, including:

- a. Number and types of operations supported by this grant
- b. Number and types of arrests connected with this grant, including any reasons for arrest other than or in conjunction with Driving Under the Influence conducted during operations associated with this grant
- c. Breakdown by Council District and neighborhood of all aforementioned operations and arrests

PRESENTED BY:

EUNISSES HERNANDEZ
Councilmember, 1st District

SECONDED BY:

ORIGINAL

MTH
SEP 05 2023

PUBLIC SAFETY COMMITTEE REPORT relative to the Fiscal Year (FY) 2023-24 California Highway Patrol (CHP) Cannabis Tax Fund Grant Program (CTFG) for law enforcement.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. AUTHORIZE the Chief of Police, or designee, to:
 - a. Retroactively apply for, negotiate and accept the grant award of \$853,450.05 relative to the FY 2023-24 CTFGP – Law Enforcement from the State of California, CHP, for the period of July 1, 2023 through June 30, 2024 and execute any documents or agreements necessary to accept the grant funds, subject to the approval by the City Attorney as to form.
 - b. Negotiate and execute a Professional Services Agreement with one selected vendor for a term of one year within the applicable grant performance period, for a sum not to exceed \$30,000, for the provision of phlebotomist services as it relates to the grant program, subject to the approval of the City Attorney as to form.

2. AUTHORIZE the Los Angeles Police Department (LAPD) to:
 - a. Spend up to \$853,450.05 in funding in accordance with the grant award agreement.
 - b. Submit grant reimbursement requests to the grantor and deposit the FY 2023- 24 CTFGP grant receipts into the Police Department Grant Fund No. 339/70, account number to be determined.
 - c. Prepare Controller’s instructions for any technical adjustments as necessary to implement Mayor and Council intentions, subject to the approval of the City Administrative Officer (CAO), and authorize the Controller to implement the instructions.

3. AUTHORIZE the Controller to:
 - a. Establish a grant receivable and appropriate up to \$853,450.05 within the Police Department Grant Fund No. 339/70, account number to be determined, for disbursement of the FY2023-24 CTFGP – Law Enforcement grant funds.
 - b. Increase appropriations on an as-needed basis from the Police Department Grant Fund No. 339/70, account number to be determined, to Fund No. 100/70, account numbers and amounts, as follows:

<u>Account Name</u>	<u>Account No.</u>	<u>Amount</u>
Overtime General	001090	\$23,100.00
Overtime Sworn	001092	\$707,464.99
 - c. Transfer appropriations of \$82,380.06 within the Police Department Grant Fund No. 339/70, from FY 2023-24 CTFGP – Law Enforcement account, account number to be determined, to Related Costs account, account number to be determined, for related costs, upon submission of proper documentation by the LAPD of the costs incurred during the grant performance period, subject to the approval of the CAO.

Fiscal Impact Statement: The CAO reports that approval of the recommendations stated in the report will authorize LAPD to retroactively accept the FY 2023-24 CTFGP – Law Enforcement grant award of \$853,450.05 from the State of California, CHP, for a one-year term beginning July 1, 2023 through June 30, 2024. No matching funds are required for this grant. Cost Allocation Plan 41 indirect cost rates for