

# Hermosa Beach Police Department

## July-December 2018 CUP Review

### **Police Reports:**

The Hermosa Beach Police Department (HBPD) conducts a thorough review of all police reports related to establishments which hold an ABC alcohol permit. Each report is reviewed individually by more than three people. The typical review process is initiated by the Crime Analyst, then a review by the Operations Bureau Division Commander (Lieutenant), the Police Captain and ultimately the Chief of Police. The Lieutenant and the Captain make recommendations to the Police Chief regarding their determination of an establishment's culpability related to Conditional Use Permit (CUP) standards. In addition, the Operations Bureau Division Commander personally makes contact with owners and managers of establishments related to any concern(s) the Police Department may have of issues that do not rise to a CUP violation. The purpose of this communication is to ensure that the establishment hears directly from the Police Department in an effort to address issues before they rise to CUP violations or other potential safety concerns.

Police reports are initiated by a Call for Service (CFS). A CFS begins when someone requests the help of the police (typically by a call to dispatch) or if an officer observes an incident/violation/or contacts someone in an enforcement capacity. A CFS may result in a report, citation, arrest, or no action may be taken. HBPD reviews both CFS and police reports related to ABC permitted addresses. It is important to understand that a CFS or a report at a specific address does not mean an incident happened inside the address. *As an example*, a traffic accident or a fight reported at 1234 Main Street does not mean the incident occurred inside the address. The address may simply be associated as a landmark (identifying the location of an incident) wherein the location itself had nothing to do with the incident. That said, a location with a CFS or report should not be assumed to be problematic or involved in the incident as the CFS or report may have nothing to do with the location other than used as a landmark/identifying location of an incident that occurred outside of the location.

In reporting back to the Planning Commission, HBPD notes the number of CFS and Reports associated with an address. We also report back the category of the report (e.g. Drunk, Disturbance, Assault, etc.). An establishment does not have a CUP violation charged against them unless in HBPD's review process it is determined that the establishment was complicit or clearly negligent in its actions which results in a violation of the CUP standards (Table 1.) As an example, two people bump into each other inside of an establishment and one person hits the other person without warning. Without additional information demonstrating the establishment's complicity or negligence, the establishment would not be charged with a CUP violation.

As the Planning Commission reviews HBPD's statistics related to each location, it should be understood that a location may have 4 "Total" reports, of which only 3 are "reviewed" as one of the reports may have nothing to do with the location. The number under the type of report (e.g. Drunk, Disturbance, Assault, etc.), may or may not be charged against the establishment based on the determination made the HBPD Chief of Police. As noted, this determination will be made based on information demonstrating the establishment's complicity or negligence. If it is determined that an establishment is complicit or negligent a number will be assigned to the "Counted for CUP" column.

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For context, the HBPD and the FBI categorizes assaults, sexual assaults and narcotics violations as ‘serious crime.’ With this in mind and with the agreement of the Planning Commission, it has been determined that two (2) incidents of “Serious Crime on Premises Indicative of Lack of Adequate Security” is the established criteria needed for the Chief of Police to request a Conditional Use Permit (CUP) review by the Planning Commission (as noted on Table 1 of the CUP review standards). That said, the municipal code also provides: *“the Chief of Police retains authority to recommend CUP reviews to the Planning Commission at his/her discretion— regardless of the number of incidents in any period of time, as stipulated in many current CUPs and the Municipal Code.*

Between 07/01/2018 and 12/31/2018, 26 police reports and 26 CFS related to establishments with CUPs merited review by police staff. It was determined that one (1) of these incidents occurring at American Junkie was in violation of the CUP Review Standards or rose to the level of a serious crime indicative of lack of adequate security. This case is still under investigation and criminal case is pending, therefore the specific details are not released at this time. See attached chart.

Reports							CFS*		
Total Reviewed	Drunk in Public	Disturbances	Assaults	Sexual Assaults	Narcotics	Other Reports	Total Review	Disturbance or Assault	CUP Violations
26	10	2	9	1	0	4	26	25	1

\*CFS- Calls for Service

### **ABC Activity:**

The Hermosa Beach Police Department participates in a tri-city (Hermosa Beach, Manhattan Beach and El Segundo) grant with Alcohol Beverage Control (ABC). This grant provides funding for officers from each agency to work together to impact alcohol related issues in each city. While this program is primarily enforcement related, there is an educational component where police and ABC personnel meet with the staff/ownership at on-site and off-site sales establishments to review expectations and provide guidance. Below is a recap of the police department’s efforts for the months of July 2018 through December 2018:

- August 24, 2018 Impact Inspections (8 locations inspected)
- August 28, 2018 Responsible Beverage Service (RBS) Training – (29 attended)
- August 31, 2018 Impact Inspection (9 locations inspected)
- September 21, 2018 Minor Decoy Operation – 1 cited
  - An employee of the Green Store was cited for selling alcohol to a minor. Per ABC this case is still pending.

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- October 30, 2018 Responsible Beverage Service (RBS) Training – (35 attended)
- November 9, 2018 Shoulder Tap Operation – 2 cited for providing alcohol to a minor
- December 14, 2018 Shoulder Tap Operation – 1 cited for providing alcohol to a minor

### **Update to Prior ABC Activities:**

On January 19, 2018 Arco Gas Station & Minimart (1131 Pacific Coast Hwy., Hermosa Beach) was issued a citation and investigated for a violation of 25658(a) B&P – Selling liquor to a minor. ABC has informed us that this matter has been closed as a fine has been imposed in lieu of a license suspension.

On June 8, 2018 an employee at Serve on 2<sup>nd</sup> (190 Hermosa Avenue, Hermosa Beach) was issued a citation for serving alcohol to a minor. In September 2018, the business surrendered their CUP to the City of Hermosa Beach.

On June 8, 2018 an employee at Hermosa Pub (1314 Hermosa Avenue, Hermosa Beach) was issued a citation for serving alcohol to a minor. In September 2018 the owner sold this business.

### **General Enforcement Activity:**

Below is a summary of officer initiated (non-ABC related) reports the Hermosa Beach Police Department wrote from July through December regarding alcohol related issues:

- In July, security staff at Tower 12 flagged down uniformed officers regarding a person attempting to use another person's identification for entry. The subject was cited for Possession of a Fraudulently Obtained Driver's License.
- In November 2018 staff at Baja Sharkeez flagged down uniformed officers regarding a person attempting to use a fraudulent identification for entry. The subject was issued a citation for a possession of a Fraudulent Identification.

### **Definitions:**

**IMPACT (Informed Merchants Preventing Alcohol-Related Crime Tendencies) Inspection-** objective of the project is to educate licensees about the various ways they can participate in reducing alcohol-related crimes such as sales to underage and obviously intoxicated persons.

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**Licensee Education on Alcohol and Drugs (LEAD) Training-** A free, voluntary prevention and education program for retail licensees, their employees and applicants, designed to promote the legal and responsible sale and service of alcoholic beverages in California.

**Minor Decoy-** This operation allows law enforcement to use persons under 20 years of age as decoys to test establishments ID check process to determine if they will sell alcohol to minors.

**Party Patrol Enforcement-** This operation focuses on under aged alcohol related parties. Responsible Beverage Service (RBS) Training- (Similar to LEAD Training) Free alcohol beverage service training provided by Behavioral Health Services (BHS) to sellers/servers designed to promote the legal and responsible sale and service of alcoholic beverages in California.

**Responsible Beverage Service (RBS) Training-** Similar to LEAD training, this free training is provided by the Behavioral Health Services.

**Shoulder Tap-** During these operations, a minor decoy, under the direct supervision of law enforcement officers, solicits adults outside ABC licensed establishments to buy the minor decoy alcohol.

**Trap Door-** During these operations, law enforcement works with establishments to interview and cite minors who have attempted to gain access to an establishment using a false ID.

### **DUI and Drunk in Public Summary:**

As part of DUI and Drunk in Public arrests, HBPD officers, to the best of their abilities, ask arrestees to tell them where they have previously been drinking, and more specifically the last place they recall drinking. Not all contacts with arrestees provide an opportunity to ask these questions. The answers are documented and are presented here.

#### July - December 2018 DUI Summary

Location	Totals
American Junkie	1
Barnacles	1
Hennessey's	1
Hermosa Beach	5
House/Home/Residence	3
Other Cities	10
Patrick Molloy's	1
Saint Rocke	1
Hermosa Saloon	1
Sharkeez	4

#### July - December 2018 Public Intoxication Summary

Location	Totals
Abigails	1
American Junkie	2
Barnacles	3
Hermosa Beach	2
House/Home	6
Public Area	3
Roberts Liquor	1
Refused	5
Patrick Molloy's	2
Hermosa Saloon	1

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Tower 12	1
Unknown	5
<b>Totals</b>	<b>34</b>

Sharkeez	5
Slaters 50/50	1
Lighthouse	1
Tower 12	3
Unknown	67
Paisanos	1
Hennessey's	1
Watermans	1
<b>Totals</b>	<b>106</b>