

# Hermosa Beach Police Department

## March - August 2020 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 typically reviewed individually by several people. The review process is initiated by the Crime Analyst, then a review by the Operations Bureau Division Commander (Lieutenant), and the Police Captain which is currently vacant. 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 or is associated with the business. 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 the location of an incident which occurred outside of the location.

In reporting back to the Planning Commission, HBPD will note the number of CFS and Reports associated with an address. We also report back the category of the reports (e.g. Drunk, Disturbance, Assault, etc.). An establishment will 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" would mean one of the four reports has 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 HYPD 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.*

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Between 03/01/2020 and 08/31/20, 10 police reports and 31 CFS related to establishments with CUPs merited review by police staff. Of these 10 reports, 4 were previously reviewed during the last CUP as they occurred during either March or April of 2020.

Between 03/01/2020 and 08/31/20, Barnacles again had zero reports, and 6 CFS that were reviewed. Two CFS were previously reviewed during the last CUP. One of the previously reviewed calls was counted for CUP. This call was for subjects loitering at the location. Even though they were not cited, the incident was considered an ABC and LA health order violation. The general manager of Barnacles had previously been warned regarding several patrons on the patio with drinks who did not order food. Of the 4 currently reviewed calls, 1 counted towards CUP. This incident found customers were drinking at the location. 2 patrons, the owner and an employee were contacted and advised.

The Deck had 5 calls for service reviewed and no reports. Of the CFS, one was found to be counted for the CUP. This instance consisted of a multiple people located at the location eating at tables. Some had drinks in clear cups that were not sealed. Code Enforcement was notified and asked to talk to the business owner and to move table and chairs inside.

Silvio’s had one CFS reviewed and counted. The incident involved a patron who was drinking in public in front of Sylvio’s. The patron was cited for possession of an open container of alcohol in public. Per HBMC 17.40.080, the business is responsible for preventing loitering, unruliness and boisterous activities of the patrons outside of the business or in the immediate area.

Slaters 50 50 had 2 CFS reviewed and one counted for CUP. On the incident which is counted, four subjects were contacted in the parking lot of Slaters with open containers of alcohol. This call was a violation of 17.40.080 in the parking lot of the location.

See attached 2020 March – 2020 August CUP 6 Month Review Chart.

Reports							CFS*		
Total Reviewed	Drunk in Public	Disturbances	Assaults	Sexual Assaults	Narcotics	Other Reports	Total Review	Disturbance or Assault	CUP Violations

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5 (3)	2(2)	0	2 (1)	0	0	1	31(3)	16(3)	5 (1)
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\*CFS- Calls for Service

(#) number that were counted in the previous report

### **ABC Activity:**

The Hermosa Beach Police Department previously participated in a tri-city (Hermosa Beach, Manhattan Beach and El Segundo) grant with Alcohol Beverage Control (ABC) which ended on June 30, 2019. The tri-cities did not receive a new ABC grant for this fiscal year. We will be re-applying for future grants. This grant provided 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. Updates of any future ABC grants will be provided to the Planning Commission.

### **Responsible Beverage Service Training:**

On March 10, 2020 Behavioral Health Services provided RBS training in Hermosa Beach and had 15 attendees. 10 attendees were from Hermosa Beach establishments and 5 attendees were from Manhattan Beach establishments. 12 of the 15 attendees passed the post-test with a score of 70% or higher.

### **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.

**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, this free training is provided by the Behavioral Health Services (BHS) to sellers/servers designed to promote the legal and responsible sale and service of alcoholic beverages in California.

**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.

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**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.

March – August 2020

Driving Under the Influence	
Locations	Totals
Baja Sharkeez	1
Crème de la Crepe	1
Community Center	1
Hermosa Beach	3
Hermosa Bars	1
House	2
Other city	1
Plaza	1
Refused	3
Unknown Restaurant	2
<b>Totals</b>	<b>16</b>

March – August 2020

Public Intoxication	
Locations	Totals
Baja Sharkeez	3
Barnacles	1
Beach	3
Home	1
Not in Report	3
Pier Plaza	1
Tower 12	1
Unable to articulate	2
Unknowns	23
<b>Totals</b>	<b>38</b>