

**OVERSIGHT COUNCIL
ON DRIVING OR OPERATING
UNDER THE INFLUENCE
ABATEMENT**

**Fiscal Year 2010
ENFORCEMENT AND
INNOVATIVE
PROGRAMS**

Effective
November 15, 2009 - June 30, 2010



OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE ABATEMENT

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PROGRAM SUMMARY FY 2010

The Oversight Council on Driving or Operating Under the Influence (DUI) Abatement (the Council) was established in 2004, pursuant to A.R.S. § 28-1303, as a part of the State of Arizona's continuing effort to address the serious problem of motorists driving under the influence of alcohol or drugs. Among other things, the Council is authorized to evaluate pilot programs that use emerging technologies to educate, prevent, or deter DUI. Additionally the Council awards grants in furtherance of this objective and to support certain preventative measures.

The DUI Abatement Fund, administered by the Council, was established pursuant to A.R.S. § 28-1304. The fund is derived from fines levied against persons convicted under the following:

- ❖ A.R.S. § 28-1382 Driving Under the Influence of Intoxicating Liquor or Drugs
- ❖ A.R.S. § 28-1383 Aggravated Driving Under the Influence of Intoxicating Liquor or Drugs

The fund monies are made available for grants for the following two purposes only:

- ❖ Enforcement purposes, prosecutorial and judicial activities, and alcohol abuse treatment services related to preventing and abating driving or operating under the influence occurrences in a motor vehicle or a motorized watercraft.
- ❖ Innovative programs that use emerging technologies to educate, prevent, or deter occurrences of driving or operating under the influence in a motor vehicle or motorized watercraft.

The following report provides summary information on agencies receiving funding from the DUI Abatement Fund during Fiscal Year 2010 for enforcement and innovative projects (November 15, 2009 – June 30, 2010).

DUI ABATEMENT FUND DISTRIBUTION

The DUI Abatement Fund is divided into two grant types, enforcement and innovative. Enforcement grants are generally awarded in two six-month cycles (A and B) and innovative grants are awarded in one 12-month cycle. Given the severe budget crisis in Arizona, both grant types were awarded for one seven-month cycle, November 15, 2009 – June 30, 2010. For enforcement grants, the Council awarded a total of \$500,007 in grants from the DUI Abatement Fund to 25 projects in the state. For the innovative grants, the Council awarded at total of \$187,957 to support seven projects.

As designated by statute, seventy percent (70%) of funds are directed to support enforcement activities, while twenty-five percent (25%) support innovative projects. Five percent (5%) is allocated for the administration of the fund.

During FY 2010, a total of \$145,400 was appropriated by the Legislature from the DUI Abatement Fund for use by the Department of Transportation, Motor Vehicle Division for the Ignition Interlock program. These funds paid salary and employee-related expenses for an administrative law judge, an investigator and a customer service representative.

ENFORCEMENT PROJECTS

Grant funds may be used for enforcement purposes, prosecutorial and judicial activities, and alcohol abuse treatment services related to preventing and abating the occurrences of driving or operating under the influence occurrences in a motor vehicle or a motorized watercraft.

One hundred percent of allocated enforcement funds were used to pay overtime costs. The participating agencies used more than 7,200 overtime hours to increase patrol during the weekly peak hours and 14 major holidays. In addition to increased patrols, several agencies used the overtime hours to allow their officers to conduct community education programs and attend specialized training.

In FY10, grant funds supported 546 DUI details and checkpoints that netted 2,798 arrests and 8,327 other citations (such as seat belt violations) being issued.

The following table shows grant awards by county and agency:

DUI Abatement Fund Enforcement Grantees

Apache County		Pima County	
Eagar Police Department	\$6,979	Town of Marana Police Department	\$18,043
Cochise County		Pima County Attorney's Office	\$1,886
Douglas Police Department	\$5,000	Tucson Police Department	\$22,753
Coconino County		Pinal County	
Flagstaff Police Department	\$14,771	City of Maricopa Police Department	\$4,420
Graham County		Santa Cruz County	
Town of Pima Police Department	\$16,109	Nogales Police Department	\$20,976
Greenlee County		Yavapai County	
Greenlee County Sheriff's Office	\$8,514	Chino Valley Police Department	\$6,047
Maricopa County		Cottonwood Police Department	\$5,965
Avondale Police Department	\$24,996	Prescott Valley Police Department	\$9,882
Gilbert Police Department	\$19,933	Yavapai County Sheriff's Office	\$12,896
Glendale Police Department	\$15,888	Yuma	
Maricopa County Sheriff's Office	\$25,005	Yuma Police Department	\$15,162
Mesa Police Department	\$12,500	State Agencies	
Peoria Police Department	\$27,000	AZ Department of Public Safety (Highway Patrol)	\$117,826
Phoenix Police Department	\$49,998	Tribes	
		Ak Chin Indian Community*	\$12,460
		Salt River Pima-Maricopa Indian Community Police Department	\$24,998
		TOTAL	\$500,007

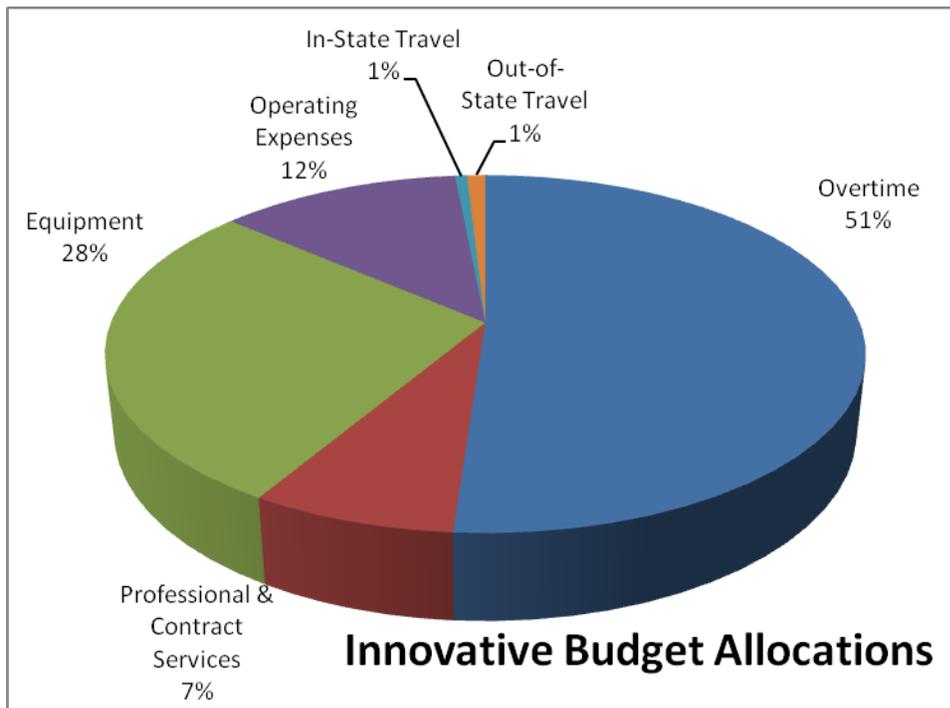
*Declined the award

INNOVATIVE PROJECTS

Innovative projects used emerging technologies to educate, prevent, or deter occurrences of driving or operating under the influence in a motor vehicle or motorized watercraft. In FY 2010, the Council awarded \$187,957 to support seven projects.

Innovative Grantees

AZ Department of Public Safety	\$29,088
Chandler Police Department	\$32,691
Nogales Police Department	\$3,010
Phoenix Police Department	\$53,560
Phoenix Prosecutor's Office	\$38,000
Pima County Attorney's Office	\$11,564
Tucson Police Department	<u>\$20,044</u>
TOTAL	\$187,957



INNOVATIVE PROJECTS

Grantee: AZ Department of Public Safety

Award: \$29,088

Project Title: Operation Airborne Abatement of Holiday Operating Under the Influence (Operation AAHOUI)

Project Description: Operation AAHOUI deployed one DPS airplane over a targeted waterway in the Lake Havasu/Colorado River area on a holiday weekend, working with the Mohave County Sheriff's Office Boating Safety Unit. Using gyro-stabilized binoculars, the DPS aircrew was able to spot boaters who appeared to be operating under the influence. Using these specialized binoculars, the aircrew was able to observe whether a boater was drinking alcohol and boating recklessly. This information was to be relayed to the Mohave County Sheriff's Office boat units; the waterborne deputies were to determine if the boat operator is OUI.

Results: Operation AAHOUI was established as an experimental project to determine the usefulness of utilizing a low cost aviation asset to assist waterborne deputies in detecting impaired boaters. Boaters were aware that OUI is not tolerated by law enforcement on Lake Havasu; boat safety officers noted that a high number of boaters had designated drivers. The airplane's wings were marked "State Patrol." Because of the use of the marked aircraft and boater awareness, the number of OUI arrests was greatly reduced to less than 20 this year. Additionally there were no boating fatalities related to alcohol during Operation AAHOUI.

Grantee: Chandler Police Department

Award: \$32,691

Project Title: DUI Education Project

Project Description: The program was designed to educate patrons, owners, and employees of selected liquor establishments of their responsibilities to prevent DUI. Owners and employees must not over-serve and patrons need to drink responsibly and have a designated driver.

Results: The Chandler police officers visited all primary liquor establishments within city limits, 90 percent of places that serve alcohol (such as restaurants), and some retail locations that sell alcohol. As a result of the personal contact between officers, patrons, owners and employees of the primary liquor establishments, none of those arrested for DUI reported drinking at any of the primary establishments. Additionally, approximately 6,300 pamphlets were distributed.

Grantee: Nogales Police Department
Award: \$3,010
Project Title: Innovative Web Site Project

Project Description: Nogales Police Department was to update the police department's web site to provide the public with up-to-date information concerning DUI awareness. Additionally informative pamphlets were to be developed and distributed.

Results: Funding allowed for the research to be conducted for media and public service options on the police agency web site.

Grantee: Phoenix Police Department
Award: \$53,560
Project Title: Horizontal Gaze Nystagmus Training for Patrol Officers

Project Description: Grant funds were to be used to train 60 first responder patrol officers on Horizontal Gaze Nystagmus (HGN) and Standardized Field Sobriety Testing (SFST). The course was three days in length, two days spent in the classroom and a third day dedicated to class presentations and skill practice.

Results: Police instructors assigned to the Traffic Bureau provided HGN/SFST training to 60 patrol officers who are first responders.

Grantee: Phoenix City Prosecutor's Office
Award: \$38,000
Project Title: Case Interface Project

Project Description: The Case Interface Project was a joint project between the Phoenix Prosecutor's Office and the Phoenix Municipal Court and included data entered by the Phoenix Public Defender's Office. Programming modifications were to be made to the court's case management system (CMS) to electronically send data contained on docket reports, prosecutor cards and discovery demands to the Prosecutor's Office's Electronic Prosecutor Records Organization (ePRO) system for DUI cases.

Results: The City of Phoenix Case Interface Project successfully increased the electronic communication between the Prosecutor's Office ePRO system and the court's case management system (CMS). Receiving data electronically centralized information in ePRO, reduced reliance on the court's CMS, reduced data entry, reduced the number of paper reports received from the court and enabled the prosecutor's office to create new electronic processes for DUI cases.

Grantee: Pima County Attorney's Office

Award: \$11,564

Project Title: Use Technology to Improve DUI Offender Accountability

Project Description: The Pima County Attorney's Office purchased "Visual Statement" software, which enabled the development of a 2-D or 3-D graphic re-creation display of evidence. Additionally two staff members were sent for software training.

Results: The Pima County Attorney's Office had two key staff members attend the training on "Visual Statement" software. The hardware and software have been purchased. The first case in which the software was to be used was set for November 2010. The software was to re-create the impaired driver operating under the influence based on evidence gathered by police.

Grantee: Tucson Police Department

Award: \$20,044

Project Title: Courtroom Testimony Training

Project Description: Tucson Police Department developed and taught a three-part class on testifying in court for DUI cases to field patrol officers. The course covered DUI search warrants and attorney interviews, MVD and motion hearings and mock courtroom testimony.

Results: A total of 105 officers attended the seven sessions of the three-part class on testifying in court. Classroom instruction and practice experience were designed to increase the effectiveness of telephonic search warrants, trial preparation and courtroom testimony in the area of impaired driving investigations for field patrol officers. The first block covered DUI search warrants and attorney interviews. The second block covered MVD and motion hearings, including hearsay issues and simulated hearings with students testifying. The last block was conducted in a courtroom setting and included local prosecutors. Each student was required to spend about 45 minutes on the stand through both direct and cross examination. The officers highly ranked the training with an average score of 4.7 out of 5.