

Minutes  
Escondido Democratic Club  
General Meeting, May 8, 2010

The meeting was **called to order** by President Paul McNamara at **10:31 AM** .

**Candidates and Elected Officials Announcements:**

Paul Garver, Candidate for the 75th Assembly district, Richard Barron and Jason Everitt, candidates for Escondido City Council, all addressed the members briefly. Howard Katz, Candidate for the 49th Congressional District, spoke at length to the membership about his platform.

Enough members were present to form a **quorum**.

The membership recited the **Pledge of Allegiance to the Flag**.

Richard Moore moved that the **minutes of the March General Meeting** .be approved. Dan Buse seconded the motion which was passed by the membership.

**Report of Executive board Actions**

Paul McNamara reported that the Executive Board had recommended that the membership approve a resolution on Check Points, which would be presented after the presentation on that subject. He noted that the discussion and vote on the Club's tagline would be delayed to the June meeting as this meeting had such a full agenda.

**Report of communications received/acted upon:** no communications were reported.

**Reports of the Vice Presidents and Committee Chairs:** (In order to save time for a long meeting, Paul McNamara made the reports.)

**Report of the Treasurer:**

Paul McNamara presented the Treasurer's Report--a copy is included with these minutes.

**Report of the Vice President for Political Action:**

Paul noted that the U. S. . Mayors Climate Protection was still an ongoing project, as was the Movie Night project. A volunteer to head up the Movie Night project is needed. Chris Nava said that Allison Marks had enough volunteers to for Voter Registration at the Street Faire.

**Report of the Vice President for Membership:**

Paul reminded the members to pay their dues on time--if they had any questions they should check with Membership V.P. Jason Everitt. Paul asked for volunteers to help with the upcoming Escondido Street Faire.

**Report of the Vice President for Communications:**

Paul asked the members to review the TAGLINE Project on-line so they would be ready to vote at the next meeting. He noted that the North County Times had a front page, above the fold, article about the EDC after the April meeting. He also noted that Margaret Liles had and Op. Ed. responding to Sam Abed's comments in that article printed.

### **Report of Committee Chairs:**

Paul noted that the Volunteer Coordinator, Grace Sloan, needed volunteer, especially a volunteer to head up the Street Faire Committee. Richard Barron noted that he would also have a booth at the Street Faire that would be directly in front of his office at Grand and Broadway.

### **Report of the President.:**

President Paul McNamara had gone to the Council of Clubs meeting which had been at the same time as the state Democratic Party Convention.

Rick Bova reported on the Central Committee Meeting where he learned that the Roosevelt Dinner had netted over \$30K. A representative from the Organization that had basically replaced ACORN had spoken to the Central Committee. The Committee passed a Resolution to oppose Arizona's anti-immigration bill--but they had delayed final publication until it had been okayed by the Administrative Committee to make sure it was well written. Rick said the Committee had considered what action to take in response to a Republican effort to put brochures in with sample ballots.

Paul noted that several EDC members had attended the State Party Convention.

### **Items brought forth by the membership for the good of the Order.**

San Diego Superior Court Judge Robert Longstreth, and current candidate for that office, spoke to the members at this time. He gave a brief bio, and list of his qualifications. He noted that a Christian-Right coalition had put forth their candidates for his and other Superior Court positions, but that their background and qualifications, which should be what mattered for the positions was not very good compared to his own and other incumbents like Lantz Lewis.

Paul noted that the **next meeting** would be at 10:30 AM on June 12, at the Main Library in Escondido and would be about immigration issues, local and national.

### **Endorsements:**

Paul McNamara noted that the Executive Board had recommended that the members vote to endorse as a group: **Howard Katz for the 49th Congressional district, Gila Jones for the 38th State Senate District, Crystal Crawford for the 74th Assembly District, and Dr. Paul Garver for the 75th Assembly District.** Jason Everitt moved that such an endorsement be made. Rick Bova seconded the motion. One visitor (not a member) objected to the blanket endorsement stating that he felt the Club should not endorse candidates unless they made the effort to come to the Club meeting. Rick Moore noted that these candidates, except Gila Jones, had all spoken to the club at one point in time, and that they were all unopposed on the Democratic Primary ballot. After some further discussion the motion was called, and passed overwhelmingly.

Paul had also noted that the Executive Board had recommend that the club **Support Propositions 13 and 15, Oppose Propositions 16 and 17, and take no position on Proposition 14 (which are opposed by the SDCDP and CDP,)** and vote on these positions in one vote. Rick Bova requested that Prop. 14 be pulled to be considered separately. Nova Morgan moved that the club endorse or not endorse props 13, 15, 16, and 17 accordingly. Jason Everitt seconded the motion. The motion was passed without dissent.

Rick Bova then moved that the club vote to **oppose Proposition 14** as it would mean that a Democratic candidate, in a Democratic district, might have to campaign against another Democrat in the November election, even after winning the Primary election. Dan Buse seconded the motion. Barbara Bell noted that this "open primary" might not be entirely

beneficial to the Democratic Party, but could be very beneficial to voters. Margaret Liles noted that in a very conservative district like hers, an open primary might mean a less objectionable member of Congress than Daryl Issa. The motion was passed with a 60% majority of members present as required by the bylaws.

Paul asked for a motion to **take no position on the candidate for the Fifth County Supervisorial District, Fabio Marchi**. Thor Emblem moved to endorse Fabio Marchi, noting that he was the only Democrat running for the position, and had shown enthusiasm and would bring much-needed new ideas to the Board of Supervisors (BOD). Michael Ann Mareck seconded the motion. A member noted that she could not endorse Mr. Marchi, as his actions at a meeting she had attended indicated he had difficulty observing simple rules of conduct. Margaret Liles noted that Mr. Marchi was a developer and Realtor, and that the B.O.D. was already over influenced by the building industry. The motion failed to get the required 60%. Rick Bova then moved that Mr. Marchi be rated "acceptable" by the club. Thor Emblem seconded the motion, which carried.

The members then turned their attention to the contested **50th Congressional District Primary** race. Thor Emblem spoke in support of candidate **Traci Emblem**, noting her outstanding legal experience. Estevan Montemayor spoke for **Francine Busby**, noting how much she had done for the San Diego Democrats. Dan Buse spoke for Traci, noting that she was the candidate that was enthusiastically supported by Labor. Chris Nava then spoke for Francine Busby, noting how well she was able to "get things done." Olga Diaz added that Francine had been a wonderful mentor to Olga during Olga's campaign for City Council. Rick Bova moved that the members endorse Francine Busby, and Chris Nava seconded the motion. The motion failed to get the required 60% majority. Thor Emblem then moved that the club endorse Traci Emblem, and the motion was seconded by a member. That motion also failed to get a 60% majority. Several members had abstained from both votes. Thor Emblem then moved that Traci Emblem be rated acceptable by the clubs. Dan Buse seconded the motion. That motion carried overwhelmingly. Michael Ann Mareck then moved that Francine Busby be rated acceptable by the Club. Olga Diaz seconded the motion. That motion was also passed overwhelmingly.

### **Issues Forum: Checkpoints**

Margaret Liles made a Power Point presentation on Drivers' License/Driving under the Influence checkpoints. Based on the data her research revealed, she concluded that these checkpoints were not an effective use of police time or taxpayer money. Although they were a good source of revenue to towing companies and cities, she questioned whether it was good governance to impose such fees on those least able to pay them. Escondido Police Chief Jim Maher argued that such checkpoints were indeed their most effective tool for stopping hit and runs and DUIs. He noted that hit and runs had been decreased by them considerably in Escondido--he provided no actual data.

Paul McNamara they presented a Resolution on Checkpoints that the EDC would vote on at the June 12 meeting. A copy of this Resolution is included with these minutes as well as a copy of the power point presentation.

The meeting was **adjourned** by Paul McNamara at 12:23 pm.

# ADDENDA

1

## Treasurer's Report: Current Month Cash Flow Statement and Account

<b>Balances</b>	
Opening Account Balances (3/31/2010):	\$4,927.07
<b>Receipts</b>	
Donations	\$15.00
EDC Fund Raising	\$14.00
Membership	\$245.00
Total Receipts	\$274.00
<b>Expenses</b>	
EDC Operating Expenses	\$8.80
Education and Outreach	\$125.00
Political Action	\$0.00
Membership	\$0.00
EDC Fundraising	\$0.00
Total Expenses	\$133.80
<b>Net Cash Flow</b>	140.20
Closing Account Balances (4/30/2010):	\$5,067.27



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## 2. Check Point Resolution

ESCONDIDO DEMOCRATIC CLUB ]

MAY 8, 2010

### RESOLUTION REGARDING ESCONDIDO' S TRAFFIC CHECKPOINTS

**WHEREAS**, it has been declared in 2005 by the Ninth Circuit Court of Appeals that lack of a valid driver's license is not a sufficient reason to impound a car, and is an "unreasonable seizure under the Fourth Amendment of the United States Constitution," the Escondido Democratic Club (EDC) questions the Constitutionality of the Escondido Police Department's use of such impounds.

**WHEREAS**, the prime purpose of driver's license(DL)/driving under the influence (DUI) checkpoints is to get unlicensed and drunk drivers off the road, and while unlicensed drivers as a whole do represent a population more likely to be involved in fatal accidents than licensed drivers, the information on unlicensed drivers does not determine what percent of unlicensed drivers are illegal immigrants, so it is not proven that illegal immigrants are more dangerous drivers than the general population of drivers. Also, drivers stopped at DUI/DL checkpoints who have no license will have their cars impounded for a minimum of 30 days (average fee: \$2,000), while those stopped and arrested for DUI's with a licenses can get their cars the next day. The EDC finds this practice of DUI/DL stops to be an excessively punitive practice on residents least able to afford such fees.

**WHEREAS**, the remuneration for such impounding of cars is profitable to the towing companies employed by the City of Escondido, and an addition to the budget of the City, the EDC finds such a practice to be contrary to good governance.

**WHEREAS**, only 0.48% of all drivers screened in California at DL/DUI checkpoints were arrested for DUI or other criminal reasons, while in the roving/saturation patrols (DUI/sat.) vehicle stops 18 percent of the drivers in vehicle stops were arrested, and, further, each DL/DUI checkpoint cost the taxpayers \$4,000 and the DUI/sat. patrols cost the taxpayers \$16,000, the EDC finds that the DL/DUI checkpoints a non-cost effective use of taxpayer funds.

**WHEREAS**, while most cities in California showed a decrease in violent crime in 2009, compared to 2008, the City of Escondido showed a 22 percent increase in violent crime over that same period, the EDC feels that the Escondido Police Department's time has been ineffectively spent on the DL/DUI checkpoints, and would have been better spent on routine patrols.

**BE IT RESOLVED**, that the Escondido Democratic Club recommends that the City of Escondido henceforth desist from further DUI/DL checkpoints, and use those funds allocated for DUI reduction in roving/saturation patrols.

# 3 Check Point Presentation

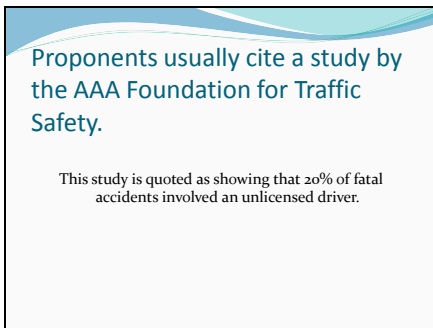
Slide 1



Slide 2



Slide 3



Slide 4

### An Updated Study Shows:

- From 2001 to 1005: Average 58,423 drivers involved in 38,505 fatal crashes.
- An average of 8,030 drivers (13.7% of such drivers) involved in 7,579 fatal crashes (19.9 % of such crashes.)

Slide 5

**Table 1. Fatal crashes and deaths by license status of drivers involved, 2001-2005, totals and annual averages.**

	All Validly Licensed		Unlicensed / Invalid*		Unknown**		Total Unlicensed / Invalid / Unknown		Total
	Crashes	%	Crashes	%	Crashes	%	Crashes	%	
Average	30,827	80.1	6,302	16.4	1,376	3.6	7,679	19.9	38,505
Total	154,133		31,512		6,881		38,393		192,526
	Deaths		Deaths		Deaths		Deaths		Total
	Deaths	%	Deaths	%	Deaths	%	Deaths	%	
Average	34,065	79.5	7,343	16.9	1,558	3.6	8,901	20.5	42,866
Total	170,426		36,213		7,792		44,005		214,431

\* Unlicensed / Invalid category includes all crashes that involved at least one driver known to be unlicensed or invalidly licensed.  
 \*\* Unknown category includes all crashes involving one or more drivers whose license status could not be determined, and no drivers known to be unlicensed or licensed invalidly. All crashes involving any drivers known to be unlicensed or licensed invalidly were reported in Unlicensed / Invalid category.

Slide 6

**But note they do not sort out those unlicensed drivers who have no license because they are illegal immigrants. They do note that only 4% of those drivers involved in fatal accidents are classified as "unlicensed" which would also include under-aged drivers. Another 2.6 % classified as "Unknown" (hit and run drivers):**

**Table 2. Drivers involved in fatal crashes by driver license status at time of crash, 2001-2005, annual averages and totals.**

	Valid		Unlicensed		Suspended / Revoked		Expired / Canceled / Denied		Unknown		Total Unlicensed/Invalid/Unknown		Total
	Drivers	%	Drivers	%	Drivers	%	Drivers	%	Drivers	%	Drivers	%	
Average	50,393	86.3	2,423	4.1	3,499	6.0	610	1.0	1,519	2.6	6,020	13.7	58,423
Total	251,964		12,210		17,493		3,051		7,594		40,181		292,118

## Slide 7

In 2005, the Ninth Circuit Court of Appeals ruled that lack of a valid driver's license was not sufficient reason to impound a car. Since that decision the CHP has no longer done so—but local police departments have continued to do so at an increased rate.



## Slide 8

Unconstitutional? Calif. A.G. waiting for decision on another case.

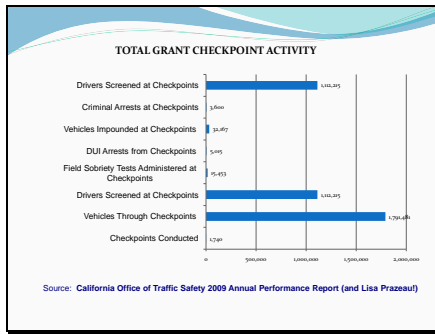
- If you are stopped at a traffic check and have your car impounded for a DUI— you can pick up your car the next day.
- If you are stopped and your car is impounded because you have no driver's license, you cannot get your car for a month. (Average cost: \$2,000.) Most undocumented workers simply buy another car.

## Slide 9

So, what is the result of all these traffic checks?

- Let's look at California

Slide 10



Slide 11

Date	11/21/00	12/5/00	1/21/00	5/24/00	1/31/01	3/13/01	2/27/01	3/12/01	4/10/01	4/23/01	
Type	Motor										
Funding	DUI/DL	DUI/DL	Sub	DUI/DL	DUI/DL	DUI/DL	DUI/DL	DUI/DL	DUI/DL	DUI/DL	
	OTS	OTS		OTS	OTS	OTS	OTS	OTS	OTS	OTS	
# vehicles entered	2472	1159		3036	2132	2073	1948	1415	1605	2779	
# vehicles screened in primary	1647	950		1438	1057	1112	1225	1058	1191	1392	
# vehicles in secondary	105	28		71	21	92	84	65	82	60	
# arrested for dui	3	3		2	8	1	0	3	3	5	
# arrested for controlled substance	1	1					2		1		
# arrested for stolen vehicle	0	0					1				
# arrested for being drunk in public							1				
# arrested for false documents					1		1	1			
Warranted for warrant											
Warranted for evading officers											
Warranted for parole violation											
Warranted for felony											
Warranted for misdemeanors											
# field sobriety checks	4	6		8	7	4	3	5	6	5	
# vehicles impounded	46	48		29	14	40	34	25	36	34	
# out of compliance	7	10		6	7	12	5	7	2	2	
# suspended license	10	4		5	13	22	4	5	5	5	
# out of license	36	44		34	20	9	30	24	20	20	
# licenses issued	51	49		263	85	42	41	35	40	37	
Out of Compliance Rate	2%	4%		3%	2%	1%	3%	2%	1%	1%	
hours	6pm-7am	7am-12am		6pm-12am	12-10am	10am-12am	midnight-6am	6am-12am	12-10am	10am-12am	
location	fg	ca	hill	agency	8	beavis	ash	fg	purispa	ca	hill
											W. Grand

Slide 12

So only (Statewide) 0.48 % of the drivers screened were arrested at checkpoints.

People arrested at checkpoints 8,615  
 Vehicles impounded at checkpoints 32,167  
 Drivers screened at checkpoints 1,112,215

Slide 13

### So What's the real purpose here?

- 32,167 VIC × \$2,000 (an estimated average for towing/storage for 30 days) = ~~\$64,334,000~~
- Seems like the checkpoints are much more effective at getting criminal vehicles off the road vs. actual criminal persons! And obviously impounds generate a significant amount of revenue: **\$64 Million**

Slide 14

Is it good public policy to extract these excessive fees from those who can least afford it? Could it be that the owners of the towing companies that make obscene profits on this policy have some influence on the continuation of this policy?

- And, is this really a good, effective use of police time?
- Note in the following slide for Escondido data that the DUI Roving/Saturation patrols were just as effective for stopping DUI's.

Slide 15

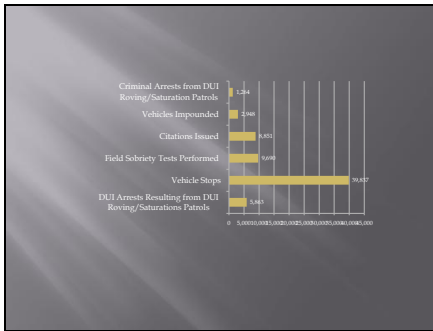
Date	11/28/2008		8/7/2009		11/27/2009		12/28/2009		2/22/2010		4/24/2010	
Type	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.	DUI Sat.
Funding	OTS	OTS	OTS	OTS	OTS	OTS	OTS	OTS	OTS	OTS	OTS	OTS
# vehicles entered												
# vehicles screened in primary												
# vehicles to secondary												
# arrested for dui	3	7	2	4	4	2						
# arrested for controlled substance				1	0							
# arrested for stolen vehicle				1	0							
# arrested for being drunk in public												
# arrested for false documents									1			
# arrested for warrant												
# arrested for evading officers	1											
# arrested for parole violation												
# arrested for felony			1									1
# arrested for misdemeanors			3									
# field sobriety checks		22		11	6	17	12					
# vehicles impounded	12	21		13	11	9	10					
# without insurance												
# suspended license												2
#/out license												
# citations issued	31	36		35	39	47	45					
Out of Compliance Rate												
hours	5pm-1am		5pm-1am		6pm-2am		6pm-2am					

Slide 16

Here are the stats from Calif.  
Source: California Office of Traffic Safety 2009 Annual Performance Report (and Lisa Prazeau!)

Supporting "DUI AVOID" Activities	NUMBER
DUI Roving/Saturation/Task Force Patrols Conducted	3,058
DUI Arrests Resulting from DUI Roving/Saturations Patrols	5,863
Vehicle Stops	39,837
Field Sobriety Tests Performed	9,690
Citations Issued	8,851
Vehicles Impounded	2,244
Criminal Arrests from DUI Roving/Saturation Patrols	1,264

Slide 17



Slide 18

**18 PERCENT** of total DUI roving/saturation patrol vehicle stops resulted in arrests.

- $7,127(\text{total arrests}) \div 39,837 (\text{VS}) = 18\%$
- Compare that to less than 1 % for the DUI/ Drivers License stops!
- And each DUI Sat. patrol costs \$4,000—the DL/DUI checkpoints each cost \$16,000

Slide 19

What of the loss of police time to other tasks—like preventing crime?

According to the FBI:

Slide 20

City	year	Population <sup>1</sup>	Violent crime	Property crimes
ESCONDIDO	2008	138,508	262	2,036
	2009		318	2,014
OCEANSIDE	2008	169,502	383	2,052
	2009		368	2,060
ONTARIO	2008	172,543	424	2,758
	2009		380	2,576
ORANGE	2008	134,852	105	1,575
	2009		79	1,238
PALMDALE	2008	144,109	437	1,942
	2009		390	1,862
PASADENA	2008	144,545	316	2,087
	2009		238	2,016
POMONA	2008	153,201	553	2,525
	2009		473	1,952
SAN BERNARDINO	2008	200,617	864	4,515
	2009		960	4,650
SANTA ROSA	2008	154,874	373	1,706
	2009		399	2,287
LOS ANGELES	2008	3,850,920	12,986	49,276
	2009		11,617	42,900
SAN DIEGO	2008	1,271,655	2,585	19,984
	2009		2,907	16,365

Slide 21

That's a 22 % increase in violent crime!