

“To Be Delivered” Material
For
City of Sacramento
Law and Legislation Committee
Agenda Packet

Submitted: February 15, 2005

For the Meeting of: February 15, 2005

The attached materials were not available at the time the Agenda Packet was prepared.

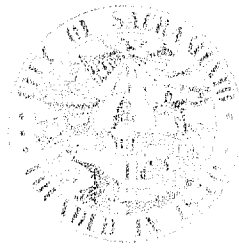
Subject: SUPPORT LEGISLATION WHICH WOULD
ALLOW A DUI VEHICLE IMPOUND
PROGRAM



Approved By:

Please include this “To Be Delivered” material in your agenda packet. This material will also be published to the City’s Intranet.

For additional information, contact the City Clerk Department at Interim City Hall, 730 I Street, Suite 211, Sacramento, CA 95814-2671 – (916) 808-7200.



OFFICE OF THE
CITY MANAGER

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 304
730 I STREET
SACRAMENTO, CA
95814

PH 916-808-5704
FAX 916-808-7618

February 11, 2005

Law & Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: SUPPORT LEGISLATION WHICH WOULD ALLOW A DUI
VEHICLE IMPOUND PROGRAM**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

This report recommends that the Law and Legislation Committee support legislation which would amend current law to allow a program to discourage driving under the influence (DUI) by impounding of DUI drivers' vehicles and direct staff to forward a resolution to the full City Council supporting the concept of a pilot of such a program should legislation be enacted.

CONTACTS: Albert Najera, Chief of Police, 433-0800
Patti Bisharat, Special Projects Manager, 808-8197

FOR THE MEETING OF: February 15, 2005

SUMMARY

The Sacramento County Breath Alcohol Testing and Vehicle Impoundment Project is a partnership among the two primary trauma centers (Mercy San Juan and UC Davis Med Center), the California Highway Patrol, Sacramento County Sheriff, City of Sacramento Police Department and the community anti-drug coalition (Project Help) to reduce driving under the influence and its consequences in Sacramento County. Legislation is currently being authored at

the State Capitol which would revise current law to allow the impounding of DUI drivers' vehicles including first-time offenders. The legislation is being co-authored by Senator Cox, Senator Torlakson and Assembly Member Jones. With this new legislation in place, a pilot effort to measure the potential positive impacts on DUI injuries and fatalities could be undertaken.

Staff is recommending the Law & Legislation take a position supporting such legislation. A draft of the support letter is included as Attachment A. This report also recommends that the Law & Legislation Committee direct staff to forward the attached resolution to the full City Council supporting the concept of a pilot of the DUI Driver Vehicle Impound Program pending the passage of the enabling legislation. If it is the Council's desire to participate in the program at that time, staff will report back with an analysis of the cost for Council's consideration.

BACKGROUND

As a national problem, driving under the influence (DUI) has decreased greatly over the past 20 years. However, over the last five years impaired driving rates have risen both nationally and locally. The state has experienced a 32% increase in persons killed in alcohol-involved collisions since 1998.

In 2002, Sacramento experienced 1,028 alcohol-involved fatal and injury collisions. Repeat offenders account for one-third of the drivers in fatal alcohol-involved collisions. The data estimates that a person drives 300-2,000 times while drunk prior to being arrested.

Society has tried to address the DUI problem through penalties, education programs, rehabilitation, treatment and sanctions such as vehicle impounds. Vehicle impounds have resulted in reduced recidivism of 50% while the vehicle was impounded and 20% after the vehicle was returned. However, existing state law does not provide for impoundment on a first offense. With a lack of intensive intervention from law enforcement, the community has lost the message that DUI is risky behavior with substantial consequences. For youth, the message is even longer out of date. More needs to be done to increase the chances of being caught; establish consequences that are substantial, tangible and immediate; establish partnerships; and to raise public awareness and knowledge about the nature and extent of the problem.

The proposed solution is a partnership among the two primary trauma centers (Mercy San Juan and UC David Med Center), the California Highway Patrol, local law enforcement, and Project Help, a community anti-drug coalition, to reduce DUI in Sacramento County. The two trauma centers will work with CHP and local law enforcement to saturate the community with DUI interventions (roving and checkpoints). A media campaign will increase public awareness of the

increased enforcement efforts to deter DUI. With ongoing media attention, law enforcement will initiate DUI stops and test suspected impaired drivers.

Contingent upon legal authority to do so, law enforcement will impound and hold for 30 days the vehicle of any driver who tests above the legal limit. This component of the effort may require local or state legislative advocacy with regard to first offenders, and this project is contingent upon clear legal authority for that component. In addition, impaired drivers will receive an alcohol screening/assessment and be referred to treatment centers including patient follow-up.

This report recommends that the Law and Legislation Committee support proposed legislation which would revise existing law to allow impoundment of DUI drivers' vehicles including first-time offenders and direct staff to bring a resolution supporting the concept of a pilot program of this effort to the full City Council.

FINANCIAL CONSIDERATIONS

The recommendations of this report have no financial impact to the City. Following approval of the proposed legislation, staff would report back on the potential operational costs to support a pilot program. The Sacramento County Breath Alcohol Testing and Vehicle Impoundment Project has submitted a proposal to the State of California to provide funding for a two-year pilot effort.

ENVIRONMENTAL CONSIDERATIONS

This report concerns administrative activities that will not have any significant effect on the environment, and that do not constitute a "project" as defined by the California Environmental Quality Act (CEQA) [CEQA Guidelines Sections 15061(b)(3); 15378(b)].

POLICY CONSIDERATIONS

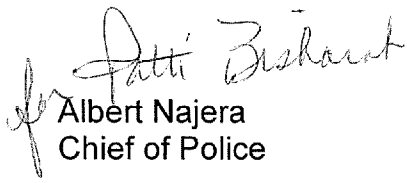
The recommendations of this report are consistent with the City Council Strategic Plan 3-year goal of improving and expanding public safety.

ESBD CONSIDERATIONS

No goods or services are being purchased under this report.

Law & Legislation Committee
DUI Driver Vehicle Impound Program
February 15, 2005

Respectfully submitted,


Albert Najera
Chief of Police


Patti Bisharat
Special Projects Manager

RECOMMENDATION APPROVED:

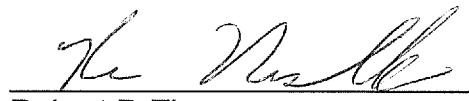

Robert P. Thomas
City Manager

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Law & Legislation Committee
DUI Driver Vehicle Impound Program
February 15, 2005

February 16, 2005

Honorable David Cox
California State Senate
State Capitol, Room 2068
Sacramento, CA 95814

RE: SUPPORT OF LEGISLATION TO ALLOW A DRIVING UNDER THE
INFLUENCE VEHICLE IMPOUND PROGRAM

Dear Senator Cox:

On behalf of the City of Sacramento, I am please to support your proposed legislation which would allow impoundment of vehicles of drivers arrested for driving under the influence including first-time offenders

The City shares your concern about the increase in the number of alcohol-related fatal and injury collisions in the Sacramento area and the need for an innovative approach to discourage driving under the influence.

Sincerely,

LAUREN HAMMOND, Chair
Law and Legislation Committee

Cc: Mayor Fargo and Member of the City Council
Senator Tom Torlakson
Senator Deborah Ortiz
Assembly Member Dave Jones

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SACRAMENTO, CALIFORNIA SUPPORTING THE CONCEPT OF A DUI DRIVER VEHICLE IMPOUND PROGRAM

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:

WHEREAS, there is overwhelming data which shows driving while impaired by alcohol and/or other drugs is a national problem; both the national and local rates of impaired driving have risen over the last five years; and emergency rooms in Sacramento continue to witness the adverse consequences of impaired driving - victims and perpetrators; and

WHEREAS, Dr. Leon Owens, MD, Head of Mercy San Juan Trauma Center is spearheading a collaborative effort to support a pilot project in Sacramento County designed to reduce the number of impaired drivers in Sacramento County; and

WHEREAS, the proposed pilot project (Community Impaired Driver Project) is a partnership among the two primary trauma centers located in Sacramento (Mercy San Juan and UC Davis Medical Center), law enforcement (California Highway Patrol, County Sheriff and City Police Departments), the community anti-drug coalition (Project Help), and elected and community leaders; and

WHEREAS, the objective of the pilot project is to saturate the community with DUI interventions, impact drivers through immediate consequences for driving while intoxicated, and to also launch a public relations campaign to inform the public of the increased enforcement efforts and consequences of driving under the influence.

WHEREAS, the City supports legislation which would change existing law to allow for impounding the vehicles of drivers driving under the influence,

NOW THEREFORE, BE IT RESOLVED that the City Council hereby expresses its support for the concept of a DUI Driver Vehicle Impoundment Pilot Program pending passage of the enabling legislation.

MAYOR

ATTEST:

City Clerk