

# CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

Subject: **EMERGENCY RESPONSE TO DUI INCIDENT/ACCIDENT**

## INTENT

This policy explains the procedure to be used when an individual is driving under the influence of alcohol and/or drugs, and his/her negligent operation of a motor vehicle results in a traffic accident, or other incident requiring an emergency response by police officers.

## POLICY

Government Code Sections 53150 through 53158 authorize municipalities to charge a fee to individuals for emergency responses as a result of driving while under the influence of alcohol and/or drugs.

- A. "Emergency Response" shall be defined as any traffic related situation caused by an individual under the influence of alcohol and/or drugs, and whose negligent driving results in police officers having to use both red light and siren to respond to the scene, or to cause the intoxicated driver to yield.
- B. Government Code 53150 applies only when the suspect driver was actually taken into custody for driving under the influence; or when the officer filed "long form" charges due to injury of the driver, fleeing the scene, etc.
- C. A presumption of being under the influence of alcohol and/or drugs shall be the same as described in sections 23152, 23153, and 23155 of the Vehicle Code.

## PROCEDURE

### A. Arresting Officer Responsibility

When it is determined an individual is in violation of Sections 23152 or 23153 of the Vehicle Code, and whose negligent driving resulted in an emergency response and/or a traffic accident, the arresting officer shall advise the watch commander, and supply the relevant information.

### B. Watch Commander Responsibility

Once the watch commander has been notified an individual has been arrested for 23152/23153, or is being charged "long form", he/she shall complete the proper form, and attach a copy of the booking sheet and face page of relevant reports, and direct same to the Finance Department.

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## C. Finance Department Responsibility

Upon receipt of the DUI Emergency Response Form, the Finance Department will bill the offender, and collect fees. Fees for those subject to G.C. 53150 -53158 shall be \$180 per emergency response, and \$36 for an emergency response as the result of an accident. These fees shall be subject to annual review and adjustment by the Finance Department, but shall never be in excess of \$1,000, per G.C. 53155

## DUI EMERGENCY RESPONSE FORM

This form shall include: The driver's complete name, mailing and home address; case number, location, date, and time of incident; and notation as to type of incident, i.e., traffic stop, failure to yield, pursuit, collision, or other.

|   |                   |
|---|-------------------|
| <b>DUI EMERGENCY RESPONSE</b>   | <b>CR#:</b> _____ |
| <b>DATE:</b> _____ <b>TIME:</b> _____ <b>LOCATION:</b> _____                              |                   |
| <b>RESPONSIBLE PARTY:</b> _____<br><small>(LAST NAME, FIRST NAME, MIDDLE INITIAL)</small> |                   |
| <b>MAILING ADDRESS:</b> _____   |                   |
| <b>STREET ADDRESS:</b> _____  |                   |
| <b>TYPE OF INCIDENT</b>   |                   |
| <input type="checkbox"/> <b>TRAFFIC STOP</b>  |                   |
| <input type="checkbox"/> <b>FAILURE TO YIELD</b>  |                   |
| <input type="checkbox"/> <b>PURSUIT</b>   |                   |
| <input type="checkbox"/> <b>COLLISION</b>   |                   |
| <input type="checkbox"/> <b>OTHER:</b> _____  |                   |

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