

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
September 15, 2005
9:30 A.M.

To: Board of Supervisors

From: Sheriff's Department

Subject: REPORT BACK - The Potential For Funding Additional California Highway Patrol (CHP) Resources Through The County To Increase Traffic Enforcement In The Unincorporated Area

Contact: Assistant Sheriff David Lind, 874-5094

Overview

The Board of Supervisors has requested that the Sheriff's Department provide a Report Back concerning the potential for using additional, local funding to provide more California Highway Patrol (CHP) traffic enforcement in the Unincorporated Area.

Recommendation

That the Board receives and files this report.

Measures/Evaluation

The expenditure of county time will have a measurable effect upon improving Vehicle Code enforcement within the unincorporated areas of the County. This will allow our County residents to feel safer on the streets in their neighborhoods, whether driving a vehicle, riding a bicycle or walking.

Fiscal Impact

The County may receive additional Vehicle Code fine revenues. The exact amount is unknown.

BACKGROUND:

The Board of Supervisors and the Sheriff share a concern with the problem of speeding and other traffic enforcement issues within the Unincorporated Area. Unfortunately, California State Government Code does not permit the use of County Funds for traffic enforcement.

Government Code Section 29601, enumeration of expenses constituting county charges, provides that county charges do not include "except as to violations of 23152 of the Vehicle Code,...the detection of those crimes declared to be misdemeanors by the Vehicle Code. This section has long been interpreted—throughout the State—as precluding the dedication of County Funds for traffic enforcement. (Note: Vehicle Code section 23152 deals with offenses involving alcohol or drugs.)

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“The express exclusion of expenses incurred in the detection of Vehicle Code misdemeanors, except section 23152, from proper county charges contained in section 29601 was intended primarily as a financial provision to prevent a needless and costly waste of county funds for the detection of Vehicle Code misdemeanors. The legislature, by excluding Vehicle Code misdemeanor detection expenses from county charges, intended to promote a comprehensive and uniform system of traffic regulation and to avoid an unnecessary, expensive, and difficult dual-defection system of Vehicle Code misdemeanors by both state and county officers,” 36 Ops. Atty. Gen. 271, 272.

We believe that this opinion does not permit the use of County Funds for traffic enforcement under any circumstances—whether that be the funding of either additional Deputy Sheriffs or additional California Highway Patrol Officers.

This same opinion further construes 29601 as providing that “the expenses incurred by a sheriff solely for the purpose of discovering misdemeanor violations of the Vehicle Code, such as speed laws, would not be a proper county charge,” *id.* at 273. However, this construction makes it clear that this section does not prevent the sheriff from engaging in incidental traffic enforcement.

“Under section 29601, expenses necessarily incurred by the Sheriff solely in the detection of Vehicle Code misdemeanors, other than section 23152, are not proper county charges, but such section does not prevent the Sheriff or his deputies from enforcing Vehicle Code misdemeanor violations observed by the Sheriff or his deputies while engaged in their general law enforcement duties in the county,” *id.*

DISCUSSION:

Under the current law, the County simply cannot spend its funds to enforce the Vehicle Code, other than Section 23152—which deals with alcohol and drug related offenses. Several unsuccessful efforts have been made in the past to change the law. These proposed changes would have provided Sheriff’s Departments with the authority to enforce the Vehicle Code. Each of these was met with steadfast resistance on the part of the California Highway Patrol and its officers. There is no reason to believe that any similar effort now would have any measure of success.

This would not prevent the County from sponsoring legislation allowing the expenditure of County funds to pay for additional California Highway Patrol Officers to enforce the Vehicle Code in the Unincorporated Area. We believe that the California Highway Patrol would, naturally, support such an effort. Nevertheless, we believe that specific enabling legislation is needed to allow these expenditures. We do not believe that the Board should seek such a change at this time.

We believe that the current law provides the California Highway Patrol with both the authority to and the resources for enforcing the Vehicle Code within the Unincorporated Area. We believe that the Sheriff’s department, working in conjunction with our many

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neighborhood associations, can persuade the California Highway Patrol to increase—to an acceptable level--its enforcement of the law within the unincorporated area of the county. The Sheriff can and will continue to enforce Vehicle Code violations to the limits provided for by the law.

MEASURES/EVALUATION:

The expenditure of county staff time will have a measurable effect upon improving Vehicle Code enforcement within the unincorporated area of the County. This will allow our County residents to feel safer on the streets in their neighborhoods—whether driving a vehicle, riding a bicycle, or walking.

FINANCIAL ANALYSIS:

There is no financial impact.

Respectfully submitted,

LOU BLANAS, Sheriff
Sheriff's Department