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**Police Department**

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## Staff Report

ITEM NO. 6

**To: Lemoore City Council**  
**From: Jeff Laws, Chief of Police**  
**Date: June 27, 2012**  
**Subject: Adjustment to Fee Schedule - DUI Arrest Procedure**

**Discussion:**

The City Attorney has advised us that a portion of the fees charged by the Department to those arrested for DUI may not be defensible under the recent Court ruling in the case of *California Highway Patrol v. Superior Court (Allende)* (2006) 135 Cal.App.4<sup>th</sup> 488. There must be an “incident” and though “incident” is undefined by the status, it contemplates something distinct from simply driving while impaired and being arrested. As a result of this advice, we have reexamined our DUI Arrest Procedure fees to bring them in line with the rules laid out in the ALLENDE case.

Our current DUI Arrest Procedure fees were adopted in March 2004 as a result of the User Fee Study Report. All the numbers utilized below were determined by this report. It was discovered that the Booking Fee of \$66.00 is included in the DUI Arrest amount. Therefore, the Demand for Payment of Booking Fees is no longer utilized. However, the DUI Arrest amount was reviewed (it had not been comprehensively reviewed since March of 2004) and it was discovered that the amount encompassed all the officers time from the moment the emergency lights went on to the moment the paperwork was complete. In actuality, the Demand for Payment for a DUI Arrest should only encompass the time above and beyond a normal traffic stop. Also, a typical DUI Arrest does not require EMS response. Therefore, the following fees have been recalculated based on the actual time spent on just the DUI portion of the arrest.

Current approved fee is based on the following:

Police Officer time	\$120.00	(\$40/hr x3)
Records/Evidence time	\$ 8.84	(\$26/hr x.34)
Booking fees	\$ 66.00	
EMS response costs	\$ 30.00	
	<u>\$224.84</u>	
2004 Fee	\$230.00	<i>Rounded up to the nearest ten</i>
Current Fee	\$290.00	

Recalculated fee is based on the following:

Police Officer time	\$ 88.40	(\$44.20/hr x2)
Records/Evidence time	\$ 9.39	(\$27.62/hr x.34)
Booking fees	\$ 66.00	
	<u>\$163.79</u>	
<b>RECOMMENDED FEE</b>	<b>\$165.00</b>	

**Budget Impact:**

We process approximately 70 DUI Arrests per year. Based on the reduction of \$125.00 per DUI Arrest Procedure, the general fund would be reduced by approximately \$8,750 per year.

**Recommendation:**

That the Lemoore City Council adopt Resolution Number 2012-27 with the recalculation of the DUI Arrest Procedure fees.