



GEORGIA'S

LAW ENFORCEMENT HIGHWAY SAFETY TEAM



Saving Lives and Funding with Georgia's Implied Consent Notice and BAL Testing

Dear Major Curt L. Harrell:

By this letter, we are respectfully requesting you and your public safety agency take every legal step to ensure Georgia's Implied Consent Notice laws and BAL Testing are engaged for every fatality crash in your jurisdiction. We make this request to save lives and ensure Federal funds are available to assist agencies in saving lives on Georgia's roadways.

Approximately 535 of Georgia's 1,700 crash deaths involve impaired drivers. A key State policy and strategy to lower impaired driver involved crash deaths is Georgia's Implied Consent and Impaired Driving Laws, O.C.G.A. Sections 40-5-55; 40-5-67.1; 40-6-392. These laws are designed to make the consequences of driving impaired in Georgia sufficiently dire to deter impaired driving in the first instance.

These laws only work with good enforcement. Fortunately, Georgia's law enforcement community is committed to enforcing Georgia's Implied Consent and Impaired Driving laws. This despite the fact the laws are both complicated to enforce on their face and have been modified by State Court of Appeals and State Supreme Court decisions.

Often the challenges associated with applying Georgia's Implied Consent Laws result in the BAL test not being administered. In Georgia, approximately 35% of the fatality crash reports show that a BAL test was administered and results documented. That means in approximately 65% of Georgia's fatality crashes the driver(s) were not tested or the results of the test were not reported.

Under applicable Federal law, Georgia must demonstrate it is increasing the BAL testing of drivers involved in a fatality crash by 1% or more per year in order to receive its full allotment of Federal dollars which are used to combat impaired driving in Georgia. This amounts to approximately \$4 million per year which is used by the Governor's Office of Highway Safety as grants to fund local agencies' impaired driving initiatives. These grants include our State's HEAT units, DUI Task Forces, Traffic Enforcement Networks, and GPSTC's DUI and DRE courses, amongst others.

Without these programs being funded and in place, Georgia will certainly experience more impaired driver crash deaths. That is why we ask that each and every fatality crash in your

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jurisdiction be fully investigated to determine if the driver was impaired and the results of that test properly reported. This especially includes where the driver is deceased, or where at first glance there may not be evidence of impairment.

Only by vigorously searching for all evidence which allows the legal application of Implied Consent and reporting the results will Georgia be able to meet the requirements tied to the Federal funding source. It is important to note the results of all tests count; including those showing an impairment below the legal limit and breath tests.

In order to ensure that all fatality crashes are fully investigated, the blood alcohol level of every deceased driver should be tested. The surviving driver involved in the fatality crash should be asked, pursuant to implied consent, to submit to a blood alcohol test when there is probable cause to believe that the surviving driver is under the influence of alcohol or drugs.

All of us thank you in advance for the outstanding efforts of your agency to combat impaired driving in the State of Georgia. By testing and reporting the results of the tests we will ensure the results of that effort are properly documented and funds used to save lives are retained.

Respectfully:

J. Terry Norris
Executive Vice President
Georgia Sheriffs' Association

Frank V. Rotondo
Executive Director
Georgia Association Chiefs of Police

Robert F. Dallas
Director
Governor's Office of Highway Safety

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