



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
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Street Racing and Sideshow Enhanced Enforcement and Prosecution Strategy

According to the United States Department of Transportation’s National Highway Traffic Safety Administration, in 2020 an estimated 39,000 people died in motor vehicle traffic crashes. This is the largest number of fatalities since 2007 and an approximate 7.2% increase from 2019. Preliminary statistics for 2021 show a continuing increase in fatalities with approximately 43,000, a 10.5% increase from 2020.

Similarly, Yolo County is experiencing increases in motor vehicle fatalities. According to statistics provided by the Department of the California Highway Patrol (CHP), West Sacramento Police Department, Woodland Police Department, Davis Police Department, and Winters Police Department, Yolo County traffic fatalities have risen from a total 17 in 2017 to 30 in 2021.

Fatal Collisions Per Year by Agency

	2017	2018	2019	2020	2021	2022 to date
CHP/YCSO	14	18	18	13	24	8
WPD	1	2	0	2	2	1
WSPD	2	6	5	5	2	3
DPD	0	0	0	1	2	0
Winters PD	0	0	0	3	0	1
Totals	17	26	23	22	30	12

The prevalence of street racing and sideshows has contributed to these fatalities by encouraging unsafe speeds, reckless driving, and flight from law enforcement. CHP reported that in 2021, that agency responded to almost 6,000 street racing and sideshow events in California. Yolo County has seen an increase in the frequency of these events as well; raising the concerns of both citizens and local law enforcement leaders.

Therefore, the Yolo County District Attorney’s Office, in collaboration with Yolo County law enforcement partners, finds that the increased prevalence of street racing and sideshows presents a substantial risk to public safety which demands an enhanced enforcement and prosecution response.

As such, the Yolo County DA recommends that law enforcement agencies utilize the tools that enhance public safety outlined in the California Vehicle Code (§§ 22651(h), 14602.7, and 23109.2)

which allows the arresting agency to seize and impound all vehicles involved in reckless driving, speed contests, or sideshows for the maximum of 30 days. This includes vehicles associated with sideshow spectators.

When requests for charging involving reckless driving, speed contests, or sideshows are forwarded to the District Attorney's Office, if the reviewing Deputy District Attorney believes that the People would be able to prove criminal charges beyond a reasonable doubt, that reviewing attorney should file a Complaint with the Yolo County Superior Court.

1. Depending on facts alleged, the following are examples of charges that should be contemplated by the reviewing attorney at the time of filing:

- a. Vehicle Code § 23103(a) Misdemeanor Reckless Driving
- b. Vehicle Code § 23104(a) Misdemeanor Reckless Driving with Bodily Injury
- c. Vehicle Code § 23104(b) Felony Reckless Driving with Great Bodily Injury
- d. Vehicle Code § 23105(a) Felony Reckless Driving with Specific Bodily Injury
- e. Vehicle Code § 23109(a) Misdemeanor Engage in Speed Contest on Highway
- f. Vehicle Code § 23109(a) Felony Engage in Speed Contest on Highway with Prior and Serious Bodily Injury
- g. Vehicle Code § 23109(b) Misdemeanor Aid & Abet Engage in Speed Contest on Highway
- h. Vehicle Code § 23109(c) Misdemeanor Engage in Speed Exhibition on Highway
- i. Vehicle Code § 23109(d) Misdemeanor Put Barricade on Highway Incident to Speed Contest
- j. Vehicle Code § 20001(a) Felony Hit and Run Driving with Injury
- k. Vehicle Code § 20001(a) Felony Hit and Run Driving with Serious Injury or Death
- l. Vehicle Code § 20002(a) Misdemeanor Hit and Run Driving with Property Damage
- m. Vehicle Code § 2800.1(a) Misdemeanor Intention to Evade Peace Officer in Vehicle
- n. Vehicle Code § 2800.2(a) Felony Attempt to Evade Peace Officer with Reckless Driving
- o. Vehicle Code § 2800.3(a) Felony Willful Flight from Police Causing Serious Injury
- p. Vehicle Code § 2800.3(b) Felony Willful Flight from Police Causing Death
- q. Vehicle Code § 2800.4 Felony flight from Police – Drive in Opposite Direction
- r. Penal Code § 192(c)(1) Felony Vehicular Manslaughter with Gross Negligence
- s. Penal Code § 192(c)(2) Misdemeanor Vehicular Manslaughter without Gross Negligence
- t. Penal Code § 182(a)(1) Felony Conspiracy to Commit any Crime

2. Cases involving reckless driving, speed contests, or sideshows shall be presumptively ineligible for both pre-filing and post-filing diversion unless unusual circumstances are present. Some examples of factors in support of unusual circumstances are as follows:
 - a. The Defendant is youthful or aged and has no significant record of prior criminal offenses,
 - b. The facts are substantially less serious than the circumstances typically present in other cases,
 - c. There is no evidence suggesting the event was preplanned or organized,
 - d. The Defendant complied with law enforcement and took responsibility early,
 - e. The Defendant participated in the crime under circumstances of great provocation, coercion, or duress not amounting to a defense,
 - f. The crime was committed because of a mental condition not amounting to a defense.
3. If a Deputy District Attorney is contemplating offering diversion on any case involving reckless driving, speed contests, or sideshows, then that attorney shall contact the arresting agency and seek their input first.
4. Approval from an Assistant Chief Deputy District Attorney or higher shall be required before offering diversion on any case involving reckless driving, speed contests, or sideshows.