

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

938



FROM: District Attorney

SUBMITTAL DATE:
December 18, 2012

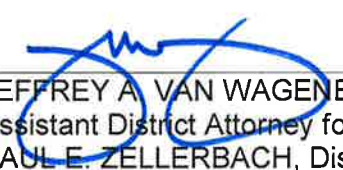
SUBJECT: Acceptance of a California Office of Traffic Safety Grant award for the Riverside County District Attorney's Office Drug Impaired Driver Vertical Prosecution Program and Adoption of Resolution 2012-013.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve acceptance of a grant award (Grant Agreement attached) from the California Office of Traffic Safety ("OTS") in the amount of \$160,000 for the grant period October 1, 2012 through September 30, 2013.
2. Approve and direct the Auditor-Controller to make the budget adjustments as shown on Schedule A, attached.
3. Adopt Resolution 2012-013 authorizing the District Attorney and/or his designee to sign the Grant Agreement on behalf of the Board.

BACKGROUND: OTS has made grant funding available to the County of Riverside District Attorney's Office for the implementation of a Drug Impaired Driver Vertical Prosecution Program (DUID) in the Western region of Riverside County.


Continued on Page 2.


 JEFFREY A. VAN WAGENEN, JR.
 Assistant District Attorney for
 PAUL E. ZELLERBACH, District Attorney

| | | | | |
|-----------------------|-------------------------------|------------|-------------------------|-----------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 120,000 | In Current Year Budget: | No |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | Yes |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2012-2013 |

| | | |
|---|---|-------------------------------------|
| SOURCE OF FUNDS: California Office of Traffic Safety | Positions To Be Deleted Per A-30 | <input checked="" type="checkbox"/> |
| | Requires 4/5 Vote | <input checked="" type="checkbox"/> |

C.E.O. RECOMMENDATION: APPROVE

By: 
Elizabeth J. Olson

County Executive Office Signature

FISCAL PROCEDURES APPROVED
 PAUL LANGULO, CPA, AUDITOR-CONTROLLER
 BY: Samuel Wong 12/18/12
 Departmental Co: SAMUEL WONG
 FORM APPROVED COUNTY COUNSEL
 BY: Neal R. Kipnis 12/18/12
 DATE:

Department Recommendation: FILED Consent
 WITH THE CLERK OF THE BOARD Consent
 Per Executive Office: Policy Policy

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Acceptance of a California Office of Traffic Safety Grant award for the Riverside County District Attorney's Office Drug Impaired Driver Vertical Prosecution Program and Adoption of Resolution 2012-013.
DATE: December 18, 2012
PAGE 2

BACKGROUND CONTINUED:

The creation of the Drug Impaired Driver Vertical Prosecution Unit will provide a central location throughout the western region of the county for law enforcement, victims, and the community.

The Riverside County District Attorney's Office will assign one Deputy District Attorney, located in the Western Region of the county, to vertically prosecute misdemeanor drug impaired driving cases. The DUID prosecutor will handle cases throughout each step of the criminal process. The DUID prosecutor will work with the Traffic Safety Resource Prosecutor Program (TSRP), funded by OTS, to increase capabilities of the prosecutor and the office by obtaining and delivering specialized training. The DUID prosecutor will share information with peers and law enforcement personnel throughout the county and across the state. The office will accomplish these objectives as a means to prevent impaired driving and reduce drug-involved traffic fatalities and injuries.

The Riverside County District Attorney's Office will recruit and assign one Deputy District Attorney (DDA) to vertically prosecute misdemeanor DUID cases in the county. The DDA will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings. Cases will be referred to the DDA upon project funding. The DDA will attend specialized training, including DUID prosecution and Advanced Roadside Impaired Driving Enforcement (ARIDE). A database for tracking the number and disposition of DUID filing requests received by the Riverside County District Attorney's Office, as well as the dispositions and conviction rate on DUID cases, will be developed. The project-funded prosecutor will begin development of the Law Enforcement Training (Drug Recognition Evaluator (DRE)/ARIDE) which will outline the goals, objectives, and procedures of this project. Working with the Sheriff's Department, training for officers (both ARIDE and DRE) will be scheduled and coordinated. ARIDE training will be facilitated in collaboration with the TSRP Program. We will partner with the California Highway Patrol and a qualifying DRE program to provide the DRE training and certification. A roundtable meeting will be convened by the Riverside County District Attorney's Office, with representatives from each law enforcement agency from involved contract cities through the Sheriff's Department, as well as the regional CDAA TSRP prosecutor and OTS grant coordinator invited to attend.

The assigned DUID vertical prosecutor will continue to review, charge, and handle courtroom proceedings (including trials) of misdemeanor DUID cases throughout the county. Both in-house training for other deputy district attorneys, as well as "investigation protocol" training for law enforcement and DUID prosecutor will be developed and presented in collaboration with the CDAA TSRP Program. ARIDE and DRE training for law enforcement officers will be scheduled and continued through the duration of the program. The DRE trainings and certification for 10 law enforcement officers will be sponsored by the California Highway Patrol in conjunction with OTS. ARIDE training for 100 law enforcement officers will take place at the Riverside County Ben Clark Public Safety Training Center. Furthermore roundtable meetings including law enforcement and prosecutors will be conducted quarterly during the grant period to assess technical needs for training on DUI investigation and court testimony.

The grant requires collection and reporting of appropriate statistical data quarterly that supports the progress of each goal and objective.

An adjustment of \$120,000 is required for the nine month pro-rata amount of the grant period in Fiscal Year 2012-2013 (See Attachment A). The remaining portion (\$40,000) of the grant award will be included in the budget process for FY2013-2014.

The grant award and resolution have been reviewed and approved as to form by County Counsel.

Schedule "A"

Increase Appropriations:

| | | |
|-------------------------|-------------------|---------------|
| 10000-2200100000-510040 | Regular Salaries | \$ 75,907 |
| 10000-2200100000-518100 | Budgeted Benefits | 26,093 |
| 10000-2200100000-527880 | Training-Other | <u>18,000</u> |
| | | \$120,000 |

Increase Estimated Revenue:

| | | |
|-------------------------|-------------------------------|-----------|
| 10000-2200100000-767450 | FED-Ofc Traffic Safety Grants | \$120,000 |
|-------------------------|-------------------------------|-----------|

3 RESOLUTION NO. 2012-013

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
5 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, REGARDING
6 CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT AGREEMENT

7
8 WHEREAS, the Board of Supervisors of the County of Riverside has designated the Drug
9 Impaired Driver Vertical Prosecution Program to be funded from funds made available and
10 administered by the California Office of Traffic Safety (hereinafter referred to as "OTS"); now,
11 therefore,

12 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of
13 Riverside, State of California, in regular session assembled on _____, 2012,
14 that the District Attorney of the County of Riverside, State of California and/or his designee is
15 authorized, on its behalf, to submit and to sign the Grant Agreement, as well as related
16 contracts, amendments, or extensions with OTS that do not significantly change the grant or the
17 contract.

18
19 BE IT FURTHER RESOLVED that the resolution shall be in effect for a one-year period
20 beginning October 1, 2012 and ending September 30, 2013.

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]*
DATE: 12/5/12

STATE OF CALIFORNIA

EDMUND G. BROWN JR., GOVERNOR

OFFICE OF TRAFFIC SAFETY

2208 KAUSEN DRIVE, SUITE 300
ELK GROVE, CA 95758
www.ots.ca.gov
(916) 509-3030
(800) 735-2929 (TT/TDD-Referral)
(916) 509-3055 (FAX)



November 13, 2012

Grant No. AL1359

Creg Datig
Assistant District Attorney
Riverside County District Attorney's Office
3960 Orange Street
Riverside, CA 92501

Dear Mr. Datig:

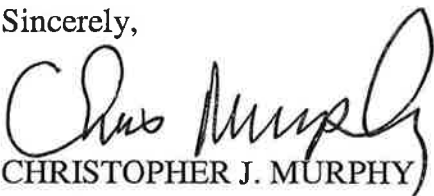
The Office of Traffic Safety (OTS) has approved your traffic safety grant as part of the California Traffic Safety Program.

Costs incurred must be in accordance with your grant agreement, and recorded in your accounting system. No other costs can be allowed without OTS approval. Costs incurred prior to the starting date or subsequent to the closing date of this grant are not reimbursable.

Within the first quarter of your grant period, your Coordinator will provide you with information about operational and fiscal requirements, as well as tools to manage your new grant.

Please refer to the above grant number in all your communications with this office. If you have any questions, please contact Ron Miller, Regional Coordinator, at (916) 509-3020 or e-mail at ron.miller@ots.ca.gov.

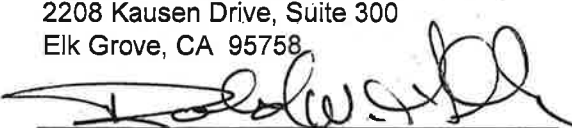
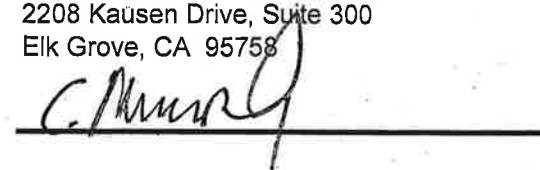
Sincerely,


CHRISTOPHER J. MURPHY

Director

RM:lc

Enclosures

| | | | | | |
|---|-----------------------------|---|---|---|-----------------------------------|
| EFFECTIVE DATE OF AGREEMENT: <u>10/1/2012</u> | | GRANTEE <u>COUNTY OF RIVERSIDE</u> | | GRANT NO. <u>AL1359</u> | |
| Action No. <u>1</u> Date: <u>11/8/2012</u> | | 10. TYPE OF AGREEMENT | | <input checked="" type="checkbox"/> Initial | <input type="checkbox"/> Revision |
| Revision No. _____ Date: _____ | | PAID MEDIA | | PROGRAM INCOME | |
| | | | | TASK NO. <u>5</u> | |
| | | | | F.F.Y. <u>2013</u> | |
| 9. Action Taken | | | 11. FUNDING DISPOSITION & STATUS | | |
| Initial approval 2013 HSP funds obligated. | | | Fiscal Year | | |
| | | | Amount | | |
| | | | <u>2012-13</u> 160,000.00 | | |
| | | | _____ | | |
| | | | _____ | | |
| | | | _____ | | |
| | | | Total 160,000.00 | | |
| | | | Obligated This Action 160,000.00 | | |
| | | | Previously Obligated 0.00 | | |
| | | | Total Amount Obligated 160,000.00 | | |
| | | | Amount Suspended 0.00 | | |
| | | | TOTAL FUNDS PROGRAMMED 160,000.00 | | |
| FUNDING DETAIL | | | | | |
| FUND | CFDA | ITEM/APPROPRIATION | FY | AMOUNT | |
| 410 | 20.601 | 2700-101-0890 (21/12) | 2012-13 | \$ 160,000.00 | |
| | | | | | |
| 12. BUDGET SUMMARY (From Schedule B Detail) - FISCAL YEAR GRANT PERIOD ENDING: <u>9/30/2013</u> | | | | | |
| COST CATEGORY | 2012-13 GRANT PERIOD | PRIOR GRANT | 2012-13 TOTAL GRANT | TOTAL GRANT BUDGET ESTIMATE | |
| A. Personnel Costs | 136,000.00 | 0.00 | 136,000.00 | 136,000.00 | |
| B. Travel Expenses | 0.00 | 0.00 | 0.00 | 0.00 | |
| C. Contractual Services | 24,000.00 | 0.00 | 24,000.00 | 24,000.00 | |
| D. Equipment | 0.00 | 0.00 | 0.00 | 0.00 | |
| E. Other Direct Costs | 0.00 | 0.00 | 0.00 | 0.00 | |
| F. Indirect Costs | 0.00 | 0.00 | 0.00 | 0.00 | |
| TOTAL FEDERAL FUNDS | 160,000.00 | 0.00 | 160,000.00 | 160,000.00 | |
| 13. GRANT APPROVAL & AUTHORIZATION TO EXPEND OBLIGATED FUNDS | | | | | |
| A. APPROVAL RECOMMENDED BY | | | B. AGREEMENT & FUNDING AUTHORIZED BY | | |
| NAME: RON MILLER TITLE: Regional Coordinator PHONE: (916) 509-3020 E-MAIL: ron.miller@ots.ca.gov Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 | | | NAME: CHRISTOPHER J. MURPHY TITLE: Director Office of Traffic Safety 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758 | | |
| Signature  | | | Signature  | | |

GRANTS MADE EASY – VERTICAL PROSECUTION

**SCHEDULE A
Grant No. AL1359
Page 1**

GRANT DESCRIPTION

PROBLEM STATEMENT

Describe the traffic safety related problem/deficiency and how was it identified. Include any data that is relevant to your request (i.e. alcohol-involved fatalities/injuries).

Complete the table below using CHP SWITRS and/or DMV DUI MIS data for your county.

| Collision Type | 2008 | | | | 2009 | | | | 2010 | | | |
|----------------|------------|--------|---------|---------|------------|--------|---------|---------|------------|--------|---------|---------|
| | Collisions | | Victims | | Collisions | | Victims | | Collisions | | Victims | |
| Fatal | 220 | | 253 | | 198 | | 222 | | 191 | | 204 | |
| Injury | 8561 | | 12565 | | 8083 | | 11697 | | 7652 | | 11331 | |
| | Fatal | Injury | Killed | Injured | Fatal | Injury | Killed | Injured | Fatal | Injury | Killed | Injured |
| Drug Involved | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A |

PROBLEM

In each of the past five years (2007-2011), Riverside County has accounted for the arrests of over 10,000 impaired drivers, placing it among only five counties in the State of California with a similarly high incidence of impaired driving.¹ In 2011, a total of 10,823 Driving Under the Influence (DUI) complaint requests were received from law enforcement, of which 10,679 cases in which a violation of either Vehicle Code section 23152(a) or 23153(a) was charged were actually filed with the court against adult offenders, with an additional 60 such cases resulting in petitions being filed on behalf of juvenile offenders.

Although the number of alcohol- and drug-related vehicular fatalities has declined, the proportion of fatalities involving drug or drug and alcohol combination impairment has increased. A 2010 NHTSA study found that in 2009, among fatally injured drivers, 18 percent tested positive for at least one drug (e.g., illicit, prescription, or over-the-counter), an increase from 13 percent in 2005.² In February, 2012, the California Office of Traffic Safety (OTS), citing data from the National Highway Traffic Safety Administration, indicated that 30 percent of all drivers who were killed in motor vehicle crashes in California in 2010 tested positive for legal and/or illegal drugs, a percentage that has been increasing since 2006. OTS Director Christopher J. Murphy stated, “You can be as deadly behind the wheel with marijuana or prescription drugs as you can with over-the-limit alcohol.”

Although the actual increase in the incidence of drug DUI in Riverside County is difficult to measure, the Riverside County District Attorney’s Office filed 786 cases in which only 23152(a) VC or 23153(a) VC was charged in 2009, 801 such cases in 2010, and 1,011 cases in 2011. These statistics do not reflect cases in which the defendant was under the influence of both alcohol and drugs, which would result in the filing of both the “(a)” and “(b)” sections. The DUI arrest rate in Riverside County coupled with increasing awareness of the frequency of drug-and combination drug and alcohol-impaired driving statewide and nationally, clearly indicates that Riverside County law enforcement officers and prosecutors must be prepared to meet the threat presented to traffic safety by drug impaired drivers. However, experience has proven that in order to overcome the challenges presented in effectively

¹ (2011 DMV DUI-MIS Report, pp. 5, 8; Riverside County District Attorney’s Office Filing statistics.

² U.S. Department of Transportation Report No. DOT HS 811 415

GRANTS MADE EASY – VERTICAL PROSECUTION

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GRANT DESCRIPTION

investigating and prosecuting drug-impaired driving cases, a team approach focusing on specialized training for law enforcement (including Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Evaluator (DRE)), combined with vertical prosecution by experienced, specially-assigned prosecutors, is critical to success.

With the exception of one prosecutor in the Southwest region who is assigned to vertically prosecute felony DUI with death or injury cases (funded by OTS grant # 20565), Riverside County has no deputy district attorneys specially trained or specifically assigned to handle Driving Under the Influence of Drugs (DUID) cases. Due to the unfortunate reality of shrinking county agency budgets combined with staff attrition, the Riverside County District Attorney's Office is not in a position to staff vertical prosecution positions for DUI cases, despite the obvious need to have such positions in each of the three geographic regions of the county (Western (Riverside), Southwest (Murrieta), and Eastern (Indio)).

Via law enforcement contracts, the Riverside County Sheriff's Department (Sherriff's Department), by far the largest law enforcement agency in the county, provides law enforcement services throughout the county via law enforcement contracts to 17 cities (Calimesa, Canyon Lake, Coachella, Eastvale, Indian Wells, Jurupa Valley, Lake Elsinore, La Quinta, Menifee, Moreno Valley, Norco, Palm Desert, Perris, Rancho Mirage, San Jacinto, Temecula, and Wildomar) one community services district (Southern Coachella Valley Community Services District). Traffic enforcement, including DUI interdiction, is a high priority in these "contract cities." For example, two deputies assigned to the Moreno Valley Police Department accounted for 517 DUI arrests between them in 2011, and deputies from the contract cities of Temecula and Lake Elsinore were recognized with MADD "Century Awards" for over 100 DUI arrests each.

Discussions with these agencies as well as others (including the regional Traffic Safety Resource prosecutor) at a recent "Law Enforcement/District Attorney Roundtable", convened in furtherance of the objectives of OTS grant #20565, revealed that significant contrasts exist between the officers' understanding of what technical expertise and investigative procedures will produce evidence sufficient to support the filing of DUID charges by the District Attorney, and what trial prosecutors need to present (based on case law as well as statute) to prevail in drug-impaired driving cases. This apparent disconnect is aggravated by a lack of familiarity on the part of less-experienced prosecutors with effective trial techniques in DUID cases, a shortcoming that was highlighted during the TSRP "Prosecuting the Drugged Driver" training conducted at the Riverside County District Attorney's Office in September 2011.

Of critical importance to the successful prosecution of DUID cases is the ability of investigating officers to recognize and document driving irregularities, symptoms of drug and/or alcohol impairment, and poor performance on standardized field sobriety tests, and correlate these factors as well as others to safe motor vehicle operation. Because California does not have a "per se" DUID statute, the qualification in court of investigating officer(s) as experts for purposes of expressing opinions regarding the effects of drug impairment on driving ability is often the cornerstone of the prosecution case. Specialized training, particularly ARIDE and DRE, provides a key component of the foundation for such expert testimony. Currently, however, the Sheriff's Department has a proportionately low number of ARIDE-trained and/or DRE certified officers available for assignment or currently assigned to traffic units:

- 2,000 sworn personnel,

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
Grant No. AL1359
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GRANT DESCRIPTION

- 100 personnel assigned in traffic units (5%),
- 17 certified DRE of which four are assigned to traffic units, and
- 6 ARIDE trained of which 3 are assigned to traffic units.

The negative impact on effective DUID investigation and prosecution presented by the low number of specially-trained officers is exacerbated by the reluctance or inability of toxicologists from the Department of Justice laboratories to express specific opinions regarding impairment for purposes of driving resulting from drug ingestion. Absent a qualified expert opinion from a DRE or other officer with actual in-field experience with the effects of drug impairment, prosecutors are often left with evidence that can be far too easily discounted or explained. This results either in prosecutors declining to file charges in DUID cases based on perceived insufficiency of the evidence, or unsatisfactory results at trial. Either way, the drug-impaired driver escapes accountability.

¹ (2011 DMV DUI-MIS Report, pp. 5, 8; Riverside County District Attorney's Office Filing statistics.

² U.S. Department of Transportation Report No. DOT HS 811 415

PERFORMANCE MEASURES

GRANT GOALS

1. To reduce the number of persons killed in traffic collisions.
2. To reduce the number of persons injured in traffic collisions.
3. To reduce the number of persons killed in drug-involved collisions.
4. To reduce the number of persons injured in drug-involved collisions.

GRANT OBJECTIVES

1. To issue a press release announcing the kick-off of the grant by November 15. The press releases and media advisories, alerts, and materials should be emailed to the OTS Public Information Officer at pio@ots.ca.gov, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release should first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to ensure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation. Media communications reporting the results of grant activities such as ENFORCEMENT OPERATIONS are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press. Activities such as warrant or probation sweeps and

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
Grant No. AL1359
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GRANT DESCRIPTION

- court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
3. To use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
 4. To create or expand a “Vertical Prosecution Program” with the City Attorney or District Attorney’s Office by November 30. The program will facilitate the prosecution of all misdemeanor DUI Drug and combo DUI Drug with Alcohol cases that fall within the grant description.
 5. To designate 1 prosecutor position to the DUI caseload to prosecute misdemeanor DUI Drug and combo DUI Drug with Alcohol cases. This prosecutor shall be an experienced attorney having knowledge and skill with DUI jury trials. The individual will be dedicated solely to this assignment allowing them to gain expertise in combating defense tactics and prosecuting DUI Drug cases. While employed by the District Attorney’s Office, the individual in the grant-funded DUI Vertical Prosecutor position will remain the same throughout the term of the grant.
 6. To develop and implement a system for gathering, tracking and reporting on all DUI arrests, filings and convictions in the County by December 31, differentiating between 1) DUI Alcohol-only, 2) DUI Drug-only and 3) DUI Combination Alcohol & Drug cases.
 7. To report on all DUI arrest, filing and conviction outcomes in the County throughout the grant, differentiating between 1) DUI Alcohol-only, 2) DUI Drug-only and 3) DUI Combination Alcohol & Drug cases.
 8. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Drug cases to 40 prosecutors.
 9. To work with the Traffic Safety Resource Prosecutor (TSRP) to provide comprehensive training in the prosecution of DUI Drug cases to 5 DA Investigator(s).
 10. To meet with the Traffic Safety Resource Prosecutor (TSRP) quarterly to provide updates on the Vertical Prosecution Program.
 11. To increase the number of misdemeanor DUI drug cases filed.
 12. To increase the number of prosecutors trained in filing and prosecuting DUI cases.
 13. To increase the number of prosecutors trained in filing and prosecuting DUI Drug cases.
 14. To send a prosecutor to the DUI Drug Enforcement Seminar sponsored by OTS and CDAA.
 15. To coordinate and host four regional roundtable law enforcement meetings to provide information on the DUI Vertical Prosecution Program and assess their technical assistance needs for training on DUI investigation and court testimony. OTS staff, Traffic Resource Prosecutors, local law enforcement, CHP and probation should be included in the roundtable.
 16. To provide Drug Recognition Evaluator (DRE) training and certification to 10 police officers.
 17. To provide Advanced Roadside Impaired Driving Enforcement (ARIDE) training to 100 police officers

METHOD OF PROCEDURE

GRANTS MADE EASY – VERTICAL PROSECUTION

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GRANT DESCRIPTION

To meet the goals and objectives of the project Drug DUI Vertical Prosecution/Law Enforcement Training Program, the Riverside County District Attorney's Grants Administrative Analyst will receive all statistical reports from the Vertical Prosecution DUID prosecutor and Contractual Services representative (Riverside County Sheriff's Department) responsible for the development of the Law Enforcement Training (DRE/ARIDE).

The Riverside County District Attorney's Grants Administrative Analyst will be responsible for filing appropriate Office of Traffic Safety progress and financial reports and for ensuring that press releases and all media materials are submitted for approval to the Office of Traffic Safety 14 days prior to the issuance date of the release.

The DA's Office will prepare and issue a press release announcing the kick-off of the grant by November 15 of the first grant year.

Phase 1 – Program Preparation (1st Quarter of the Grant Year)

The Riverside County District Attorney's Office will recruit and assign one Deputy District Attorney (Grade III) to vertically prosecute misdemeanor DUID cases in the county. The Deputy District Attorney (DDA) will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings. Cases will be referred to the DDAs upon project funding. The DDA will attend specialized training, including DUID prosecution and ARIDE. A database for tracking the number and disposition of DUID filing requests received by the Riverside County District Attorney's Office, as well as the dispositions and conviction rate on DUID cases, will be developed.

The project-funded prosecutor will begin development of the Law Enforcement Training (DRE/ARIDE) which will outline the goals, objectives, and procedures of this project. Working with the Sheriff's Department, training for officers (both ARIDE and DRE) will be scheduled and coordinated. ARIDE training will be facilitated in collaboration with the TSRP Program. We will partner with the California Highway Patrol and a qualifying DRE program to provide the DRE training and certification.

A roundtable meeting will be convened by the Riverside County District Attorney's Office, with representatives from each law enforcement agency from involved contract cities through the Sheriff's Department, as well as the regional CDAA TSRP prosecutor and OTS grant coordinator invited to attend.

Phase 2 – Program Operations (2nd, 3rd and 4th Quarters of the Grant Year)

The assigned DUID vertical prosecutor will continue to review, charge, and handle courtroom proceedings (including trials) of misdemeanor DUID cases throughout the county.

Both in-house training for other deputy district attorneys, as well as "investigation protocol" training for law enforcement and DUID prosecutor will be developed and presented in collaboration with the CDAA TSRP Program. ARIDE and DRE training for law enforcement officers will be scheduled and continued through the duration of the program.

The DRE trainings and certification for 10 law enforcement officers will take place in Santa Barbara and the ARIDE training for 100 law enforcement officers will take place at the Riverside County Ben Clark Public Safety Training Center.

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GRANT DESCRIPTION

Roundtable meetings including law enforcement and prosecutors will be conducted quarterly during the grant period.

Phase 3 – Data Collection & Reporting – (Throughout Grant Period)

Agencies are required to collect and report quarterly, appropriate data that supports the progress of each goal and objective.

Statistical data relating to the grant goals and objectives will be collected, analyzed, and incorporated in Quarterly Performance Reports (QPRs). QPRs for the quarter ending September 30 will include year-to-date comparisons of goals and objectives. If required, a separate quarterly data reporting form will be completed each quarter and submitted as part of the QPR.

Reports will compare actual grant accomplishments with the planned accomplishments. They will include information concerning changes made by the Grant Director in planning and guiding the grant efforts.

Reports shall be completed and submitted in accordance with OTS requirements specified in the Grant Program Manual.

METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will prepare the Executive Summary to accompany the final QPR. The Executive Summary will: (1) briefly state the original problem; (2) specify the most significant goals and objectives; (3) highlight the most significant activities that contributed to the success of the program and the strategies used to accomplish the goals; and (4) describe the program's accomplishments as they relate to the goals and objectives.

ADMINISTRATIVE SUPPORT

This program has full support of the County of Riverside. Every effort will be made to continue the activities after the grant conclusion.

SCHEDULE B
 DETAILED BUDGET ESTIMATE
 GRANT NO. AL1359

| FUND NUMBER | CATALOG NUMBER (CFDA) | FUND DESCRIPTION |
|-------------|-----------------------|--|
| 410 | 20.601 | Alcohol Impaired Driving Countermeasures Incentive Grants |

| COST CATEGORY | FISCAL YEAR ESTIMATES | | | TOTAL COST TO GRANT |
|---|-----------------------|------------------------------------|------|------------------------|
| | CFDA | FY-1 10/1/12 thru 9/30/13 | | |
| A. PERSONNEL COSTS | | | | |
| Positions and Salaries | | | | |
| Full-Time | | | | |
| Deputy Distric Attorney III | | | | |
| 1 x 12 MOS x \$8,434.16 x 100% | | | | |
| Benefits @ 34.374% | | | | |
| | 20.601 | \$ 101,210.00 | | \$ 101,210.00 |
| | 20.601 | \$ 34,790.00 | | \$ 34,790.00 |
| Category Sub-Total | | \$ 136,000.00 | | \$ 136,000.00 |
| B. TRAVEL EXPENSE | | | | |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| C. CONTRACTUAL SERVICES | | | | |
| DUID Enforcement Training and Certification | 20.601 | \$ 24,000.00 | | \$ 24,000.00 |
| Category Sub-Total | | \$ 24,000.00 | | \$ 24,000.00 |
| D. EQUIPMENT | | | | |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| E. OTHER DIRECT COSTS | | | | |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| F. INDIRECT COSTS | | | | |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| GRANT TOTAL | | | | |
| | | \$ 160,000.00 | \$ - | \$ 160,000.00 |

OTS-38d (Rev. 6/12)

SCHEDULE B-1

GRANT NO. AL1359

BUDGET NARRATIVE

Page 1

PERSONNEL COSTS

Full-Time

Deputy District Attorney III

The Deputy District Attorney dedicated to this grant will review all misdemeanor DUID cases submitted for filing and vertically prosecute the cases accepted and/or filed under this grant. The Deputy District Attorney will attend training provided by the Traffic Safety Resource Prosecutor Program provide training to prosecutors and law enforcement within the county. This vertical prosecution unit will implement the following policies to achieve maximum effectiveness:

- 1) Resist pre-trial releases of charged defendants.
- 2) Charge all enhancements and prior felony convictions that might be used to increase bail.
- 3) Make personal appearances at arraignments and request bail be set at bail schedule or higher, based on the perceived threat to the safety of the public.
- 4) Vigorously advocate that continuances only be granted upon a showing of good cause, consistent with the provision of Penal Code Section 1050, to ensure that the People's right to a speedy trial will be considered by the Court.
- 5) Reduce the caseloads of unit attorneys so that they can be available to handle cases throughout the county and attend to the needs of victims or families of victims.
- 6) Establish a working relationship with law enforcement agencies countywide. The agencies will be trained on the investigative and filing expectations for the crimes covered by this grant in order to facilitate successful prosecution.

Full Time Benefit Rates

| | |
|--------------------------------|----------------|
| Unemployment | 0.614% |
| Retirement (*less than actual) | 15.284% |
| Social Security | 6.078% |
| Medicare | 1.450% |
| Long Term Disability Insurance | 0.760% |
| Health | 8.087% |
| Def Comp | 1.224% |
| Life | 0.123% |
| Optical | 0.146% |
| Workers Compensation | 0.608% |
| TOTAL BENEFIT RATE | 34.374% |

SCHEDULE B-1

GRANT NO. AL1359

BUDGET NARRATIVE

Page 2

TRAVEL EXPENSE

None

CONTRACTUAL SERVICES

DUID Enforcement Training and Certification - Drug Recognition Evaluator (DRE) training and certification will be provided to 10 law enforcement officers and Advanced Roadside Impaired Driver Enforcement (ARIDE) Training will be provided to 100 law enforcement officers

EQUIPMENT

None

OTHER DIRECT COSTS

None

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

SCHEDULE B
 DETAILED BUDGET ESTIMATE
 GRANT NO. AL1359 - SUB

| FUND NUMBER | CATALOG NUMBER (CFDA) | FUND DESCRIPTION |
|-------------|-----------------------|--|
| 410 | 20.601 | Alcohol Impaired Driving Countermeasures Incentive Grants |

| COST CATEGORY | FISCAL YEAR ESTIMATES | | | TOTAL COST TO GRANT |
|--------------------------------|-----------------------|------------------------------------|--|---------------------|
| | CFDA | FY-1 10/1/12 thru 9/30/13 | | |
| A. PERSONNEL COSTS | | | | |
| Positions and Salaries | | | | |
| Category Sub-Total | | \$ - | | \$ - |
| B. TRAVEL EXPENSE | | | | |
| | | \$ - | | \$ - |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| C. CONTRACTUAL SERVICES | | | | |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| D. EQUIPMENT | | | | |
| | | \$ - | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| E. OTHER DIRECT COSTS | | | | |
| DRE Training | 20.601 | \$ 8,750.00 | | \$ 8,750.00 |
| DRE Certification | 20.601 | \$ 11,825.00 | | \$ 11,825.00 |
| ARIDE Training | 20.601 | \$ 3,425.00 | | \$ 3,425.00 |
| Category Sub-Total | | \$ 24,000.00 | | \$ 24,000.00 |
| F. INDIRECT COSTS | | | | |
| | | | | \$ - |
| Category Sub-Total | | \$ - | | \$ - |
| GRANT TOTAL | | | | |
| | | \$ 24,000.00 | | \$ 24,000.00 |

PERSONNEL COSTS

None

TRAVEL EXPENSE

None

CONTRACTUAL SERVICES

None

EQUIPMENT

None

OTHER DIRECT COSTS

DUID Enforcement Training and Certification – Contractual Drug Recognition Evaluator (DRE) training and certification and Advanced Roadside Impaired Driving Enforcement (ARIDE) training.

DRE Training – One session of DRE school for up to 10 law enforcement officers consists of 72-hours of instruction over nine days (10 students @ \$875 each = \$8,750.00).

DRE Certification – Field Certification for officers completing the DRE Training is conducted over three day, 6-hours per day, and requires one DRE instructor/officer for every five students (10 students @ \$1,182.50 each = \$11,825.00)

ARIDE Training – One course for the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) training developed to bridge the gap between the Standardized Field Sobriety Test (SFST) course and the Drug Recognition Evaluator (DRE) course. This two-day course provides students with general knowledge related to enforcement of drug impaired driving and includes a review of NHTSA SFST, seven categories of drugs, physiology of drugs, courtroom testimony, report writing, and drug combinations. The course consists of 16-hours of instruction over two days (100 students @ \$34.25 each = \$3,425.00).

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

**EXHIBIT A
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Failure to comply with applicable Federal statutes, regulations, and directives may subject Grantee Agency officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 49 CFR §18.12.

The officials named on the Grant Agreement, certify by way of signature on the Grant Agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

- 23 U.S.C. Chapter 4 - Highway Safety Act of 1966, as amended
- 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 23 CFR Chapter II - (§§1200, 1205, 1206, 1250, 1251, & 1252) Regulations governing highway safety programs
- NHTSA Order 462-6C - Matching Rates for State and Community Highway Safety Programs
- Highway Safety Grant Funding Policy for Field-Administered Grants

Certifications and Assurances

The Grantee Agency will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State as identified by the State highway safety planning process, including:

- National law enforcement mobilizations,
- Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits,
- An annual statewide safety belt use survey in accordance with criteria established by the Secretary for the measurement of State safety belt use rates to ensure that the measurements are accurate and representative,
- Development of statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources.

The Grantee Agency shall actively encourage all relevant law enforcement personnel in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 USC 402 (b) (1) (E))

Other Federal Requirements

Cash disbursements and balances will be reported in a timely manner as required by NHTSA. (49 CFR 18.21)

The same standards of timing and amount, including the reporting of cash disbursement and balances, apply to grantees as they do the State. (49 CFR 18.41)

Failure to adhere to these provisions may result in the termination of State drawdown privileges.

Equipment acquired under this Grant Agreement for use in highway safety program areas shall be used and kept in operation for highway safety purposes by the Grantee Agency; or the State, by formal agreement with appropriate

**EXHIBIT A
CERTIFICATIONS AND ASSURANCES**

officials of a political subdivision or State agency, shall cause such equipment to be used and kept in operation for highway safety purposes (23 CFR 1200.21);

The Grantee Agency will comply with all applicable State procurement procedures and will maintain a financial management system that complies with the minimum requirements of 49 CFR 18.20;

Federal Funding Accountability and Transparency Act

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, (https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf) by reporting to FSRS.gov for each sub-grant awarded:

- Name of the entity receiving the award;
- Amount of the award;
- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; , and an award title descriptive of the purpose of each funding action;
- A unique identifier (DUNS);
- The names and total compensation of the five most highly compensated officers of the entity if-- of the entity receiving the award and of the parent entity of the recipient, should the entity be owned by another entity;
 - (i) the entity in the preceding fiscal year received—
 - (I) 80 percent or more of its annual gross revenues in Federal awards; and(II) \$25,000,000 or more in annual gross revenues from Federal awards; and(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

The Grantee Agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794) and the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq. PL 101-336), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse and alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights

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Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; The Civil Rights Restoration Act of 1987, which provides that any portion of a state or local entity receiving federal funds will obligate all programs or activities of that entity to comply with these civil rights laws; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

The Drug-free Workplace Act of 1988 (41 U.S.C. 702;):

The Grantee Agency will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
- c. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- d. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 1. Abide by the terms of the statement.
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
- e. Notifying the agency within ten days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction.
- f. Taking one of the following actions, within 30 days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:
 1. Taking appropriate personnel action against such an employee, up to and including termination.
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) above.

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Buy America Act

The Grantee Agency will comply with the provisions of the Buy America Act (49 U.S.C. 5323(j)) which contains the following requirements:

Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and of a satisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

Political Activity (Hatch Act)

The Grantee Agency will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Certification Regarding Federal Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The Grantee Agency official certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Grantee Agency official shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

EXHIBIT A
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Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Certification Regarding Debarment And Suspension

Instructions for Primary Certification

1. By signing and submitting this Grant Agreement, the Grantee Agency official is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Grantee Agency official shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the Grantee Agency official to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the Grantee Agency official knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The Grantee Agency official shall provide immediate written notice to the department or agency to which this Grant Agreement is submitted if at any time the Grantee Agency official learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and coverage sections of 49 CFR Part 29. You may contact the department or agency to which this Grant Agreement is being submitted for assistance in obtaining a copy of those regulations.
6. The Grantee Agency official agrees by submitting this Grant Agreement that, should the covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause

**EXHIBIT A
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titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters –
Primary Covered Transactions:**

1. The Grantee Agency official certifies to the best of its knowledge and belief, that its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - b. Have not within a three-year period preceding this Grant Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the Grantee Agency official is unable to certify to any of the Statements in this certification, such Grantee Agency official shall attach an explanation to this Grant Agreement.

Instructions for Lower Tier Certification

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1. By signing and submitting this Grant Agreement, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Grant Agreement is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this Grant Agreement is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Grant Agreement that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency

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with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion –
Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this Grant Agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Grant Agreement.

Policy to Ban Text Messaging While Driving

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, Grantee Agencies are encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted driving including policies to ban text messaging while driving-
 - a. Company-owned or –rented vehicles, or Government-owned, leased or rented vehicles; or
 - b. Privately-owned when on official Government business or when performing any work on or on behalf of the Government.
2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as-
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

Environmental Impact

The Grantee Agency official has reviewed the Grant Agreement and hereby declares that no significant environmental impact will result from implementing this traffic safety program. If, under a future revision, this program will be modified in such a manner that a program would be instituted that could affect environmental quality to the extent that a review and statement would be necessary, this office is prepared to take the action necessary to comply with the National Environmental Policy Act of 1969 (42 USC 4321 et seq.) and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500-1517).