

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

807



**FROM:** District Attorney

**SUBMITTAL DATE:**  
12/3/13

**SUBJECT:** Acceptance of a California Office of Traffic Safety Grant award for the Riverside County District Attorney's Office DUI with Death and Injury Vertical Prosecution Program and Adoption of Resolution 2014-016. All Districts [\$375,287]

**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 \$375,287 for the grant period October 1, 2013 through September 30, 2014.
2. Adopt Resolution 2014-016 authorizing the District Attorney and/or his designee to sign the Grant Agreement on behalf of the Board.

**BACKGROUND:**

**Summary**

The District Attorney's Office DUI with Death and Injury Vertical Prosecution Unit will provide a central location throughout the southwest region of the county for law enforcement, victims, and the community.

(Background cont. on page 2)

*[Signature]*  
Jeffrey A. Van Wagenen Jr., for  
Paul E. Zellerbach,  
District Attorney

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 354,058	\$ 21,229	\$ 375,287	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

**SOURCE OF FUNDS:** State of California

<b>Budget Adjustment:</b> No
<b>For Fiscal Year:</b> 13/14

**C.E.O. RECOMMENDATION:**

APPROVE

**County Executive Office Signature**

*[Signature]*  
Elizabeth J. Olson

**MINUTES OF THE BOARD OF SUPERVISORS**

FISCAL PROCEDURES APPROVED  
 PAUL ANGULO, CPA, AUDITOR-CONTROLLER  
 BY *[Signature]* 12/16/13  
 FOR APPROVED COUNTY COUNSEL  
 BY *[Signature]* 12/16/13  
 DATE  
 NEAL R. KIPNIS  
 Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order
- [ ]

Prev. Agn. Ref.: 12/18/2012 3.12 | District: ALL | Agenda Number:

3-7

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

**FORM 11:** Acceptance of the FY 2013-14 Office of Traffic Safety DUI with Death and Injury Award

**DATE:** 12/03/13

**PAGE:** Page 2 of 2

**BACKGROUND:**

**Summary**

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. 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. Additionally, the number of DUI offenders who fail to appear in court also increased during this same reporting period, often as a result of a lack of follow through on ensuring that once the case was filed, the defendant was arrested.

The County District Attorney's Office will assign a specialized team to prosecute alcohol and drug impaired driving cases. The DUI prosecution team will handle cases throughout each step of the criminal process. Prosecution team members will work with the Traffic Safety Resource Prosecutor Program, funded by OTS, to increase the capabilities of the team and the office by obtaining and delivering specialized training. Team members 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 alcohol-involved traffic fatalities and injuries.

The DUI with Death and Injury Vertical Prosecution Program will consist of a Deputy District Attorney and a Senior District Attorney Investigator. This specialized team will investigate and vertically prosecute all felony DUI with injury and DUI related vehicular homicide cases in the Southwest Riverside County region. Vertical prosecution is shown to improve conviction rates, reduce victim trauma, and provide more consistent, appropriate sentencing.

The Deputy District Attorney dedicated to the grant will review all DUI cases resulting in fatality or serious injury that are submitted for filing. The Deputy District attorney will prepare investigation requests, vertically prosecute the cases accepted and/or filed under the grant and participate in outreach efforts designed to prevent DUI and raise public awareness. The prosecutor will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and to other attorneys within the District Attorney's Office. This vertical prosecution unit will implement the following policies to achieve maximum effectiveness. The Senior District Attorney Investigator will conduct all investigation for cases accepted and/or filed under the grant and will act as liaison between local law enforcement agencies.

Another component of the specialized team will be to coordinate and participate in DUI prevention and awareness activities to schools and local law enforcement agencies; and to participate in campaigns such as MADD.

Based on an estimate of award letter, the DA's Office budgeted \$354,058 for FY13-14 in this revenue category. No budget adjustment is necessary since the remaining portion (\$21,229) of the grant award will be included in the budget process for FY2014-2015.

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

**Impact on Citizens and Businesses**

All costs under this program will be recovered through grant funding.

2  
3 RESOLUTION NO. 2014-016

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 DUI  
9 with Death and Injury 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 \_\_\_\_\_, 2014,  
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 BE IT FURTHER RESOLVED that the resolution shall be in effect for a one-year period  
19 beginning October 1, 2013 and ending September 30, 2014.

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FORM APPROVED COUNTY COUNSEL  
BY: Neal R. Kipnis 12-6-13  
DATE

**1. GRANT TITLE**  
Alcohol and Drug Impaired Driver Vertical Prosecution Program

**2. NAME OF APPLICANT AGENCY**  
Riverside County

**4. GRANT PERIOD**  
From: 10/1/13  
To: 9/30/14

**3. AGENCY UNIT TO HANDLE GRANT**  
Riverside County District Attorney's Office

**5. GRANT DESCRIPTION**  
The County District Attorney’s Office will assign a specialized team to prosecute alcohol and drug impaired driving cases. The DUI prosecution team will handle cases throughout each step of the criminal process. Prosecution team members will work with the Traffic Safety Resource Prosecutor Program, funded by OTS, to increase the capabilities of the team and the office by obtaining and delivering specialized training. Team members 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 alcohol and drug-involved traffic fatalities and injuries.

**6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED:** \$ 375,287.00

**7. TERMS AND CONDITIONS:** The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement:

- Schedule A (OTS-38b) – Problem Statement, Goals and Objectives and Method of Procedure
- Schedule B (OTS-38d) – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)
- Schedule B-1 (OTS-38f) – Budget Narrative and Sub-Budget Narrative (if applicable)
- Exhibit A –Certifications and Assurances
- Exhibit B\* - OTS-Grant Program Manual

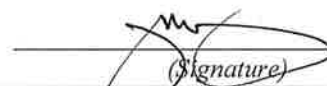
\*Items shown with an asterisk (\*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: [www.ots.ca.gov](http://www.ots.ca.gov).

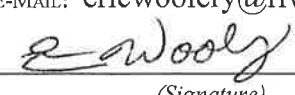
We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

**8. APPROVAL SIGNATURES**


**A. GRANT DIRECTOR**  
NAME: Creg Datig                                  PHONE: 951-955-9370  
TITLE: Assistant District Attorney                  FAX: 951-955-587  
  
ADDRESS: 3960 Orange Street  
Riverside, CA 92501  
  
E-MAIL: [cdatig@rivco.ca.org](mailto:cdatig@rivco.ca.org)  
 10/17/13  
(Date)  
(Signature)

**B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY**  
NAME: Jeffrey Van Vagenen, Jr                  PHONE: 951-955-3689  
TITLE: Assistant District Attorney                  FAX: 951-955-0190  
  
ADDRESS: 3960 Orange Street  
Riverside, CA 92501  
  
E-MAIL: [jvanwagenen@rivcoda.org](mailto:jvanwagenen@rivcoda.org)  
 10-17-13  
(Date)  
(Signature)

**C. FISCAL OR ACCOUNTING OFFICIAL**  
NAME: Eric Woolery                                  PHONE: 951-955-8804  
TITLE: Deputy Director                                  FAX: 951-955-0175  
  
ADDRESS: 3960 Orange Street  
Riverside, CA 92501  
  
E-MAIL: [ericwoolery@rivcoda.org](mailto:ericwoolery@rivcoda.org)  
 10/16/2013  
(Date)  
(Signature)

**D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS**  
NAME: Riverside County District Attorney  
ADDRESS: 3960 Orange Street  
Riverside, CA 92501

**9. DUNS NUMBER**  
DUNS #: 03-775-4061  
REGISTERED ADDRESS & ZIP: 3960 Orange Street  
Riverside, CA 92501-3643

I OFFICIALLY APPROVED COUNTY COUNSEL BY:  DATE: 10/17/13

**GRANTS MADE EASY – VERTICAL PROSECUTION**

**SCHEDULE A**  
Grant No. DI1423  
Page 1

**GRANT DESCRIPTION**

**PROBLEM STATEMENT**

Using SWITRS data for your county, complete the table below.

Collisions	2009				2010				2011			
	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	87	986	96	1,493	69	930	76	1,417	39	675	46	1033

Using the DMV DUI Management Information System (MIS) report, complete the table below.

	2009		2010		2011	
	Felony	Misdemeanor	Felony	Misdemeanor	Felony	Misdemeanor
Countywide DUI Arrests	232	10581	202	9792	173	9771

**DUI with Death/Injury Vertical Prosecution Statistics**

Cases	FFY-2010 <sup>1</sup>						FFY-2011 <sup>2</sup>						FFY-2012					
	Reviewed		Filed		Guilty		Reviewed		Filed		Guilty		Reviewed		Filed		Guilty	
	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	F	M
Alc													92	218	84	185	71	11
Drug													17	10	9	4	9	0
Combo													12	8	10	5	9	1
Total													121	211	103	194	89	12

<sup>1</sup> FFY-2010 precedes the grant and no information is available.

<sup>2</sup> FFY-2011 precedes the grant and no information is available.

<sup>3</sup> Represents only the cases handled by the grant funded prosecutor which were filed as a felony but resulted in a misdemeanor plea.

**GRANTS MADE EASY – VERTICAL PROSECUTION**

**SCHEDULE A  
Grant No. DI1423  
Page 2**

**GRANT DESCRIPTION**

<b><u>Riverside County Statistics</u></b>									
	<b>FFY-2010</b>			<b>FFY-2011</b>			<b>FFY-2012</b>		
<b>DUI with Death/Injury cases</b>	<b>Reviewed</b>	<b>Filed</b>	<b>Guilty</b>	<b>Reviewed</b>	<b>Filed</b>	<b>Guilty</b>	<b>Reviewed</b>	<b>Filed</b>	<b>Guilt</b>
Banning	13	14	13	24	24	15	19	18	17
Indio	88	98	66	85	84	43	75	86	38
Riverside	193	236	198	248	202	130	225	219	131
Southwest	172	122	88	115	103	77	135	112	101

Describe the traffic safety related problem/deficiency and how was it identified. Include any data that is relevant to your request.

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.<sup>4</sup> In 2011, the Riverside County District Attorney’s office received 11,007 Driving Under the Influence (DUI) complaint requests from law enforcement. This represented a 2.5% increase from 2010 in which 10,833 complaint requests were received. Of these, 10,724 cases were filed charging violations of either Vehicle Code section 23152(a) or 23153(a).<sup>5</sup> Additionally, the number of DUI offenders who fail to appear in court also increased during this same reporting period, often as a result of a lack of follow through on ensuring that once the case was filed, the defendant was arrested.

Although the number of victims killed or injured by impaired drivers has consistently decreased both statewide and in Riverside County due to heightened law enforcement efforts as well as effective prosecution measures, such as vertical prosecution of such cases, Riverside County still has the 4th highest incidence of vehicular fatality/injury involving DUI in the state.<sup>6</sup>

<sup>4</sup> 2012 DMV DUI-MIS Report, pp. 9; 2011 DMV DUI-MIS Report, pp. 8

<sup>5</sup> Riverside County District Attorney’s Office Filing statistics.

<sup>6</sup> 2012 DMV DUI-MIS Report, pp. 67

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DI1423  
Page 3

GRANT DESCRIPTION

**OFFICE OF TRAFFIC SAFETY - 2010 RANKINGS**

AGENCY	NCIC	COUNTY	GROUP	POPULATION (AVG)	DVMT
Riverside County	3300	RIVERSIDE COUNTY		2,198,735	55,167,650
<u>TYPE OF COLLISION</u>		VICTIMS KILLED AND INJURED	RANKING BY DAILY VEHICLE MILES TRAVELED	RANKING BY AVERAGE POPULATION	
Total Fatal and		11,417	29/58	46/58	
Alcohol		1,471	29/58	36/58	
HBD Driver		193	12/58	19/58	
HBD Driver 21-		564	27/58	32/58	
Motorcyclists		538	54/58	41/58	
Pedestrians.....		396	32/58	44/58	
Pedestrians		87	29/58	32/58	
Pedestrians		36	37/58	37/58	
Bicyclists.....		340	38/58	41/58	
Bicyclists		84	28/58	28/58	
Composite					
		COLLISIONS			
Speed		2,573	28/58	39/58	
Nighttime.....		1,076	22/58	37/58	
Hit and		528	26/58	33/58	

Riverside County continues to have a critical need for vertical prosecution of DUI with death and/or injury cases, as the Riverside County District Attorney’s Office has found that this results in more effective prosecution and greater accountability of offenders. For example, since being funded by OTS under the grant awards #20565 and AL1357, the Vertical Prosecution DDA and Investigator have handled over 400 cases including: 5-“Watson Murder” vehicular homicides; 9- Gross Negligence Vehicular Manslaughters with Intoxication; 2- Gross Negligence Vehicular Manslaughters; 37- DUIs with Great Bodily Injury; 127- DUIs with Injury; 37 Felony DUIs; and have secured 132 convictions with a combined sentence length of almost 400 years. Over 100 of these offenders had prior DUI convictions, with seven having at least four prior DUI convictions.

A key area in which grant awards #20565 and AL1357 resulted in greater accountability of offenders was the ability to have an on-call senior deputy district attorney and senior investigator, which were specially trained in collision investigations, to respond to DUI fatal collisions. This allowed the prosecutor and investigator to develop a strong working relationship with southwest Riverside County law enforcement agencies and ensure significantly better investigation of traffic fatalities. In fact, the grant funded prosecutor become the “point man” for all fatal collisions in the southwest area and was routinely asked to respond to vehicular fatalities regardless of whether alcohol or drugs were involved. During the grant period the vertical prosecution team responded to twenty-one vehicular homicides. The strength of the

## GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DI1423  
Page 4

### GRANT DESCRIPTION

investigation on these cases was evidenced by defendants opted to plead to court indicated upper term sentences rather than proceed to trial. In one of these cases, the court admonished the defendant that if he went to trial there was a possibility that he might be acquitted, but regardless could not receive more than the court's indicated of upper term. The defendant replied that vertical prosecutor was "too good... he'll get me" and pled to the maximum exposure.

Another area in which greater accountability of offenders resulted from the vertical prosecution grant was in the apprehension of warrant violators. During grant awards #20565 and AL1357 the Vertical Prosecution DDA and Investigator established a new protocol for tracking newly filed cases on out-of-custody defendants to ensure that once the warrant became active the defendant was promptly arrested. The protocol was so successful that during the quarter, every out-of-custody defendant on newly-filed cases was arrested within 10 days of the warrant becoming active. In addition, one hundred fifty-four defendants who were previously identified as having outstanding warrants were arrested.

The commitment of the Riverside County DA's Office to enhancing traffic safety through the implementation of vertical prosecution as made possible by this grant was demonstrated by the achievement of each objective and grant goal in grant award #20565, and the ongoing success of the program under grant award #AL 1357. For example, during grant awards #20565 and AL1357 the office exceeded expectations with double digit reductions in each of the grant goals. During grant awards #20565 and AL1357, DUI involved collision fatalities and injuries decreased by 15% and 30% respectively, and the number of victims killed or injured in DUI collisions decreased by 12% and 32% respective. The requested funding will enable the Riverside County continue to commit the prosecution resources necessary to ensure continuing success of this important program.

### PERFORMANCE MEASURES

#### GRANT GOALS

1. To improve the prosecution of DUI Alcohol, DUI Drug and DUI Combo cases.
2. To increase police officer expertise in DUI investigations and report writing.
3. To increase the filing numbers and rates of DUI Alcohol, DUI Drug and DUI Combo cases by ensuring that such cases are reviewed only by experience and senior level prosecutors.
4. To increase prosecutor expertise in DUI cases.

#### 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](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.



## GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DI1423  
Page 5

### GRANT DESCRIPTION

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](mailto: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 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 District Attorney’s Office by November 30. The program will facilitate the prosecution of all DUI and DUID cases with death and/or injury
5. To designate 1 prosecutor to the DUI with death and/or injury caseload. The individual will be dedicated solely to this assignment allowing them to gain expertise in combating defense tactics and prosecuting DUI Alcohol and DUI Drug cases with death and/or injury. While employed by the District Attorney’s Office, the individual in the grant-funded DUI Vertical Prosecutor position should remain the same throughout the term of the grant.
6. To develop and implement a system for gathering, tracking and reporting on all DUI case reviews, filings and outcomes within the Southwest Riverside county region 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 case reviews, filings and outcomes within the Southwest Riverside county region 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 Alcohol and DUI Drug cases to 30 prosecutors and 4 investigators.
9. To work in conjunction with the Traffic Safety Resource Prosecutor (TSRP) to provide continuous comprehensive training in the investigation, report writing and courtroom testimony for prosecution of DUI Alcohol and DUI Drug cases to 50 local law enforcement officers.

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DI1423  
Page 6

GRANT DESCRIPTION

10. To meet with the Traffic Safety Resource Prosecutor (TSRP) quarterly to provide updates on the Vertical Prosecution Program.
11. To send the funded prosecutor(s) and investigator to the Vehicular Homicide Seminar sponsored by OTS and CDAA.
12. To coordinate and host four regional roundtable law enforcement meetings with telephone conference capabilities to provide information on the DUI Vertical Prosecution Program, to interact with law enforcement to identify means to improve DUI investigation and prosecution and to assess 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. Agenda and minutes should be produced and distributed. All four meetings for the year should be scheduled in the first quarter of the grant.
13. To coordinate with local law enforcement agencies on the development of an on-call response protocol for the investigation of fatal and major injury DUI vehicle collisions and to report on response activities.
14. To have the grant funded vertical prosecutor and investigator participate in a ride-along on at least one DUI saturation patrol, and attend and observe at least one DUI checkpoint.
15. To have the grant funded vertical prosecutor and investigator respond to fatal DUI crash scene investigations within the Southwest Riverside county region and assist law enforcement agencies as needed.
16. To submit a draft or rough-cut of all printed or recorded community education material (brochures, posters, scripts, artwork, trailer graphics, etc) to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and to your OTS Coordinator for approval 14 days prior to the production or duplication.
17. To include the OTS logo, space permitting, on grant funded print materials; consult your OTS Coordinator for specifics relating to this grant.
18. To conduct 2 “Real DUI Sentencing’s” in 2 high schools impacting 100 students.  
***Description:** Real DUI sentencing’s provides a lesson in the justice system about the serious consequences associated with drinking and driving. Unlike the Real DUI Trial, the students are not able to witness full court proceedings, only the ‘sentencing’ portion for the defendant. Guest speakers from local law enforcement, public service groups, victim impact panels and other educational resources may be invited to speak. The program will include the services of a judge, bailiff, court reporter, stenographer, district attorney and the defense attorney.*  
  
***Note:** In general, the sentencing can take 60 – 90 minutes to complete and may have cost associated with the production (.....). Please discuss with your regional coordinator and request prior approval of any additional costs associated with the program.*

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DI1423  
Page 7

GRANT DESCRIPTION

19. To establish and implement a DUI Visitation Program impacting 30 underage DUI violators by September 30, 2014.

***Description:** Alternative sentencing programs increase awareness among young people of the potential consequences of drinking alcohol and using other drugs, and the effects it has on their driving abilities. Visitation Programs include youth visitation tours to hospital Emergency Rooms, courtrooms, jails, and morgue. The youth involved are juvenile offenders of DUI laws, and perhaps, if capacity permits, youth who have been cited for minor-in-possession offenses. Referrals may come from juvenile court, juvenile traffic court, and municipal court.*

20. To establish and implement a “DUI Victim Impact Panel” program for DUI offenders by September 30, 2014.

***Description:** A “DUI Victim Impact Panel” is a forum that allows drunk-driving offenders to come face to face with those who have lost loved ones due to DUI. The panel consists of three to four victims who speak briefly about an impaired driving crash in which they were injured or a loved one was killed and how it has impacted their lives.*

21. To conduct 4 alcohol/drug educational presentations impacting 100 students by September 30, 2014.

***Note:** When trying to establish the number of educational presentations to conduct each quarter, assess the pre-grant activity in the local schools. Only list in the educational objective the additional presentations that the grant will conduct and the number of students (specify elementary, middle school, high school, college) impacted.*

**METHOD OF PROCEDURE**

**Phase 1 – Program Preparation (1<sup>st</sup> Quarter of the Grant Year)**

Activities include hiring staff, training, sub-contract preparation, acquisition of equipment and supplies, etc.

- The District/City Attorney’s office will recruit and hire all staff for the project.
- The District/City Attorney’s Office will procure all materials necessary to implement the project.
- The Deputy District/City Attorney(s) will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings.

## GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DII423  
Page 8

### GRANT DESCRIPTION

- The District/City Attorney's Office staff will develop protocols to be used to measure the success of the DUI Prosecution Program.
- The Deputy District/City Attorney will conduct training for all program staff that will outline the goals and objectives of the project.
- Cases for prosecution will be referred to the grant-funded Deputy District/City Attorney(s) as soon as the project is funded.
- Existing Deputy District/City Attorneys will transfer all pending DUI cases which qualify under this project so that vertical prosecution may begin.
- The Deputy District/City Attorney(s) will develop a training protocol for law enforcement agencies within the county and start a process of coordinating all reporting, investigation, and referral of cases that qualify under the grant.
- The District/City Attorney's Office will plan and schedule and coordinate any educational components included in the grant.

#### **Phase II (2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Quarters of the Grant Year)**

Activities include meeting with allied agencies to coordinate activities, coordination of media events, development of print and promotional materials, etc.

- Prosecution will be on-going. The Deputy District/City Attorney(s) will review DUI cases from all law enforcement agencies within the Southwest Riverside county region.
- Training for law enforcement personnel, District Attorney Investigators and other Deputy District/City Attorneys will begin and continue throughout the program.
- Prosecutor(s) will work to secure convictions as justice requires and appropriate sentences that reflect the public safety risk posed by the offender.
- Prosecutor(s) will mentor trial attorneys on how to successfully try high-risk DUI offenders;
- Prosecutor(s) will host Quarterly Roundtable meetings with law enforcement personnel, and possibly the TSRP and OTS coordinator;
- Prosecutor(s) will work with Traffic Safety Resource Prosecutors to obtain and deliver high quality DUI offender trial training programs to non-grant-funded prosecutors;
- Prosecutor(s) will work with Traffic Safety Resource Prosecutors to obtain and deliver high quality DUI offender trial training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists); and,
- Prosecutor(s) will attend high quality trial training programs including evaluation & preparation of DUI drug cases, marijuana, prescription drugs, drug trends, people's experts, defense challenges, cross-examination of experts, SFST evidence, jury considerations and toxicology

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A  
Grant No. DI1423  
Page 9

GRANT DESCRIPTION

evidence, and incorporate this information into DUI trainings for attorneys and law enforcement personnel as noted above.

**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.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION
405d AL	20.616	Natioal Priority Safety Programs

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY14 10/1/13 thru 9/30/14		
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries				
<b>Full-Time</b>				
Deputy District Attorney IV-S 1 x 12 mos x \$11,055.96 x 100%	20.616	\$ 132,672.00		\$ 132,672.00
Benefits @ 33.7%	20.616	\$ 44,711.00		\$ 44,711.00
Sr. DA Investigator B 1 x 12 mos x \$9,862.32 x 100%	20.616	\$ 118,348.00		\$ 118,348.00
Benefits @ 39.27%	20.616	\$ 46,476.00		\$ 46,476.00
<b>Overtime</b>				
Deputy District Attorney IV-S - 283 hrs	20.616	\$ 17,982.00		\$ 17,982.00
Sr. DA Investigator B - 95.3 hrs	20.616	\$ 8,100.00		\$ 8,100.00
Category Sub-Total		\$ 368,289.00		\$ 368,289.00
<b>B. TRAVEL EXPENSE</b>				
In-State	20.616	\$ 2,998.00		\$ 2,998.00
Category Sub-Total		\$ 2,998.00		\$ 2,998.00
<b>C. CONTRACTUAL SERVICES</b>				
		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
<b>D. EQUIPMENT</b>				
		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
<b>E. OTHER DIRECT COSTS</b>				
Vehicle Expense	20.616	\$ 2,000.00		\$ 2,000.00
Communications	20.616	\$ 2,000.00		\$ 2,000.00
Category Sub-Total		\$ 4,000.00		\$ 4,000.00
<b>F. INDIRECT COSTS</b>				
		\$ -		\$ -
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>		<b>\$ 375,287.00</b>		<b>\$ 375,287.00</b>

SCHEDULE B-1

GRANT NO. DI1423

BUDGET NARRATIVE

Page 1

**PERSONNEL COSTS**

**Salaries** - may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

**Full-Time**

**Deputy District Attorney IV-S**

The Deputy District Attorney dedicated to the grant will review all DUI cases resulting in fatality or serious injury that are submitted for filing. The Deputy District attorney will prepare investigation requests, vertically prosecute the cases accepted and/or filed under the grant and participate in outreach efforts designed to prevent DUI and raise public awareness. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators, and to other attorneys within the District Attorney's Office. This vertical prosecution unit will implement the following policies to achieve maximum defendants.

- 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 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**

Deferred Compensation	0.85%
Health Insurance	5.74%
Life Insurance	0.08%
Long Term Disability	0.60%
Medicare	1.45%
Retirement	19.05%
Social Security/FICA/OASDI	4.62%
Unemployment Insurance	0.54%
Vision Insurance	0.11%
Workers Compensation	0.66%
<b>TOTAL BENEFIT RATE</b>	<b>33.70%</b>

SCHEDULE B-1  
GRANT NO. DI1423

**BUDGET NARRATIVE**

Page 2

**Senior DA Investigator B**

The Senior District Attorney Investigator will conduct all investigation for cases accepted and/or filed under the grant and will act as a liaison between local law enforcement agencies.

**Full Time Benefit Rates**

Deferred Compensation	0.55%
Health Insurance	9.10%
Long Term Disability	0.31%
Medicare	1.45%
Retirement	26.47%
Unemployment Insurance	0.54%
Workers Compensation	0.85%
<b>TOTAL BENEFIT RATE</b>	<b>39.27%</b>

**Supplanting Statement**

Any non-grant-funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.

**Overtime**

**Deputy District Attorney and Senior DA Investigator**

**Checkpoints**

The DDA and Sr. Investigator will attend checkpoints and provide pre-op training on new or pending legislation, as well as current defense strategies being employed relevant to checkpoint DUIs. They will ensure that the checkpoint complies with the requirements set out in *Ingersoll v. Palmer* (1987) 43 Cal.3d 1321. During the checkpoint, they will liaison with investigating officers of recent grant related pre-submission cases to ensure critical case follow-up is completed and provide to the traffic sergeant information on outstanding warrant violators. In addition, the DDA will review search warrants pursuant to Penal Code section 1524(a)(14).

**Saturation Patrols:**

The DDA and Sr. Investigator will attend saturation patrols during the times of maximum deployment throughout the year. They will provide feedback to the officer during the various stages of a DUI arrest: from FSTs to report writing, to ensure cases that are significantly better investigated and assist in writing and reviewing of search warrants pursuant to Penal Code section 1524(a)(14).

**DUI with Injury/Fatal callouts:**

The DDA and Sr. Investigator will respond to DUI with injury/fatal collisions. While at the collision scene they will assist with drafting and reviewing search warrants for critical evidence (i.e. blood samples, search of residence, surveillance videos, and medical records). They will also provide immediate on-scene strategic and legal analysis. Assist in conducting in-depth interviews of suspects and/or witnesses.



SCHEDULE B-1

GRANT NO. DI1423

**BUDGET NARRATIVE**

Page 3

Overtime reimbursement will reflect actual cost of the personnel conducting the appropriate activity.

Costs are estimated based on an overtime hourly rate range of **\$56.68/hour to \$63.54/hour**.

Overtime benefits will not be reimbursed.

**TRAVEL EXPENSE**

**In-State**

Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include the Vehicular Homicide Seminar, OTS Leadership and Training Seminar, Quarterly Roundtable Meetings, training provided by or in conjunction with the Traffic Safety Resource Prosecutor (TSRP) program and the training activities in association with local law enforcement agencies. *All conferences, seminars or training not specifically identified in the Schedule B-1 (Budget Narrative) must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.*

**CONTRACTUAL SERVICES**

None

**EQUIPMENT**

None

**OTHER DIRECT COSTS**

**Communications** - costs of telephone service, mail/messenger service (excluding overnight priority mail) and communications services.

**Vehicle Lease** – lease of vehicles for activities supporting the grant goals and objectives and traffic safety. Uses may include conducting investigations of DUI collisions. Lease charges to the grant will be in accordance with the following formula rate: Maintenance of \$105.44/month x 12 months + Actual fuel cost of grant related vehicle use estimated at \$120.00/month. Reimbursement will be claimed on an actual cost basis and proportional to the grant-related use of the vehicle, up to the maximum amount of \$2,000.

**INDIRECT COSTS**

None

**PROGRAM INCOME**

There will be no program income generated from this grant.

**EXHIBIT A**  
**CERTIFICATIONS AND ASSURANCES**

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

**NONDISCRIMINATION**

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 (88), 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 (101), as amended (42 U.S.C. 12101, et seq.), 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 Civil Rights Restoration Act of 1987 (100), which requires Federal-aid recipients and all subrecipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (92), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (91), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601, et seq.), relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (k) the requirements of any other nondiscrimination statute(s) which may apply to the application.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

**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 with provisions of the Hatch Act (5 U.S.C. 1501-1508) which limits 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 undersigned 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 undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients 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  
CERTIFICATIONS AND ASSURANCES

**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 prospective participant 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 prospective primary participant 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*, *Grant Agreement*, 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 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 entering into this transaction.

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EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

7. The Grantee Agency official further agrees by submitting this Grant Agreement that it will include the clause 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/Grant Agreement 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 prospective participant shall attach an explanation to this Grant Agreement.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

**Instructions for Lower Tier Certification**

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*, *Grant Agreement*, 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 Grant Agreement 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.

EXHIBIT A  
CERTIFICATIONS AND ASSURANCES

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 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.