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

FORM APPROVED COUNTY COUNSEL
DATE 9/16/14
BY: GREGORY P. PRIAMOS

FROM: District Attorney

SUBMITTAL DATE:
9/11/14

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 2014-193. All Districts [\$394,722]

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 \$394,722 for the grant period October 1, 2014 through September 30, 2015.
2. Adopt Resolution 2014-193 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)

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	\$ 355,000	\$ 39,722	\$ 394,722	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: State of California

Budget Adjustment: No

For Fiscal Year: 14/15, 15/16

C.E.O. RECOMMENDATION: APPROVE

BY:
Elizabeth J. Olson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FISCAL PROCEDURES APPROVED
PAUL ANGUILO, CPA, AUDITOR-CONTROLLER
DATE 9/16/14
BY: Esteban Hernandez

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

Prev. Agn. Ref.: 1/7/2014 3-7 | District: ALL | Agenda Number:

3-5

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 DUI with Death and Injury Vertical Prosecution Program and Adoption of Resolution 2014-193. All Districts [\$394,722]

DATE: 9/11/14

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BACKGROUND:

Summary

In each of the past six years (2007-2012), 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 11,007 Driving Under the Influence (DUI) complaint requests were received from law enforcement, of which 10,724 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 estimated award, the DA's Office budgeted \$355,000 for FY14-15 in this revenue category. No budget adjustment is necessary since the remaining portion (\$39,722) of the grant award will be included in the budget process for FY2015-2016.

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

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 DUI with Death and Injury Vertical Prosecution Program and Adoption of Resolution 2014-193. All Districts [\$394,722]

DATE: 9/11/14

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Impact on Citizens and Businesses

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

2
3 RESOLUTION NO. 2014-193

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, 2014 and ending September 30, 2015.
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FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: _____
BY: *[Signature]* DATE: _____

1. GRANT TITLE
ALCOHOL AND DRUG IMPAIRED DRIVER VERTICAL PROSECUTION PROGRAM

2. NAME OF APPLICANT AGENCY
RIVERSIDE COUNTY

4. GRANT PERIOD

3. AGENCY UNIT TO HANDLE GRANT
RIVERSIDE COUNTY DISTRICT ATTORNEY'S OFFICE

From: 10/1/14
To: 9/30/15

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 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.

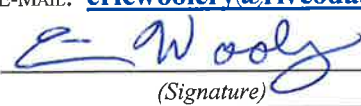
6. FEDERAL FUNDS ALLOCATED UNDER THIS AGREEMENT SHALL NOT EXCEED: \$ 394,722.00

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.
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: 951-95-9370
TITLE: Assistant District Attorney FAX: 951-955-5877
ADDRESS: 3960 Orange Street
Riverside, CA 92501
E-MAIL: cdatig@rivcoda.org
 08/12/14
(Signature) (Date)

B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY
NAME: Jeffrey Van Wagenen, Jr. PHONE: 951-955-5689
TITLE: Assistant District Attorney FAX: 951-955-0190
ADDRESS: 3960 Orange Street
Riverside, CA 92501
E-MAIL: jvanwagenen@rivcoda.org
 9.12.14
(Signature) (Date)

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
 9-16-14
(Signature) (Date)

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

9. DUNS NUMBER
DUNS #: 037754061
REGISTERED ADDRESS & ZIP: 3960 Orange Street
Riverside, CA 92501

FORM APPROVED COUNTY COURSE
BY: NEAL R. KIPNIS DATE

VERTICAL PROSECUTION
SCHEDULE A
GRANT DESCRIPTION
GRANT NO. DI1522

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1. PROBLEM STATEMENT

In each of the past six years (2007-2012), 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, 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).²

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, proactive community education programs, and effective prosecution measures such as vertical prosecution, Riverside County still has the 4th highest incidence of vehicular fatality/injury involving DUI in the state.³

As evidenced from current local data, 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, the Vertical Prosecution DDA and Investigator have handled over 400 cases including: 7- Watson murders; 10- Gross Negligence Vehicular Manslaughters with Intoxication; 3- Gross Negligence Vehicular Manslaughters; 50- DUIs with Great Bodily Injury; 166- DUIs with Injury; and 33 Felony DUIs, and secured almost 200 convictions with a combined sentence length of over 300 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 have 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 became 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 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. Since being funded by OTS the Vertical Prosecution DDA and Investigator established a new protocol for tracking newly filed cases on out-of-custody defendants to ensure

¹ 2013 DMV DUI-MIS Report, pp. 6, Table 1; 2011 DMV DUI-MIS Report, pp. 8, Table 1.

² Riverside County District Attorney's Office Filing statistics.

³ 2013 DMV DUI-MIS Report, pp. 65, Table 20.

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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.

In addition, the vertical prosecution grant has improved the prosecution of DUI Alcohol, DUI Drug and DUI Combo cases within the Southwest region of Riverside County by increasing prosecutor expertise in DUI cases and increasing police officer expertise in DUI investigations and report writing. Since being assigned as the DUI with Death and Injury Prosecutor in September of 2011, DDA Tahan has attended and completed SFST, ARIDE, DRE, and all traffic collision courses through reconstruction. The training and experienced DDA Tahan has received has made him a formidable prosecutor in DUI with death/injury cases. DDA Tahan in turns conveys that knowledge to other prosecutors to increase their expertise and he routinely provides training to law enforcement to improve DUI investigations and report writing.

The continued funding for the vertical prosecution of DUI with death and injury cases is needed to ensure greater accountability for DUI with death and injury offenders and enhancing public safety. The commitment of the Riverside County DA's Office to enhancing has been demonstrated by the achievement of each objective and grant goal in grant awards #20565, AL1357, and the ongoing success of the program under grant award #DI1423.

A. Traffic Data Summary:

- **Data:** Using SWITRS data, 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	1493	69	930	76	1417	74	842	82	1271

- **Data:** 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	9971

- **Data:** Using your own data, complete the table below. If your data system cannot differentiate DUI cases by alcohol, drug, and combo, report all cases on the alcohol row and include an explanation below the table.

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Cases	FFY-2011						FFY-2012						FFY-2013					
	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	Fel	Mis
Alcohol	-	-	-	-	-	-	92	218	84	185	71	11	78	0	72	0	46	6
Drug	-	-	-	-	-	-	17	10	9	4	9	0	7	0	5	0	4	0
Combo	-	-	-	-	-	-	12	8	10	5	89	1	9	0	9	0	56	0
Total	115	0	103	0	77	0	121	211	103	194	89	12	96	0	86	0	56	6

¹ Statistics do not include 59 juvenile arrests.

¹ FFY-2011 precedes the grant and no information is available.

¹ Represents only the cases handled by the grant funded prosecutor which were filed as a felony but resulted in a misdemeanor plea.

¹ Represents only the cases handled by the grant funded prosecutor which were filed as a felony but resulted in a misdemeanor plea.

<u>Riverside County Statistics</u>									
DUI with Death/Injury cases	FFY-2011			FFY-2012			FFY-2013		
	Reviewed	Filed	Guilty	Reviewed	Filed	Guilty	Reviewed	Filed	Guilty
Banning	24	24	15	19	18	17	13	12	7
Indio	85	84	43	75	86	38	49	46	19
Riverside	248	202	130	225	219	131	117	140	91
Southwest	115	103	77	135	112	101	86	70	62

2. PERFORMANCE MEASURES

A. Goals:

- 1) To improve the prosecution of DUI Alcohol, DUI Drug and DUI Combo cases.

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- 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.
- 4) To increase prosecutor expertise in DUI cases.

B. Objectives:

- 1) To create or expand a "Vertical Prosecution Program" with the District Attorney's Office by November 30. The program will facilitate the prosecution of DUI with Death/Injury cases pursuant to Vehicle Codes sections 23153(a)/(b)/(e) and (f) and Vehicular Homicide cases pursuant to Penal Code sections 187 PC, and 191.5(a) and (b).
- 2) To designate 1 prosecutor position and 1 investigator position to the DUI caseload to prosecute DUI Alcohol and DUI Drug cases. The individuals will be dedicated solely to this assignment allowing them to gain expertise in the investigation and prosecution of DUI Alcohol and DUI Drug cases. While employed by the District Attorney's Office, the individuals in the grant-funded DUI Vertical Prosecutor positions should remain the same throughout the term of the grant.
- 3) To develop and implement a system for tracking, and reporting all DUI case reviews, filings, and outcomes separately by the vertical prosecution unit, and countywide, by December 31, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.
- 4) To report on all DUI case reviews, filings, and outcomes of cases worked by the vertical prosecution unit, and all cases countywide, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.
- 5) 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.
- 6) To work in conjunction with the 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.
- 7) To meet with the TSRP quarterly to provide updates on the Vertical Prosecution Program.
- 8) To send the funded prosecutor(s) to training seminars sponsored by OTS and California District Attorneys Association.
- 9) To coordinate and host one regional DUI roundtable meeting each quarter to provide information on the DUI Vertical Prosecution Program, to interact with law enforcement and other DUI stakeholders

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to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. Invited participants should include TSRP staff, local law enforcement, CHP, probation, toxicology lab personnel, and a DMV driver safety representative (regional administrator level, or above). Meetings should have telephone conference capabilities, agenda and minutes should be produced, distributed to all participants and submitted with your OTS Quarterly Performance Report. All four meetings for the year should be scheduled and submitted to your OTS coordinator by October 30.

- 10) 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.
- 11) To participate in at least one ride-along during a DUI saturation patrol and attend/observe at least one DUI checkpoint. *Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant. Saturation patrol ride-along and checkpoint observation may be combined into one evening.*
- 12) To respond to at least one fatal DUI collision investigation scene. *Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.*
- 13) To send the funded vertical prosecutor(s) and investigator to the NHTSA “Advanced Roadside Impaired Driving Enforcement” (ARIDE) 16 hour POST-Certified training. *Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant. Any previous completion of ARIDE training by funded personnel satisfies this objective.*
- 14) To have the grant-funded personnel actively participate in the preparation and review of the Quarterly Performance Reports and Schedule C data sheets that are submitted to OTS, as a means to improve on the quality and accuracy of the information and data.
- 15) To conduct 2 alcohol/drug educational presentations impacting 100 students.

3. METHOD OF PROCEDURE

A. Phase 1 - Program Preparation, Training and Implementation (1st Quarter of Grant Year)

- Recruit and hire all staff for the grant.
- Procure all materials necessary to implement the grant.

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- Identify dates and schedule the four Regional Roundtable Meetings (one each quarter), and notify the OTS coordinator of the dates.
- Develop protocols to be used to measure the success of the DUI Prosecution Program.
- Conduct training for all program staff outlining the goals and objectives of the project.
- Cases for prosecution will be referred to the grant-funded Deputy District/City Attorney(s).
- Transfer all pending DUI cases which qualify under this program so that vertical prosecution may begin.
- 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.
- Plan, schedule and coordinate any educational components included in the grant.

Media Requirements

- Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must 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.

B. Phase 2 - Program Operations (Throughout Grant Year)

- Prosecution will be on-going. The Deputy District/City Attorney(s) will review DUI cases from all law enforcement agencies in the county/city.
- Training for law enforcement personnel, District Attorney Investigators and other Deputy District/City Attorneys will begin and continue throughout the program.
- Prosecutor(s) will:
 - a) Work to secure convictions (as justice requires) and appropriate sentences that reflect the public safety risk posed by the offender.
 - b) Mentor trial attorneys on how to successfully try high-risk DUI offenders.

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- c) Host Quarterly Roundtable meetings with law enforcement personnel, TSRP and OTS Coordinator.
- d) Work with the TSRP to obtain and deliver high quality DUI prosecution training programs to non-grant-funded prosecutors.
- e) Work with the TSRP to obtain and deliver high quality DUI investigation, report writing and courtroom testimony training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists).
- f) Attend training programs that cover evaluation and 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 evidence, and incorporate this information into DUI trainings for attorneys and law enforcement personnel.

Media Requirements

- 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.
 - a) 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. Optimum lead time would be 10-20 days prior to the release date to ensure adequate turn-around time.
 - b) Press releases 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.
 - c) 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.
- 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.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.

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- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at pio@ots.ca.gov and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Include the OTS logo, space permitting, on grant-funded print materials; consult your OTS Coordinator for specifics.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Agencies are required to collect and report quarterly, appropriate data that supports the progress of goals and objectives.
- 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 as specified in the Grant Program Manual.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation why objectives were not completed.

5. 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. DII522

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL	20.616	National Priority Safety Programs	\$394,722

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/14 thru 9/30/15		
A. PERSONNEL COSTS				
Positions and Salaries				
Full-Time				
Deputy District Attorney IV-S 1 x 20 pay periods x \$6,292.91 x 100%	20.616	\$ 125,859.00		\$ 125,859.00
Benefits @ 32.7220%	20.616	\$ 41,184.00		\$ 41,184.00
Deputy District Attorney IV-S 1 x 6 pay periods x \$6,722.80 x 100%	20.616	\$ 40,337.00		\$ 40,337.00
Benefits @ 28.9474%	20.616	\$ 11,677.00		\$ 11,677.00
Senior DA Investigator B 1 x 20 pay periods x \$4,721.94 x 100%	20.616	\$ 94,439.00		\$ 94,439.00
Benefits @ 38.8230%	20.616	\$ 36,665.00		\$ 36,665.00
Senior DA Investigator B 1 x 6 pay periods x \$5,083.82 x 100%	20.616	\$ 30,503.00		\$ 30,503.00
Benefits @ 36.2608%	20.616	\$ 11,061.00		\$ 11,061.00
Category Sub-Total		\$ 391,725.00		\$ 391,725.00
B. TRAVEL EXPENSE				
In-State	20.616	\$ 4,886.00		\$ 4,886.00
Out-of-State				\$ -
Category Sub-Total		\$ 4,886.00		\$ 2,997.00
C. CONTRACTUAL SERVICES				
Category Sub-Total		\$ -		\$ -
D. EQUIPMENT				
Category Sub-Total		\$ -	\$ -	\$ -
E. OTHER DIRECT COSTS				
Category Sub-Total		\$ -		\$ -
F. INDIRECT COSTS				
Category Sub-Total		\$ -		\$ -
GRANT TOTAL		\$ 396,611.00		\$ 394,722.00

SCHEDULE B-1

GRANT NO. DI1522

BUDGET NARRATIVE

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PERSONNEL COSTS

Deputy District Attorney IV-S

The Deputy District Attorney will be dedicated to vertically prosecute cases involving driving under the influence of alcohol and/or drugs. The Prosecutor will review DUI cases submitted for filing and vertically prosecute the cases accepted and or filed, appear at arraignments, conduct preliminary hearings, file/respond to motions, conduct jury trials and appear at sentencing hearings. . The prosecutor will attend training provided by the California Traffic Safety Resource Prosecutor (TSRP) Program and work the TSRPs to deliver training to law enforcement, investigators and to other attorneys within the District Attorney's Office. Prosecutor will work closely with the District Attorney Investigator to address emerging defense strategies and conduct outreach efforts designed to increase awareness of alcohol-related injuries and deaths. The 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 and continue 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

Health Insurance	5.462%
Life Insurance	0.054%
Long Term Disability	0.600%
Medicare	1.450%
Retirement	15.580%
Social Security/FICA/OASDI	4.417%
Unemployment Insurance	0.202%
Vision Insurance	0.098%
Workers Compensation	0.598%
Deferred Compensation	0.791%
Post Employment Benefits	3.470%
TOTAL BENEFIT RATE	32.722%

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BUDGET NARRATIVE

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Health Insurance	5.113%
Life Insurance	0.0509%
Long Term Disability	0.600%
Medicare	1.450%
Retirement	16.00%
Social Security/FICA/OASDI	4.1342%
Unemployment Insurance	0.202%
Vision Insurance	0.0914%
Workers Compensation	0.5622%
Deferred Compensation	0.7437%
TOTAL BENEFIT RATE	28.9474%

Senior District Attorney Investigator

The District Attorney Investigator will assist the Deputy District Attorney in the prosecution of DUI Alcohol and DUI Drug cases by gathering evidence, following up on leads, and other related duties as requested.

Full -Time Benefit Rates

Health Insurance	9.153%
Long Term Disability	0.295%
Medicare	1.450%
Retirement	24.13%
Unemployment Insurance	0.202%
Workers Compensation	0.796%
Deferred Compensation	0.527%
Post Employment Benefits	2.270%
TOTAL BENEFIT RATE	38.823%

SCHEDULE B-1

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BUDGET NARRATIVE

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Health Insurance	8.5012%
Long Term Disability	0.2743%
Medicare	1.450%
Retirement	24.60%
Unemployment Insurance	0.202%
Workers Compensation	0.7434%
Deferred Compensation	0.4899%
TOTAL BENEFIT RATE	36.2608%

Supplanting Statement

Personnel assigned to the grant will be conducting a new traffic safety program that was not previously funded with City, County or State funding. Any non-grant-funded vacancies created by reassignment to a grant-funded position must be filled at the expense of the grantee agency.

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 attendance at DUI-related training provided by the California District Attorneys Association (CDAA). *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

None

INDIRECT COSTS

None

PROGRAM INCOME

There will be no program income generated from this grant.

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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

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.

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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 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.

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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 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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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.

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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.
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

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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.