

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

806



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 Vertical Prosecution Program and Adoption of Resolution 2014-017.

All Districts [\$484,939]

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 \$484,939 for the grant period October 1, 2013 through September 30, 2014.
2. Approve and direct the Auditor-Controller to make the budget adjustments as shown on Schedule A, attached.
3. Adopt Resolution 2014-017 authorizing the District Attorney and/or his designee to sign the Grant Agreement on behalf of the Board

BACKGROUND:

Summary

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

(Background cont. on page 2)

Jeffrey A. Van Wageningen 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	\$ 363,704	\$ 121,235	\$ 484,939	\$ 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: Yes

For Fiscal Year: 13/14

C.E.O. RECOMMENDATION:

APPROVE

BY:
Elizabeth J. Olson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: January 7, 2014
xc: DA, Auditor

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref.: 12/18/2012 3.13 | District: ALL | Agenda Number:

3-9

BACKGROUND:

Summary

The District Attorney's Office Drug Impaired Driver Vertical Prosecution Unit provides a central location throughout the western region of the county for law enforcement, victims, and the community.

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

The Riverside County District Attorney's Office will recruit and assign three Deputy District Attorney (DDA) to vertically prosecute misdemeanor DUID cases in the county. The DDAs will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings. Cases will be referred to the DDAs upon project funding. The DDAs will attend specialized training, including DUID prosecution and Vehicular Homicide Seminars sponsored by OTS and CDAA. A database for tracking the number and disposition of DUID filing requests received by the Riverside County District Attorney's Office, as well as the dispositions and conviction rate on DUID cases, will be developed. A roundtable meeting will be convened by the Riverside County District Attorney's Office, with representatives from each law enforcement agency from involved contract cities through the Sheriff's Department, as well as the regional CDAA TSRP prosecutor and OTS grant coordinator invited to attend.

The assigned DUID vertical prosecutors will continue to review, charge, and handle courtroom proceedings (including trials) of misdemeanor DUID cases throughout the county. Both in-house training for other deputy district attorneys, as well as "investigation protocol" training for law enforcement and DUID prosecutor will be developed and presented in collaboration with the CDAA TSRP Program. Roundtable meetings including law enforcement and prosecutors will be conducted quarterly during the grant period to assess technical needs for training on DUI investigation and court testimony.

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

Based on an estimate of award letter, the DA's Office budgeted \$160,000 for FY13-14 in this revenue category. An adjustment of \$203,704 is required for the balance based on the nine month pro-rata amount of the grant period in Fiscal Year 2013-2014 (See Attachment A). The remaining portion (\$121,235) 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.

Schedule "A"

Increase Appropriations:

10000-2200100000-510040	Regular Salaries	\$114,421
10000-2200100000-518100	Budgeted Benefits	67,283
10000-2200100000-520200	Communications	3,000
10000-2200100000-527880	Training – Other	13,000
10000-2200100000-528920	Car Pool Expense	<u>6,000</u>
		\$203,704

Increase Estimated Revenue:

10000-2200100000-767450	Fed-ofc Traffic Safety Grants	\$203,704
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Board of Supervisors

RESOLUTION NO. 2014-017

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

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

BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Riverside, State of California, in regular session assembled on January 7, 2014, that the District Attorney of the County of Riverside, State of California and/or his designee is authorized, on its behalf, to submit and to sign the Grant Agreement, as well as related contracts, amendments, or extensions with OTS that do not significantly change the grant or the contract.

BE IT FURTHER RESOLVED that the resolution shall be in effect for a two year period beginning October 1, 2013 and ending September 30, 2014.

ROLL CALL:

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board
By [Signature]
Deputy

FORM APPROVED COUNTY COUNSEL
BY: [Signature] DATE: 12/10/13
NEAL R. KIRNIS

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: 10/1/13

To: 9/30/14

5. GRANT DESCRIPTION

The County District Attorney's Office will assign a specialized team to prosecute 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:

\$ 484,939.00

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.

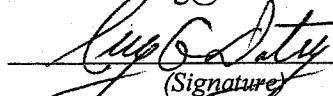
IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

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


(Signature)

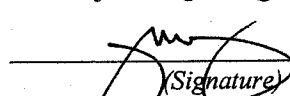
10/12/13
(Date)

B. AUTHORIZING OFFICIAL OF APPLICANT AGENCY

NAME: Jeffery Van Wagenen PHONE: 951-955-5880
TITLE: Assistant District Attorney FAX: 951-955-5880

ADDRESS: 3960 Orange Street
Riverside, CA 92501

E-MAIL: jvanwagenen@RivCoDA.org


(Signature)

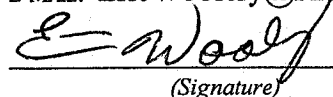
10.17.13
(Date)

C. FISCAL OR ACCOUNTING OFFICIAL

NAME: Eric Woolery PHONE: 951-955-8804
TITLE: Deputy Director FAX: 951-955-9455

ADDRESS: 3960 Orange Street
Riverside, CA 92501

E-MAIL: EricWoolery@RivCoDA.org


(Signature)

10/16/2013
(Date)

D. OFFICE AUTHORIZED TO RECEIVE PAYMENTS

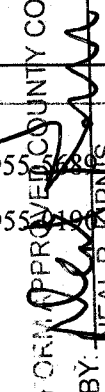
NAME: Riverside County District Attorney's Office

ADDRESS: 3960 Orange Street
Riverside, CA 92501

9. DUNS NUMBER

DUNS #: 037754061

REGISTERED 3960 Orange Street
ADDRESS & ZIP: Riverside, CA 92501-3643

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 12/11/17

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
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GRANT DESCRIPTION

PROBLEM STATEMENT

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

	2009				2010				2011			
Collisions	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol Involved	87	986	96	1,493	69	930	76	1,417	59	654	67	971

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	10,581	202	9,792	173	9,771

Using your own data, complete the table below.

	FFY-2010						FFY-2011						FFY-2012**					
Cases	Reviewed		Filed		Guilty		Reviewed		Filed		Guilty		Reviewed		Filed		Guilty	
DUI	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis
VC 23152(a)			190	10402	102	6416			158	1034	89	5782			196	10806	102	4963
VC 23153(a)			151	96	110	70			139	82	93	41			172	71	88	32

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

From 2007-2011 Riverside County 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, the Riverside County District Attorney's Office received a total of 10,823 Driving Under the Influence (DUI)

GRANTS MADE EASY – VERTICAL PROSECUTION

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GRANT DESCRIPTION

complaint requests from law enforcement. The Riverside County District Attorney's Office filed 10,679 of those cases, alleging a violation of either Vehicle Code section 23152(a) or 23153(a). An additional 60 such cases resulted in petitions alleging a violation of Vehicle Code section 23152(a) or 23153(a) were filed on behalf of juvenile offenders in 2011.¹ In 2012, a total of 10,956 DUI complaint requests were received from law enforcement, requesting a charge of Vehicle Code section 23152(a) or Vehicle Code section 23152(b). A total of 10,675 Vehicle Code section 23152(a) or Vehicle Code section 23153(a) cases were filed against adult offenders, and 51 petitions were filed against juvenile offenders.

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

The DUI arrest rate in Riverside County coupled with increasing awareness of the frequency of drug and combination drug and alcohol-impaired driving statewide and nationally, clearly indicates that Riverside County law enforcement officers and prosecutors must be prepared to meet the threat presented to traffic safety by drug impaired drivers. However, experience has proven that in order to overcome the challenges presented in effectively investigating and prosecuting drug-impaired driving cases, a team approach focusing on specialized training for law enforcement (including Standardized Field Sobriety Testing (SFST), Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Evaluator (DRE)), combined with vertical prosecution by experienced, specially-assigned prosecutors, is critical to success.

Although the actual increase in the incidence of drug-impaired driving in Riverside County is difficult to measure, the Riverside County District Attorney's Office (countywide) filed 786 cases in which only Vehicle Code section 23152(a) or Vehicle Code section 23153(a) was charged in 2009, 801 such cases in 2010, and 1,011 cases in 2011. These statistics do not reflect cases in which the defendant was under the influence of both alcohol and drugs, which would result in the filing of both the "(a)" and "(b)" sections. At the end of the third quarter in Fiscal Year 2012, the grant-funded prosecutor had filed 585 DUID cases in the Western Region of Riverside County alone. This grant award has facilitated the grant-funded prosecutor to obtain 210 guilty pleas in the first three quarters of the granting, thereby holding a staggering 210 DUID offenders accountable in 9 months in only one of three regions in Riverside County.

The Riverside County District Attorney's Office was awarded this grant (#AL1359) for Fiscal Year 2012-2013, and currently one prosecutor in the Western region is assigned to vertically prosecute misdemeanor driving under the influence of drugs and combination alcohol and drug cases. The DUID prosecutor has handled felony drug-impaired driving cases as well, in an effort to maintain continuity and promote overall efficiency. A

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

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

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GRANT DESCRIPTION

second Riverside prosecutor is assigned to vertically prosecute felony DUI with death or injury cases in the Southwestern region (funded by OTS grants # 20565 and AL1357).

Via law enforcement contracts, the Riverside County Sheriff's Department (Sherriff's Department), by the largest law enforcement agency in the county, provides law enforcement services throughout the county via law enforcement contracts to 17 cities (Calimesa, Canyon Lake, Coachella, Eastvale, Indian Wells, Jurupa Valley, Lake Elsinore, La Quinta, Menifee, Moreno Valley, Norco, Palm Desert, Perris, Rancho Mirage, San Jacinto, Temecula, and Wildomar) one community services district (Southern Coachella Valley Community Services District). Traffic enforcement, including DUI interdiction, is a high priority in these "contract cities." For example, two deputies assigned to the Moreno Valley Police Department accounted for 517 DUI arrests in 2011. In 2012, those same two deputies arrested 552 people for DUI. Furthermore, deputies from the contract cities of Temecula and Lake Elsinore were recognized with MADD "Century Awards" in 2011 for over 100 DUI arrests each.

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

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

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

GRANTS MADE EASY – VERTICAL PROSECUTION

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GRANT DESCRIPTION

The Riverside County District Attorney's Office, in cooperation with the Riverside Sheriff's Department, has developed a strategy to address the critical aspects of DUID investigation and prosecution from both the law enforcement and district attorney perspectives. Effective investigation requires officers who are specially trained in recognition of drug impairment and correlation of that impairment to driver safety. Successful prosecution depends upon deputy district attorneys who are able to properly evaluate DUID cases submitted for charging, have both technical and tactical expertise in the trial prosecution of such cases, and who can rely on the availability of expert officers to investigate DUID cases and effectively testify when necessary about the effects of drug impairment on driving. Most importantly, ongoing communication and cooperation between law enforcement and the Riverside County District Attorney's Office fosters the ability to rapidly address developing issues and concerns of both the logistical and technical varieties. This strategy to solve the problem is working – under the current grant the Riverside County District Attorney's Office is filing more cases, obtaining more convictions, and ultimately holding offenders accountable and making the streets and highways safer.

PERFORMANCE MEASURES

GRANT GOALS

1. To improve the prosecution of DUI Drug and DUI Combo cases.
2. To increase law enforcement expertise in DUI investigations and report writing.
3. To increase the filing of charges in DUID cases submitted by law enforcement by ensuring that such cases are reviewed and filed only by experienced 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, and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
2. To send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at pio@ots.ca.gov, with a copy to your OTS Coordinator. If an OTS template-based press release is used, the OTS PIO and Coordinator should be copied when the release is distributed to the press. If an OTS template is not used, or is substantially changed, a draft press release should first be sent to the OTS PIO for approval. Drafts should be sent for approval as early as possible to ensure adequate turn-around time. Optimum lead time would be 10-20 days prior to the operation. Media communications reporting the results of grant activities such as ENFORCEMENT OPERATIONS are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press. Activities such as warrant or probation sweeps and 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.

GRANTS MADE EASY – VERTICAL PROSECUTION

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GRANT DESCRIPTION

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 expand the "Vertical Prosecution Program" with the District Attorney's Office by November 30. The program will facilitate the prosecution of all misdemeanor DUI Drug and DUI Drug/Alcohol Combination cases.
5. To designate 3 prosecutor position(s) to the DUI caseload to prosecute and DUI Drug and DUI Drug and Alcohol cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in combating defense tactics and prosecuting DUI Drug cases. While employed by the District Attorney's Office, the individual(s) in the grant-funded DUI Vertical Prosecutor position(s) should remain the same throughout the term of the grant.
6. To develop and implement a system for gathering, tracking and reporting on all DUID case reviews, filings and outcomes in Riverside County by December 31, differentiating between 1) DUI Drug-only and 2) DUI Drug/Alcohol Combination cases.
7. To report on all DUID case reviews, filings and outcomes in Riverside County throughout the grant, differentiating between 1) DUI Drug-only and 2) DUI Drug/Alcohol Combination 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.
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) 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.

GRANTS MADE EASY – VERTICAL PROSECUTION

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13. To participate in a ride-along on at least one DUI saturation patrol and attend and observe at least one DUI checkpoint (to be done by the funded vertical prosecutor(s) and investigator within the first quarter of the grant---saturation patrol ride-along and checkpoint observation may be combined into one evening).

14. To respond to at least one fatal DUI crash scene or one DUI crash scene involving great bodily injury.

15. 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.

21. 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.

22. 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.

GRANTS MADE EASY – VERTICAL PROSECUTION

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GRANT DESCRIPTION

METHOD OF PROCEDURE

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

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

- The District Attorney's office will recruit and hire all staff for the project.
- The District Attorney's Office will procure all materials necessary to implement the project.
- The Deputy District Attorney(s) will identify dates and schedule the four (one each quarter) Regional Roundtable Meetings.
- The District Attorney's Office staff will develop protocols to be used to measure the success of the DUI Prosecution Program.
- The Deputy District 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 Attorney(s) as soon as the project is funded.
- Existing Deputy District Attorneys will transfer all pending DUI cases which qualify under this project so that vertical prosecution may begin.
- The Deputy District 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 Attorney's Office will plan and schedule and coordinate any educational components included in the grant.

Phase II (2nd, 3rd, and 4th 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 Attorneys will review DUI cases from all law enforcement agencies in the County.
- 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;

GRANTS MADE EASY – VERTICAL PROSECUTION

SCHEDULE A
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GRANT DESCRIPTION

- 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 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. DI1427

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

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/13 thru 9/30/14		
A. PERSONNEL COSTS				
Positions and Salaries				
<u>Full-Time</u>				
Deputy District Attorney III				
3 x 12 months x \$9,659.82 x 100%	20.616	\$ 347,754.00		\$ 347,754.00
3 Benefits @ 37.627%	20.616	\$ 130,885.00		\$ 130,885.00
Category Sub-Total		\$ 478,639.00		\$ 478,639.00
B. TRAVEL EXPENSE				
In-State	20.616	\$ 6,300.00		\$ 6,300.00
Category Sub-Total		\$ 6,300.00		\$ 6,300.00
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		\$ 484,939.00		\$ 484,939.00

SCHEDULE B-1
GRANT NO. DI1427

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

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

Full Time Benefit Rates

Health Insurance	7.752%
Life Insurance	.099%
Long Term Disability	.604%
Medicare	1.450%
Retirement	19.050%
Social Security/FICA/OASDI	5.992%
Unemployment Insurance	.543%
Vision Insurance	.139%
Workers Compensation	.868%
Deferred Compensation	1.130%
TOTAL BENEFIT RATE	37.627%

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.

SCHEDULE B-1

GRANT NO. DI1427

BUDGET NARRATIVE

Page 2

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

None

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.

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.