

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



**SUBMITTAL DATE:**  
9/11/14

**FROM:** District Attorney

**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 2014-194. All Districts [\$488,280]

**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 \$488,280 for the grant period October 1, 2014 through September 30, 2015.
2. Approve and direct the Auditor-Controller to make the budget adjustments as shown on Schedule A, attached.
3. Adopt Resolution 2014-194 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.

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	\$ 460,000	\$ 28,280	\$ 488,280	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b> State of California	<b>Budget Adjustment:</b> Yes
	<b>For Fiscal Year:</b> 14/15, 15/16

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

BY:   
Elizabeth J. Olson  
**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Benoit, seconded by Supervisor Ashley 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:** September 30, 2014  
**xc:** D.A., Auditor

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

FORM APPROVED COUNTY COUNSEL  
DATE 9/10/14  
BY: GREGORY P. PRIAMOS

Departmental Concurrence

FISCAL PROCEDURES APPROVED  
PAUL ANGLU, CPA, AUDITOR-CONTROLLER  
BY:   
Esteban Hernandez

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

**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 Vertical Prosecution Program and Adoption of Resolution 2014-194. All**  
**Districts [\$488,280]**

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**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 estimated award, the DA's Office budgeted \$480,000 for FY14-15 in this revenue category. A reduction of \$20,000 to \$460,000 is required based on the nine month pro-rata amount of the grant period in Fiscal Year 2014-2015 (See Attachment A). The remaining portion of the grant award (\$28,280) 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.

**Impact on Citizens and Businesses**

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

**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 Vertical Prosecution Program and Adoption of Resolution 2014-194. All  
Districts [\$488,280]

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**Schedule "A"**  
**FY 14/15**

**Decrease Appropriations:**

10000-2200100000-510040	Regular Salaries	\$15,000
10000-2200100000-518100	Budgeted Benefits	<u>5,000</u>
		\$20,000

**Decrease Estimated Revenue:**

10000-2200100000-767450	Fed-ofc Traffic Safety Grants	\$20,000
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2  
3 RESOLUTION NO. 2014-194

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

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

12 BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of  
13 Riverside, State of California, in regular session assembled on September 30, 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  
19 BE IT FURTHER RESOLVED that the resolution shall be in effect for a two year period  
beginning October 1, 2014 and ending September 30, 2015.

20  
21 ROLL CALL:

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

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

26  
27 KECIA HARPER-IHEM, Clerk of said Board  
By [Signature]  
Deputy

FORM APPROVED COUNTY COUNSEL  
BY: [Signature] DATE: 09/30/14  
NEAL RUSKIN



**VERTICAL PROSECUTION  
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**1. PROBLEM STATEMENT**

For each of the past six years (2007-2012), Riverside County law enforcement officials have arrested over 10,000 impaired drivers, placing it among only five counties in the State of California with a similarly high incidence of impaired driving. The Riverside County District Attorney's Office filed 10,402 DUI cases in FY 2010, 10,034 DUI cases in FY 2011 and 10,806 DUI cases in FY 2012.

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.<sup>1</sup> 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.

The actual extent and prevalence of drug-impaired driving in Riverside County was unknown until the Riverside County District Attorney's Office was awarded OTS grant #AL1359 for FFY 2013. DDA Kristen Buie was the sole prosecutor assigned to the grant, and vertically prosecuted misdemeanor drug-only DUIs and combination alcohol and drug DUI cases in the Western region of the county. DDA Buie also handled felony drug-impaired driving cases in an effort to maintain continuity and promote overall efficiency. With the institution of the grant very detailed and accurate statistics for drug-only DUIs and combination alcohol and drug DUIs were kept by the District Attorney's Office for the very first time. In the past, numerous prosecutors at the Riverside County District Attorney's Office handled thousands of DUI cases every year without documenting whether a particular case was an alcohol-only DUI, drug-only DUI, or combination drug and alcohol DUI. Therefore, the statistics this grant enables the office to collect are extremely helpful in identifying the prevalence of drug-impaired driving and combination drug and alcohol impaired driving in Riverside County. With continued financial support from OTS, the statistics gathered by the vertical prosecution team in Riverside County will produce baseline data that will serve as a measure to evaluate the impact of this grant, as well as other law enforcement grants awarded in Riverside County.

In FFY 2013, 829 DUID filing requests were submitted to, and reviewed by DDA Buie, who filed 748 DUID cases. Of those 829 filing requests, there were 441 misdemeanor combination drug and alcohol DUIs, 374 misdemeanor drug-only DUIs, 7 felony combination drug and alcohol DUIs and 7 felony drug-only DUIs. Of the 748 DUID cases that were filed, there were 417 misdemeanor combination drug and alcohol DUIs, 318 misdemeanor drug-only DUIs, 9 felony combination drug and alcohol DUIs and 4 felony drug-only DUIs. These are just a few examples of the types of detailed statistics this grant enables the office to gather, that otherwise would not be collected.

The DUI arrest rates in Riverside County in recent years, and DUID filing and conviction rates documented in FFY 2013, 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

<sup>1</sup> U.S. Department of Transportation Report No. DOT HS 811 415

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prosecutors must continue to be prepared to tackle the threat presented to traffic safety by drug-impaired drivers. A team approach focusing on specialized training for law enforcement, combined with vertical prosecution by experienced, focused prosecutors, is critical to success. Of special 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, among 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. We must continue to train law enforcement on these issues. A common challenge for DUID prosecutors is 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 is a definite challenge. This problem is exacerbated by DOJ's common practice of only performing a "screen" on blood samples, rather conducting quantitative analysis. This practice often puts prosecutors in the difficult situation of having an expert from DOJ unable to render any opinion regarding impairment because the lab does not conduct quantitative analysis on samples unless specifically requested by a prosecutor, and the results take about 3-4 months to reach the prosecuting agency. Failure of the investigating officer(s) to conduct thorough and complete investigations 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. In sum, we must ensure investigating officers are specially trained on how to conduct DUID investigations, and how to effectively testify in DUID jury trials.

Successful prosecution of DUID cases also 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 officers to properly investigate DUID cases and most importantly, effectively testify about the effects of drug impairment on driving. Cooperation and communication between law enforcement and prosecutors fosters the ability to quickly address developing issues and concerns (e.g., the *McNeely decision of the U.S. Supreme Court*) of both the logistical and technical varieties. This strategy is working – under the current grant the office is filing more DUID cases, obtaining more DUID convictions, and ultimately making the streets and highways of Riverside County safer. Continued funding for the vertical prosecution of DUID cases in Riverside County is necessary to ensure the continuation of this team effort aimed at holding DUID offenders accountable.

It is clear that greater accountability of DUID offenders resulted from the vertical prosecution program in FFY 2013, because 90% of DUID filing submissions were filed when they first came across DDA Buie's desk. Because the grant enabled DDA Buie to work closely with traffic officers, if she was contemplating rejecting or sending back a DUID filing submission she would first try calling the investigating officer, or meet with the officer face-to-face. DDA Buie's participation at law enforcement roundtables, DUI Checkpoints, press briefings, trainings and meetings made it much easier to communicate with officers effectively in order streamline the DUID filing process. She was so successful at communicating to law enforcement the evidentiary standards applicable to filing DUID cases that her rejection rate was only 4.58%, and only 5.42% of DUID filing submissions were returned to law enforcement for further investigation. The previous grant award resulted in greater accountability of DUID offenders as evidenced by the 301 guilty pleas obtained in DUID cases in FFY 2013. On average, DDA Buie obtained almost 6 guilty pleas per week. The vertical prosecution

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program further proved an effective mechanism for holding drug impaired drivers accountable as evidenced by the three guilty verdicts (and no acquittals) obtained at jury trial. DDA Buie, utilizing the specialized training and expertise acquired due to grant funds, obtained one felony DUID guilty verdict and two misdemeanor DUID guilty verdicts.

Due to last year's success the Drug-Impaired Driver Vertical Prosecution Program expanded to reach the other two regions of the county – the Southwest Division and the Indio Division. Riverside County is the 4<sup>th</sup> most populous county in the state – home to over 2 million people, and is geographically large – encompassing over 7,000 square miles. The addition of two experienced DUI prosecutors to cover this large county this year will result in more DUID offenders being held accountable, and inevitably, safer roads for the millions of people that travel throughout the county. The Riverside County District Attorney's Office is committed to enhancing traffic safety, as demonstrated by the completion of each objective and goal in grant award # AL1359, and the ongoing success of the expanded vertical prosecution program in grant award # DI1427.

**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



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	FFY-2010		FFY-2010		FFY-2011		FFY-2011		FFY-2012		FFY-2012		FFY-2013		FFY-2013	
Cases	Filed		Guilty		Filed		Guilty		Filed		Guilty		Filed		Guilty	
DUI	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis
VC 23152(a)	190	10402	102	6416	158	10034	98	5782	196	10806	102	4963	147	10279	107	4389
VC 23153(a)	151	96	110	70	139	82	93	41	172	71	88	32	195	59	110	41

**Riverside County Statistics**

		<u>Riverside County Drug-Impaired Driver Vertical Prosecution Statistics</u>																
		FFY-2011 <sup>2</sup>						FFY-2012 <sup>3</sup>						FFY-2013 <sup>4</sup>				
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
Alcohol <sup>5</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Drug	X	X	X	X	X	X	X	X	X	X	X	X	7	374	4	318	3	135
Combo	X	X	X	X	X	X	X	X	X	X	X	X	7	441	9	417	22	145

<sup>2</sup> FFY-2011 statistics are not available because the Drug-Impaired Driver Vertical Prosecution grant at the Riverside County District Attorney's Office was not funded until FFY-2013.

<sup>3</sup> FFY-2012 statistics are not available because the Drug-Impaired Driver Vertical Prosecution grant at the Riverside County District Attorney's Office was not funded until FFY-2013.

<sup>4</sup> Statistics represent cases prosecuted by DDA Kristen Buie, funded by grant #AL1359.

<sup>5</sup> The Drug-Impaired Driver Vertical Prosecution grant for FY-2013 did not fund the prosecution of alcohol-only misdemeanor DUIs, nor alcohol-only felony DUIs, therefore those statistics are not available.

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**2. PERFORMANCE MEASURES**

**A. Goals:**

- 1) To improve the prosecution of DUI Alcohol, DUI Drug and DUI Combo cases.
- 2) To increase police officer expertise in DUI investigations and report writing.
- 3) To increase the filing numbers and rates of DUI Alcohol, DUI Drug and DUI Combo cases.
- 4) To increase prosecutor expertise in DUI cases.

**B. Objectives:**

- 1) To create or expand a "Vertical Prosecution Program" with the City Attorney or District Attorney's Office by November 30. The program will facilitate the prosecution of Drug-only DUIs, and Combination drug and alcohol DUI cases pursuant to Vehicle Code sections 23152 and 23153, subdivisions (e) and (f).
- 2) To designate 3 prosecutor positions and 0 investigator positions 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.

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- 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 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.*
- 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 (1<sup>st</sup> 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](mailto: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](mailto: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](mailto: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](mailto: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. D11523

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405d AL	20.616	National Priority Safety Programs	\$488,280

COST CATEGORY	FISCAL YEAR ESTIMATES			TOTAL COST TO GRANT
	CFDA	FY-1 10/1/14 thru 9/30/15		
<b>A. PERSONNEL COSTS</b>				
Positions and Salaries				
<b>Full-Time</b>				
<i>October through June 30</i>				
Deputy District Attorney				
	20.616	\$ 273,114.00		\$ 273,114.00
3 x 20 pay periods x \$4,551.90 x 100%				
	20.616	\$ 93,263.00		\$ 93,263.00
Benefits @ 34.1478%				
<i>July 1 through September 30</i>				
Deputy District Attorney				
	20.616	\$ 87,201.00		\$ 87,201.00
3 x 6 pay periods x \$4,844.48 x 100%				
	20.616	\$ 28,987.00		\$ 28,987.00
Benefits @ 33.2411%				
Category Sub-Total		\$ 482,565.00		\$ 482,565.00
<b>B. TRAVEL EXPENSE</b>				
In-State	20.616	\$ 5,715.00		\$ 5,715.00
Out-of-State				\$ -
Category Sub-Total		\$ 5,715.00		\$ 5,715.00
<b>C. CONTRACTUAL SERVICES</b>				
Category Sub-Total		\$ -		\$ -
<b>D. EQUIPMENT</b>				
Category Sub-Total		\$ -	\$ -	\$ -
<b>E. OTHER DIRECT COSTS</b>				
Category Sub-Total		\$ -		\$ -
<b>F. INDIRECT COSTS</b>				
Category Sub-Total		\$ -		\$ -
<b>GRANT TOTAL</b>		<b>\$ 488,280.00</b>		<b>\$ 488,280.00</b>

SCHEDULE B-1  
GRANT No. DI1523

**BUDGET NARRATIVE**

Page 1

**PERSONNEL COSTS**

**Deputy District Attorney**

The Deputy District Attorney will be dedicated to vertically prosecute cases involving driving under the influence of drugs or a combination of alcohol and drugs. The Prosecutor will review 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	7.8593%
Life Insurance	0.0755%
Medicare	1.45%
Retirement	16.00%
Social Security/FICA/OASDI	5.8926%
Unemployment Insurance	0.2020%
Vision Insurance	0.1355%
Workers Compensation	0.8303%
Long Term Care Insurance	0.60%
Deferred Comp	1.1026%
<b>TOTAL BENEFIT RATE</b>	<b>34.1478%</b>



**SCHEDULE B-1**

**GRANT NO. DI1523**

**BUDGET NARRATIVE**

Page 2

Health Insurance	7.3847%
Life Insurance	.0709%
Medicare	1.45%
Retirement	16.00%
Social Security/FICA/OASDI	5.59%
Unemployment Insurance	0.2020%
Vision Insurance	0.1273%
Workers Compensation	0.7802%
Long Term Care Insurance	0.60%
Deferred Comp	1.0360%
<b>TOTAL BENEFIT RATE</b>	<b>33.2411%</b>

**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

**SCHEDULE B-1**  
**GRANT NO. DI1523**

**BUDGET NARRATIVE**

**INDIRECT COSTS**

None

**PROGRAM INCOME**

There will be no program income generated from this grant.

## EXHIBIT A

### CERTIFICATIONS AND ASSURANCES

Page 1

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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**CERTIFICATIONS AND ASSURANCES**

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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.

## 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

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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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### CERTIFICATIONS AND ASSURANCES

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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

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

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.