

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



**ITEM: 3.11
(ID # 26192)**

MEETING DATE:
Tuesday, October 22, 2024

FROM : DISTRICT ATTORNEY

SUBJECT: DISTRICT ATTORNEY: Ratification and Approval of the Grant Agreement for the California Office of Traffic Safety's Alcohol and Drug Impaired Driver Vertical Prosecution Grant Award in the Amount of \$942,459 from the California Office of Traffic Safety and Adoption of Resolution No. 2024-225. All Districts [\$942,459; State of California 100%]. (4/5 Vote Required)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Ratify and approve the Grant Agreement for Grant No. DI25017 with the State of California's Office of Traffic Safety's Alcohol and Drug Impaired Driver Vertical Prosecution Grant Program for an award in the amount of \$942,459 for the grant period October 1, 2024, through September 30, 2025;
2. Adopt Resolution No. 2024-225 authorizing the District Attorney or designee sign and accept said grant award on behalf of the County, including any extensions or amendments thereof, as approved by County Counsel; and
3. Direct the Auditor Controller to make budget adjustments detailed in Schedule A.

ACTION:4/5 Vote Required


Jared Haringsma 10/3/2024

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Gutierrez
Nays: None
Absent: None
Date: October 22, 2024
xc: DA

Kimberly A. Rector
Clerk of the Board

By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 706,844	\$ 235,615	\$ 942,459	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: State of California 100%			Budget Adjustment: Yes	
			For Fiscal Year: 24/25 – 25/26	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

The California Office of Traffic Safety (OTS) has awarded the County of Riverside District Attorney's Office (DA) a \$942,459 grant for the continuation of the DA's Drug Impaired Driver Vertical Prosecution Program (DUID) in Riverside County.

The DA will assign four (4) Deputy District Attorneys (DDA), to vertically prosecute misdemeanor drug impaired driving cases. These DUID prosecutors will handle cases throughout each step of the criminal process, including the review of charges, and courtroom proceedings (including trials) of misdemeanor DUID cases throughout the County.

The DUID prosecutors will work with the California District Attorneys Association (CDAA) 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 prosecutors will share information with peers and law enforcement personnel throughout the County and across the State. The Office will accomplish these objectives to prevent impaired driving and reduce drug-involved traffic fatalities and injuries.

The DA will host regional roundtable meetings with representatives from law enforcement agencies throughout Riverside County, as well as the regional CDAA TSRP and OTS Grant Coordinators. Both, in-house training for other deputy district attorneys, as well as "investigation protocol" training for law enforcement and DUID prosecutors, will be developed and presented in collaboration with the CDAA TSRP Program Coordinators.

In addition, prosecutors assigned to this program will attend specialized training, including DUID prosecution and Vehicular Homicide Seminars, sponsored by OTS and CDAA. The number of cases and disposition of DUID filing requests received by the DA, as well as the dispositions and conviction rate on DUID cases, will be tracked and maintained.

The FY24/25 budgeted revenue will need to be adjusted due to this award being higher than anticipated. Subsequent fiscal year revenue will be included in the District Attorney's annual budget package.

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

County Counsel has reviewed the OTS Grant Agreement and Resolution No. 2024-225 and approved as to form.

Impact on Residents and Businesses

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

ATTACHMENTS:

- **SCHEDULE A. BUDGET ADJUSTMENT**
- **Office of Traffic Safety Agreement**
- **Resolution No. 2024-225**


Brett Austin, Supervising Accountant 10/9/2024


Steven Atkeson 10/10/2024


Ryan Yabko 10/8/2024


Aaron Gettis, Chief of Deputy County Counsel 10/8/2024

1 Board of Supervisors

County of Riverside

2 RESOLUTION NO. 2024-225

3 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
4 COUNTY OF RIVERSIDE, AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT
5 FUNDING UNDER THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY'S ALCOHOL
6 AND DRUG IMPAIRED DRIVER VERTICAL PROSECUTION PROGRAM
7

8 WHEREAS the State of California's Office of Traffic Safety (hereinafter referred to as
9 ("OTS") has designated funding available under the Alcohol and Drug Impaired Driver Vertical
10 Prosecution Programs; and

11 WHEREAS, OTS has awarded the County of Riverside District Attorney's Office (the
12 "DA") a grant of \$942,459 for the continuation of the DA's Drug Impaired Driver Vertical
13 Prosecution Program (DUID) in Riverside County; and

14 WHEREAS the DA will use the funding to assign four Deputy District Attorney's to
15 vertically prosecute misdemeanor drug impaired driving cases.

16 NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Board
17 of Supervisors of the County of Riverside, State of California, in regular session assembled on
18 October 22, 2024, that the Board of Supervisors of the County of Riverside, located on the first
19 floor of the County Administrative Center, 4080 Lemon Street, Riverside, California, hereby
20 authorizes the District Attorney of the County of Riverside or designee, on behalf of the County,
21 to accept the award and sign and submit the related Grant Agreement, as well as related
22 contracts, amendments, or extensions with OTS, as approved to form by County Counsel.

23 BE IT FURTHER RESOLVED, DETERMINED, AND ORDERED that the resolution shall
24 be in effect for a two-year period beginning October 1, 2024 and ending September 30, 2026.
25
26
27
28

FORM APPROVED COUNTY COUNSEL
BY:  RYAN D. YABKO
DATE: 10/8/24

2
3 RESOLUTION NO. 2024-225

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
5 COUNTY OF RIVERSIDE, AUTHORIZING THE DISTRICT ATTORNEY TO ACCEPT
6 FUNDING UNDER THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY'S ALCOHOL
7 AND DRUG IMPAIRED DRIVER VERTICAL PROSECTION PROGRAM

8
9 ROLL CALL:

10
11 Ayes: Jeffries, Washington, Spiegel, Perez, and Gutierrez

12 Nays: None

13 Absent: None

14
15
16 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of
17 Supervisors on the date therein set forth.

18
19 KIMBERLY A. RECTOR, Clerk of said Board

20
21 By:  _____

22 Deputy

**Schedule A – Budget Adjustment
FY24/25**

Increase Appropriations:

10000-2200100000-510040	Regular Salaries	140,532
	TOTAL	\$140,532

Increase Estimated Revenues:

10000-2200100000-767450	Fed-Office of Traffic Safety Grant	140,532
	TOTAL	\$140,532

CLERK'S COPY

State of California – Office of Traffic Safety
GRANT AGREEMENT

to Riverside County Clerk of the Board, Stop 1010
Post Office Box 1147, Riverside, Ca 92502-1147
Thank you. GRANT NUMBER
DI25017

1. GRANT TITLE Alcohol and Drug Impaired Driver Vertical Prosecution Program	
2. NAME OF AGENCY Riverside County	3. Grant Period From: 10/01/2024 To: 09/30/2025
4. AGENCY UNIT TO ADMINISTER GRANT Riverside County District Attorney's Office	
5. GRANT DESCRIPTION The County District Attorney's Office will assign a specialized team to prosecute alcohol and drug impaired driving cases. The DUI prosecution team will handle cases throughout each step of the criminal process. Prosecution team members will work 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: \$942,459.00	
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: <ul style="list-style-type: none"> Schedule A – Problem Statement, Goals and Objectives and Method of Procedure Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable) Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable) Exhibit A – Certifications and Assurances Exhibit B* – OTS Grant Program Manual Exhibit C – Grant Electronic Management System (GEMS) Access <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov.</p> <p>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.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: Sam Kaloustian TITLE: Chief Deputy District Attorney EMAIL: skaloustian@rivcoda.org PHONE: (951) 304-5542 ADDRESS: 3960 Orange Street Riverside, CA 92501	B. AUTHORIZING OFFICIAL ADDRESS: Jared Haringsma Assistant District Attorney jaharingsma@rivcoda.org (951) 955-6692 3960 Orange Street Riverside, CA 92501
_____ (Signature) _____ (Date)	_____ (Signature) _____ (Date)
C. FISCAL OFFICIAL ADDRESS: Ginika Ezinwa Deputy Director, Administration ginikaezinwa@rivcoda.org 951-955-8804 3960 Orange Street Riverside, CA 92501	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY ADDRESS: Barbara Rooney Director barbara.rooney@ots.ca.gov (916) 509-3030 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758
_____ (Signature) _____ (Date)	_____ (Signature) _____ (Date)

FORM APPROVED COUNTY COUNSEL
BY:  RYAN D. YABKO
DATE: 10/8/24

OCT 22 2024 3.11

E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	9. SAM INFORMATION SAM#: F88DAAN239B9 REGISTERED ADDRESS: 3960 Orange Street St FL 10 CITY: Riverside ZIP+4: 92501-3643
--	--

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
405d AL-25.1	20.616	0521-0890-101	2023	12/23	BA/23	\$202,905.00
405d AL-25	20.616	0521-0890-101	2024	22/24	BA/24	\$739,554.00
					AGREEMENT TOTAL	\$942,459.00
					AMOUNT ENCUMBERED BY THIS DOCUMENT	
					\$942,459.00	
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>					PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT	
					\$ 0.00	
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED		TOTAL AMOUNT ENCUMBERED TO DATE	
					\$942,459.00	

1. PROBLEM STATEMENT

The annual number of combination (drug plus alcohol) driving under the influence arrest and drug-only driving under the influence arrest reports submitted to the Riverside County District Attorney for criminal complaint filing varies substantially each year. The rate at which the Riverside County District Attorney declines to file combination and drug-only driving under the influence (DUI) arrest reports as criminal complaints also varies substantially each year. Further, the Riverside County District Attorney declines to file far fewer alcohol-only DUIs (expressed as a percentage of all alcohol-only DUIs submitted) than it does combination and drug-only DUIs (on an annual basis.)

The metrics for combination DUIs and drug-only DUIs should exhibit the same stability as those of alcohol-only DUIs. The lack of consistency in these three metrics, or more correctly stated: the consistent inconsistency within and across these three metrics, evidences room for significant improvement in the detection, apprehension and prosecution of drivers impaired by a combination of drugs and alcohol or drugs alone. The goal of the vertical prosecution program is to improve the abilities of and corroboration between law enforcement personnel and prosecution personnel to normalize and improve the detection and apprehension of combination and drug-only DUI offenders thereby stabilizing and reducing the rate at which arrest reports for those offenses are rejected from criminal complaint filing. Better investigations should result in lower rejection rates, improved prosecution rates and an improvement in holding DUI offenders responsible.

Riverside County

Riverside County is the fourth most populous county in the state of California, with over 2.4 million inhabitants and a population growth rate of 2.3%. i. The county population grew ten percent (10%) between 2010 and 2020. A welcome respite as the population growth had exceeded 40% per decade every decade since 1950 except the 1990s (when it grew by 32%.) Sixty percent (60%) of Riverside County's population is between the ages of 18 and 65, with a median age of 35. Slightly more than half the population (52%) reports to be Hispanic or Latino. ii. Almost one-half the county population is clustered in the incorporated cities of the western and southwestern portion of the county. The county is home to thirteen American Indian tribes with recognized independent reservations. Eight (8) of those tribes operate gaming casinos within or near their nation.

With a landmass of 7,209 square miles, Riverside County is also the fourth largest county in California by area. Orange and Los Angeles Counties form its western border and to the east is the state of Arizona. To the north is San Bernardino County, and to the south are San Diego and Imperial Counties.

Riverside County contains two major Interstate highways, Interstate 10 and Interstate 15, as well as the Interstate 215 spur. It also contains two major California State Freeways, the 91 Freeway and the 60 Freeway. All of these major thoroughfares, as well as California Highway 111 and California Highway 79, traverse through Riverside County's major population centers: the cities of Riverside, Corona, Moreno valley, Beaumont, Banning, Temecula, Murrieta, Menifee, Lake Elsinore, Palm Springs, Palm Desert and Indio.

Riverside County Traffic Deaths / Injuries

The University of California Berkeley Transportation Injury Mapping System (TIMS) reports Riverside County averaged 1,280 DUI related crashes each year between 2017 and 2021. iii. DUI related crashes represented an average 12.7% of all crashes during the same period. Looking at fatal crash data for the same time frame: DUI related fatal crashes accounted for 42.2% of all fatal crashes in the county. Expanding the data to include fatal and significant injury crashes (FSI) yields a DUI related FSI crashes amounting to 33.1% of all FSI crashes over the same period.

Office of Traffic Safety (OTS) Crash Rankings for the period 2017-2020 place Riverside County in the top 34% of California counties for alcohol related fatal and injury crashes. iv. At one point (2017), it was the 10th worst county in the state for alcohol related crashes. Digging deeper into the OTS Crash Rankings, one finds that the municipalities located within the Midcounty/Banning Judicial District (Banning, Beaumont,

Hemet and San Jacinto) comprise some of the worst performing alcohol related crash jurisdictions in the state. Banning ranked as high as 3rd and 9th for similarly sized jurisdictions (2017 and 2019, respectively.) The city of Hemet, a classification C jurisdiction like Banning, ranked 6th, 2nd and 2nd in 2017, 2018 and 2019, respectively. San Jacinto, also a class C jurisdiction, ranked in the top 10 for the same period.

According to the three most recent CA DMV DUI MIS reports, averaged 1,126 fatal or injury crashes per year in which drivers were impaired by alcohol or drugs. v. This figure is slightly lower than that arrived at by TIMS, and the deviation is possibly attributable to the DMV cross checking against its master file. The DMV reports combination DUIs and drug-only DUIs accounted for over 15% of all fatal and injury crashes in Riverside County in which drivers were impaired during the same period (2017-2019.) Drug-only DUIs accounted for 11% of the total. Interestingly, the proportionality of alcohol, combination and drug-only DUI fatal and injury crashes maintains consistency over the time frame according to DMV data. It is this consistency that illuminates the problem to be addressed.

Riverside County District Attorney's Office

The Riverside County District Attorney (RCDA) is required by statute to staff state courthouses conducting criminal cases within the county. Riverside County is divided into four (4) distinct judicial districts: Western, Eastern, Southwestern and Blythe. Within each of these districts there exists at least one Superior Courthouse within which criminal justice is taking place. (The Eastern judicial district has two courthouses, one in Indio and one in Blythe, due to the large geographic expanse of the district.) Correspondingly, the Riverside County District Attorney's Office is structured in such a way as to mirror the judicial districts. There are four (4) geographic divisions within RCDA: Western (Riverside courthouse), Eastern (Indio and Blythe courthouses), Southwestern (Murrieta courthouse) and Midcounty (Banning courthouse.) Midcounty (Banning) is the most recent division within RCDA. A new state courthouse was constructed in Banning in 2015. The judicial district boundaries were redrawn in 2018 which brought about a corresponding expansion in criminal caseloads within the district. Following an intentional isolation of the Banning courthouse during the Covid pandemic, the caseloads within Midcounty are rebounding to anticipated levels.

The Riverside County District Attorney's Office reviews all driving under the influence arrests submitted by law enforcement for filing and prosecution. In Riverside County, no city attorney or other limited jurisdiction authority reviews and files driving under the influence arrests, and no law enforcement agency within the county direct files driving under the influence cases with the courts. RCDA has no control over the types of cases submitted to it. Thus, the fluctuations in types of DUI cases submitted are driven by RCDA's law enforcement partners.

Driving under the influence arrests are primarily misdemeanor events. Only when a suspect has repeated convictions within a ten-year period or has caused injury or death to another person does the crime rise to felony status. During the past five (5) years (2019-2023), the number of driving under the influence (DUI) arrests submitted to the Riverside County District Attorney (RCDA) for review and filing has remained fairly static; averaging just under 7,600 total annually. vi. Alcohol-only DUIs account for 85% of the arrests, and combination DUIs (alcohol plus drugs) and drug-only DUIs fill out the remaining 15% (approximately 4% and 11% respectively.) These proportionalities mimic the proportionalities seen in the CA DMV MIS Report crash data for the 2017-2019 time frame. However, whereas the annual change in alcohol-only DUIs, expressed as a percentage of the prior year's submission, is relatively constant in the Riverside County filing submission date, the combination DUIs and drug-only DUIs submissions fluctuate widely year-to-year.

Further review of the RCDA data indicates a massive disparity in the rejection of alcohol-only, combination and drug-only DUI filing requests. From 2019-2023, the rejection rate for alcohol-only DUI filing requests never surpassed 3.1% and at one point was as low as 2.27% (2019.) vii. However, the same analysis of combination DUIs and drug only DUIs reveals vastly different rates and swings. Combination DUIs saw a filing rejection rate low of 8.2% in 2020 but climbed to a high of 16.9% just two years later. (In 2023, the rate fell back to 11.6%.) Drug-only DUIs saw an even bigger range: 9.9% in 2019, but 23.6% in 2022. (19.3% in 2023.) Similarly, the actual number of arrests in each of these two categories displayed volatility. Combination DUIs exhibited a county-wide peak in 2021 of 372 submissions, but then fell to a five year low of 213 in 2022. (Five-year average: 294.) Drug-only DUIs peaked at 1,067 in 2021, but then fell to a low of 637 in 2023. (Five-year average: 791.)

Likewise, within each division of RCDA (corresponding to the four (4) county judicial districts) the arrest/submission and rates of rejection for alcohol-only DUIs is relatively stable. But, the corresponding statistics for combination and drug-only DUIs fluctuate significantly year-to-year within the respective RCDA division. Of particular concern and importance is the rate of filings rejected within the Midcounty, Southwest and Eastern divisions of RCDA. They display volatility defying logic explanation. Midcounty/Banning division saw a drug-only rejection rate of 7.3%, 7.4%, 21%, 18.3% and 10% between 2019 and 2023. Southwest division saw values of 7.4%, 7.6%, 18.2%, 8.3% and 15.7% over the same period. Eastern division reported 8%, 12%, 22.4%, 33.8% and 21%. viii. The fluctuation in combination DUI rejection rates was only slightly less volatile in each of the divisions during this time.

If the number of arrests and the proportionality of arrests (alcohol-only, combination and drug-only) is relatively static, and the proportionality of DUI related fatal and injury crashes (alcohol-only, combination and drug-only) similarly remains static and correspondent, then the fact that the actual number of combination DUI and drug-only DUI arrests reviewed fluctuates significantly is indicative of substantial room for improvement in the detection, apprehension and prosecution of combination DUI and drug-only DUI offenders. More importantly: the disorderly rejection statistics for combination and drug-only DUI filing submissions demands to be addressed by both law enforcement and prosecution teams.

The problem is the lack of consistency in the detection, apprehension and prosecution of combination and drug-only DUI offenders. Focusing a solution on this problem should not only stabilize the statistical data, but more importantly increase the successful removal of combination and drug impaired drivers from the road. This will hopefully lead to a decrease in the number and rate of combination and drug-only fatal and injury related crashes. This would serve not only to preserve the lives and health of the offenders, but also the lives and health of all persons traveling the roads of Riverside County.

i United States Census Bureau; July 1, 2022 estimate.

ii Id.

iii Transportation Injury Mapping System (TIMS), Univ. of California at Berkeley. January 2024 queries.

iv California Office of Traffic Safety Crash Ranking database query, 2017 through 2020, Total Fatal and Injury, Alcohol Involved. January 2024 queries.

v 2020, 2021 and 2022 CA DMV DUI MIS Report, Table 20, Alcohol-and Drug-Involved Drivers in Fatal/Injury Crashes by County and Impairment Type. Pages 82, 86 and 80, respectively. Covering years 2017, 2018 and 2019, respectively.

vi Riverside County District Attorney, Case Management System. January 2024 database queries.

vii Id.

viii Id.

2. PERFORMANCE MEASURES

A. Goals:

1. Improve the prosecution knowledge and expertise of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases.
2. Increase the number of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases filed and prosecuted.

B. Objectives:

	Target Number
1. Issue a press release announcing the kick-off of the grant by November 15. The kick-off press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov , and copied to your OTS Coordinator, for approval 7 days prior to the issuance date of the release.	1
2. Create or expand a Vertical Prosecution Program with the City Attorney or District Attorney's Office by November 30. The program will facilitate the prosecution of all DUI drug cases, all DUI alcohol and drug combination cases, and if applicable, all felony DUI alcohol cases with death or injury.	1
3. Designate prosecutor position(s) and investigator position(s) to the DUI caseload to prosecute DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combo cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in the investigation and prosecution of DUI Alcohol, DUI Drug, and DUI Alcohol/Drug Combo cases. While employed by the City Attorney's or District	4

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.	
4. Develop and implement a system for gathering, tracking, and reporting all DUI case reviews, filings, and outcomes in the county/city by December 31, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination	1
5. Report on all DUI case reviews, filings and outcomes in the county or city throughout the grant, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.	4
6. Partner with the California Traffic Safety Resource Prosecutor Training Network to provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases with an effort to reach prosecutors and investigators.	2
7. Send the funded prosecutor(s) to trainings/meetings sponsored by OTS and/or the California Traffic Safety Resource Prosecutor Training Network.	4
8. Coordinate and host four in person regional roundtable law enforcement meetings (one each quarter, with telephone or internet conference capabilities for the CA OTS Staff) to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, local law enforcement, CHP and probation staff 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.	4
9. Participate in at least one DUI saturation ride-along. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant.	4
10. Respond to at least one fatal DUI crash investigation scene. Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.	1
11. Identify grant funded, straight time personnel. Include any vacancies or staff changes that have occurred. For any vacancies, include the status of filling the vacancy.	4
12. District Attorney's Office / City Attorney's Office to partner with local school and/or youth organizations to provide educational programming about the dangers and consequences of driving under the influence of alcohol and/or drugs.	4
13. Send prosecutors/DA Investigators to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	4
14. Send prosecutors/DA Investigators to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	4
15. Send prosecutors/DA Investigators to the Drug Recognition Expert (DRE) training.	4
16. Attend and observe at least one DUI checkpoint. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant.	4
3. METHOD OF PROCEDURE	
A. Phase 1 – Program Preparation (1st Quarter of Grant Year)	
<ul style="list-style-type: none"> • Recruit and hire all staff for the grant. • Procure all materials necessary to implement the grant. • Identify dates and schedule the four in person Roundtable Meetings (one each quarter with telephone or video conference capabilities). Notify the OTS coordinator of the dates. Meetings are meant to provide information on the DUI Vertical Prosecution Program, interact with law enforcement to identify means to improve DUI investigation and prosecution, and assess technical assistance needs for training on DUI investigation and court testimony. OTS staff, TSRP staff, local law enforcement, CHP, and probation staff 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. • 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 grant. 	

- Refer cases for prosecution 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.

Media Requirements:

- Issue a press release approved by the OTS PIO announcing the kick-off of the grant by November 15, but no sooner than October 1. The kick-off release must be approved by the OTS PIO and only distributed after the grant is fully signed and executed. If you are unable to meet the November 15 deadline to issue a kick-off press release, communicate reasons to your OTS grant coordinator and OTS PIO.

N/A

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.
 - 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.
 - g) Send the funded vertical prosecutor(s) and investigator to the NHTSA "Advanced Roadside Impaired Driving Enforcement" (ARIDE) 16 hour POST-Certified training, if not already trained. Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.

Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Send all Powerpoint presentations, online presentations and trainings for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator. Certified training courses are EXEMPT from the approval process.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the OTS grant coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS grant coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff

press releases are an exception to this policy and require prior approval before distribution to the media and public.

- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy to your OTS grant coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your OTS grant coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your OTS grant coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at pio@ots.ca.gov for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS grant coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS grant coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS grant coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received OTS PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- For additional guidance, refer to the [OTS Grants Materials Approval Process Guidelines](#) and [OTS Grants Media Approval Process FAQs](#) on the OTS website.
- Contact the OTS PIO or your OTS grant coordinator for consultation when changes from any of the above requirements might be warranted.

N/A

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

1. Prepare and submit grant claim invoices (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)

- Collect and report quarterly, appropriate data that supports the progress of goals and objectives.

- Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
- Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
- Collect, analyze and report statistical data relating to the grant goals and objectives.

N/A

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 of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (GFDA)	FUND DESCRIPTION	TOTAL AMOUNT		
405d AL-25	20.616	Impaired Driving Countermeasures	\$942,459.00		
COST CATEGORY		FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS					
Straight Time					
Deputy District Attorney	405d AL-25	\$73.19	2,080	\$152,235.00	
Benefits - Deputy District Attorney	405d AL-25	\$81,004.00	1	\$81,004.00	
Deputy District Attorney	405d AL-25	\$73.19	2,080	\$152,235.00	
Benefits - Deputy District Attorney	405d AL-25	\$81,004.00	1	\$81,004.00	
Deputy District Attorney	405d AL-25	\$73.19	2,080	\$152,235.00	
Benefits - Deputy District Attorney	405d AL-25	\$81,004.00	1	\$81,004.00	
Deputy District Attorney	405d AL-25	\$73.19	2,080	\$152,235.00	
Benefits - Deputy District Attorney	405d AL-25	\$81,004.00	1	\$81,004.00	
Overtime					
					\$0.00
Category Sub-Total					\$932,956.00
B. TRAVEL EXPENSES					
In State Travel	405d AL-25	\$7,003.00	1	\$7,003.00	
					\$0.00
Category Sub-Total					\$7,003.00
C. CONTRACTUAL SERVICES					
					\$0.00
Category Sub-Total					\$0.00
D. EQUIPMENT					
					\$0.00
Category Sub-Total					\$0.00
E. OTHER DIRECT COSTS					
Roundtable Meetings	405d AL-25	\$2,500.00	1	\$2,500.00	
Category Sub-Total					\$2,500.00
F. INDIRECT COSTS					
					\$0.00
Category Sub-Total					\$0.00
GRANT TOTAL					\$942,459.00

BUDGET NARRATIVE
PERSONNEL COSTS
Deputy District Attorney - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office
Benefits - Deputy District Attorney - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
Deputy District Attorney - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office
Benefits - Deputy District Attorney - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
Deputy District Attorney - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office
Benefits - Deputy District Attorney - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
Deputy District Attorney - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office
Benefits - Deputy District Attorney - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.
TRAVEL EXPENSES
In State Travel - 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 Lifesavers 2025. All conferences, seminars or training not specifically identified in the 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
-
EQUIPMENT
-
OTHER DIRECT COSTS
Roundtable Meetings - Costs for prosecution, law enforcement, and toxicology agencies to discuss impaired driving traffic safety trends and legal updates. Costs may include food and beverages for attendees, additional costs may be included if approved by OTS. Adequate records including an agenda must be maintained.
INDIRECT COSTS
-
STATEMENTS/DISCLAIMERS
There will be no program income generated from this grant.

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.

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

Benefits for personnel costs can only be applied to straight time or overtime hours charged to the grant.

Certifications and Assurances for Fiscal Year 2024 Highway Safety Grants (23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58)

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:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, [Public Law 109-59](#), as amended by Sec. 25024, [Public Law 117-58](#);
- [23 CFR part 1300](#)—Uniform Procedures for State Highway Safety Grant Programs;
- [2 CFR part 200](#)—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- [2 CFR part 1201](#)—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

NONDISCRIMINATION

(applies to all subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* ([42 U.S.C. 2000d et seq.](#), 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- [49 CFR part 21](#) (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, ([23 U.S.C. 324 et seq.](#)), and *Title IX of the Education Amendments of 1972*, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, ([29 U.S.C. 794 et seq.](#)), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#);
- *The Age Discrimination Act of 1975*, as amended, ([42 U.S.C. 6101 et seq.](#)), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- *Titles II and III of the Americans with Disabilities Act* ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#);
- [Executive Order 12898](#), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (preventing discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- [Executive Order 13166](#), *Improving Access to Services for Persons with Limited English Proficiency* (requiring that recipients of Federal financial assistance provide meaningful access for applicants and beneficiaries who have limited English proficiency (LEP));
- [Executive Order 13985](#), *Advancing Racial Equity and Support for Underserved Communities through the Federal Government* (advancing equity across the Federal Government); and
- [Executive Order 13988](#), *Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation* (clarifying that sex discrimination includes discrimination on the grounds of gender identity or sexual orientation).

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

9/27/2024 3:35:02 PM

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in § 21.23(b) and (c) of 49 CFR part 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT Order 1050.2A) in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review

upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

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

POLITICAL ACTIVITY (HATCH ACT)

(applies to all subrecipients as well as States)

The State 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

(applies to all subrecipients as well as States)

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-awards 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.

RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)

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
(applies to all subrecipients as well as States)

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
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 primary tier 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 prospective primary tier participant 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 prospective primary tier participant 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 or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal 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.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
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 the transaction for cause or default.

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—
PRIMARY TIER COVERED TRANSACTIONS**

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal 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 records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
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 or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal 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, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "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 and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
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 is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension 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 proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions 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 proposal.

BUY AMERICA

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items 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. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST

(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

(applies to all subrecipients as well as States)

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

INSTRUCTIONS FOR ADDING OR UPDATING GEMS USERS

1. Each agency is allowed a total of **FIVE (5) GEMS Users**.
2. GEMS Users listed on this form will be authorized to login to GEMS to complete and submit Quarterly Performance Reports (QPRs) and reimbursement claims.
3. Complete the form if adding, removing or editing a GEMS user(s).
4. The Grant Director must sign this form and return it with the Grant Agreement.

GRANT DETAILS	
Grant Number:	DI25017
Agency Name:	Riverside County District Attorney's Office
Grant Title:	Alcohol and Drug Impaired Driver Vertical Prosecution Program
Agreement Total:	\$942,459.00
Authorizing Official:	Jared Haringsma
Fiscal Official:	Ginika Ezinwa
Grant Director:	Sam Kaloustian

CURRENT GEMS USER(S)

- 1. John Allison**
Title: Accounting Technician II
Phone: (951) 955-5513
Email: johnallison@rivcoda.org
Media Contact: No

- 2. Valeria Holguin**
Title: Accountant
Phone: (951) 955-0542
Email: valeriaholguin@rivcoda.org
Media Contact: No

- 3. Daniela Tanase**
Title: Accountant II
Phone: (951) 955-5551
Email: datanase@rivcoda.org
Media Contact: No

- 4. Esther Tino**
Title: Administrative Services Officer
Phone: (951) 995-5944
Email: esthertino@rivcoda.org
Media Contact: Yes

Complete the below information if adding, removing or editing a GEMS user(s)

GEMS User 1		Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Add/Change <input type="checkbox"/>	Remove Access <input type="checkbox"/>		
Name		Job Title	
Email address		Phone number	
GEMS User 2		Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Add/Change <input type="checkbox"/>	Remove Access <input type="checkbox"/>		
Name		Job Title	
Email address		Phone number	
GEMS User 3		Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Add/Change <input type="checkbox"/>	Remove Access <input type="checkbox"/>		
Name		Job Title	
Email address		Phone number	
GEMS User 4		Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Add/Change <input type="checkbox"/>	Remove Access <input type="checkbox"/>		
Name		Job Title	
Email address		Phone number	
GEMS User 5		Add as a media contact? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Add/Change <input type="checkbox"/>	Remove Access <input type="checkbox"/>		
Name		Job Title	
Email address		Phone number	
Form completed by:		Date:	
As a signatory I hereby authorize the listed individual(s) to represent and have GEMS user access.			
Signature		Name	
		Grant Director	
Date		Title	