

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Probation J.P.

BOARD AGENDA # *B-6

Urgent Routine

AGENDA DATE January 26, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Chief Probation Officer to Apply for and Accept an Alcohol and Other Drugs Grant From the State Office of Traffic Safety for Enhanced Felony Drunk Driver Probation Supervision

STAFF RECOMMENDATIONS:

Authorize the Chief Probation Officer to apply for and accept an Alcohol and Other Drugs Grant from the State Office of Traffic Safety for enhanced felony drunk driver probation supervision service, and to sign all necessary documents.

FISCAL IMPACT:

The State Office of Traffic Safety (OTS) provides funds to address traffic safety priority areas. The OTS receives funding through the National Highway Safety Act which provides for federal traffic safety funds to individual states. The amount of funds OTS receives from the National Highway Safety Act varies annually. There is no maximum amount of funds that can be requested by applicants with this current grant; however, the amount of requested funds must be clearly justified to support the program's goals and objectives and must be proportional to identified traffic safety problems.

(Continued page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-047

On motion of Supervisor O'Brien , Seconded by Supervisor DeMartini

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Authorize the Chief Probation Officer to Apply for and Accept an Alcohol and Other Drugs Grant From the State Office of Traffic Safety (OTS) for Enhanced Felony Drunk Driver Probation Supervision

FISCAL IMPACT:

The Probation Department is seeking \$114,812 in OTS funding for the grant period October 1, 2010 to September 30, 2012 to target alcohol and other drug law enforcement activities. The grant will pay for approximately 2,380 hours of personnel overtime costs over the two-year period for enhanced supervision services to probationers at highest risk of repeat drunk driving offenses. The Probation Department has been receiving OTS funding since 2006 and has to date been awarded \$164,974. The department will use the balance of previously awarded OTS funds totalling \$33,611 from the OTS grant accepted in September 2008 to fund the program through September 2010. The funds for the current application will be budgeted in Fiscal Years 2010-2011 and 2011-12, if the grant is awarded.

DISCUSSION:

Stanislaus County has a rate of motor vehicle injury and death that exceeds the state average when comparing daily vehicle miles traveled. According to the California Office of Traffic Safety, in 2008, Stanislaus was ranked 5th statewide for total fatal and injury collisions with 3,820 incidents occurring. This is a decrease from 2006 when the county recorded 4,442 incidents, although the county was also ranked 5th statewide at that time. In 2008, Stanislaus was ranked 15th for alcohol-involved fatal and injury collisions with 475 incidents occurring. This is an increase from 2006, when 439 incidents occurred and the county was ranked 29th.

In November 2005 and again in September 2008 the Board of Supervisors authorized the Chief Probation Officer to accept multi-year Alcohol and Other Drugs Grants from the State Office of Traffic Safety for Enhanced Felony Drunk Driver Probation Supervision. San Diego County Probation Department has served as the grant administrator for programming funds on behalf of other participating county probation departments for the initial two grants. These grants were non-competitive and had a predetermined allocation. The current OTS grant differs from the previous grants in that the grant is competitive and the award amount is not predetermined. It is anticipated that San Diego County Probation will continue to serve as the grant administrator on behalf of participating county probation departments.

The OTS grants have provided for a level of service to Driving Under Influence (DUI) offenders that would not have previously been achieved without the additional financial support. Outcomes for the initial grant reflect that the Probation Department achieved all goals and objectives. The 2006-2008 OTS funds provided for 440 alcohol/drug tests, 425 home checks/searches, 17 stakeout/surveillance operations, 22 DUI checkpoint operations and 13 warrant service operations. Drunk driving offenses by high-risk DUI probationers were reduced by 37%, exceeding the goal of 15% as a result of the increased supervision activities. Outcomes for the second allocation will be measured once activities end in September 2010.

Approval to Authorize the Chief Probation Officer to Apply for and Accept an Alcohol and Other Drugs Grant From the State Office of Traffic Safety (OTS) for Enhanced Felony Drunk Driver Probation Supervision

This current Office of Traffic Safety Grant, if awarded, will provide \$114,812 over a two-year period to support approximately 2,380 hours of additional overtime work hours for Deputy Probation Officers to provide enhanced supervision services to those probationers at highest risk of repeat drunk driving offenses. Currently there are 136 felony DUI offenders that are assigned to the administrative bank caseload that will be targeted through this grant. Supervision services will continue to include increased alcohol testing, increased home contacts and searches, partnering with law enforcement agencies during community events and holiday checkpoints to identify probationers not in compliance with court orders, bench warrant operations, and increased surveillance of DUI offenders driving with revoked or suspended licenses.

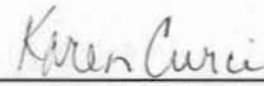
Evidence-based practices support that increased levels of supervision assist in reduction of crime and support nation-wide objectives of improving community safety.

POLICY ISSUE:

Board approval to accept this funding is necessary. The policy before the Board is whether this agenda item is consistent with the Board of Supervisors' goals and priorities of *A safe community, A healthy community and Effective partnerships*.

STAFFING IMPACTS:

The recommended action will add approximately 2,380 of overtime work hours for Deputy Probation Officers between October 1, 2010 and September 30, 2012.

| Coversheet for Traffic Safety Proposals Federal Fiscal Year 2011 | | OTS USE ONLY Proposal #: _____ Coordinator: _____ Program Area: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|--------------------|-------|-------------------|--------|---------------|-------------------------|-------------------|--------------------|-------------------|-------|-------------------|-------|--------------|---------|---------------|---------------------------|-----------------|-----------------------------------|---------------|----------------|----------------|------------------------|--|--|-------------------|--|--|---|-------------|-------------|---|-------------|-------------|---|-------------|--------|--------------|--|---------------------|
| Agency Name: | Stanislaus County (5000) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Department: | (Police Dept., Dept. of Health, Engineering Dept., etc.) Stanislaus County Probation Department | If enforcement agency, does your city contract law enforcement services from the county Sheriff's office? <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposal Title: | Enhanced Felony Drunk Driver Supervision | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Proposal Summary: (Summarize grant goals and objectives. Maximum 750 characters--about 100 words) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Based on outcomes from 2005 to 2009, the Stanislaus County Probation Department remains committed to increasing the number of felony DUI offenders that successfully complete probation without committing a new alcohol-related traffic offense by maintaining OTS supervision services that are being provided to offenders at risk of repeat drunk driving offenses. Supervision services include alcohol testing, home contacts, residence searches, surveillance operations, warrant operations and assisting with local law enforcement agencies DUI checkpoints | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Equipment: (if applicable) None FY-1 None FY-2 0 0 0 | Requested Funding by Budget Category: Personnel: \$112,012.00 Travel: \$2,800.00 Contractual Services: \$0.00 Equipment: \$0.00 Other Direct Costs: \$0.00 Indirect Costs: \$0.00 I verify the costs requested for personnel and benefits are accurate. <div style="text-align: center;">  _____ Fiscal Representative </div> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">Agency Contact</th> </tr> <tr> <td style="width: 50%;">First Name:</td> <td>Jerry</td> </tr> <tr> <td>Last Name:</td> <td>Powers</td> </tr> <tr> <td>Title:</td> <td>Chief Probation Officer</td> </tr> <tr> <td>Address 1:</td> <td>2215 Blue Gum Ave.</td> </tr> <tr> <td>Address 2:</td> <td>_____</td> </tr> <tr> <td>Address 3:</td> <td>_____</td> </tr> <tr> <td>City:</td> <td>Modesto</td> </tr> <tr> <td>State:</td> <td>CA Zip Code: 95358</td> </tr> <tr> <td>Phone #:</td> <td>(209) 525-4501 Ext.: _____</td> </tr> <tr> <td>FAX #:</td> <td>(209) 525-5486</td> </tr> <tr> <td>E-mail:</td> <td>powersj@stancounty.com</td> </tr> </table> | Agency Contact | | First Name: | Jerry | Last Name: | Powers | Title: | Chief Probation Officer | Address 1: | 2215 Blue Gum Ave. | Address 2: | _____ | Address 3: | _____ | City: | Modesto | State: | CA Zip Code: 95358 | Phone #: | (209) 525-4501 Ext.: _____ | FAX #: | (209) 525-5486 | E-mail: | powersj@stancounty.com | <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center;">Requested Funding</th> </tr> <tr> <td style="width: 30%;">Fiscal Year 1 (10/1/10 - 9/30/11)</td> <td style="width: 10%; text-align: center;">2011</td> <td style="width: 60%; text-align: right;">\$53,170.00</td> </tr> <tr> <td>Fiscal Year 2 (10/1/11 - 9/30/12)</td> <td style="text-align: center;">2012</td> <td style="text-align: right;">\$61,642.00</td> </tr> <tr> <td>Fiscal Year 3 (10/1/12 - 9/30/13)</td> <td style="text-align: center;">2013</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td colspan="2" style="text-align: center;">Total</td> <td style="text-align: right;">\$114,812.00</td> </tr> </table> | | Requested Funding | | | Fiscal Year 1 (10/1/10 - 9/30/11) | 2011 | \$53,170.00 | Fiscal Year 2 (10/1/11 - 9/30/12) | 2012 | \$61,642.00 | Fiscal Year 3 (10/1/12 - 9/30/13) | 2013 | \$0.00 | Total | | \$114,812.00 |
| Agency Contact | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| First Name: | Jerry | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Last Name: | Powers | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Title: | Chief Probation Officer | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Address 1: | 2215 Blue Gum Ave. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Address 2: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Address 3: | _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| City: | Modesto | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| State: | CA Zip Code: 95358 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Phone #: | (209) 525-4501 Ext.: _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| FAX #: | (209) 525-5486 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| E-mail: | powersj@stancounty.com | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Requested Funding | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fiscal Year 1 (10/1/10 - 9/30/11) | 2011 | \$53,170.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fiscal Year 2 (10/1/11 - 9/30/12) | 2012 | \$61,642.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fiscal Year 3 (10/1/12 - 9/30/13) | 2013 | \$0.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total | | \$114,812.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

SCHEDULE A

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GRANT DESCRIPTION

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PROBLEM STATEMENT

Stanislaus County has a rate of motor vehicle injury and death that exceeds the state average. According to the California Office of Traffic Safety, Stanislaus County's ranking by the number of vehicle-miles traveled in comparison to regions of like populations shows reasons to be concerned. In 2008, Stanislaus County was ranked 5th statewide for total fatal and injury collisions. It was ranked 15th for alcohol-involved fatal and injury collisions with 475 incidents occurring. Over a three-year span, overall DUI arrests in Stanislaus County have increased steadily. 2,660 individuals were arrested for DUI in 2005. The following year, 2,846 individuals were arrested and in 2007, there were 3,316 arrested. Overall, this stands as a 16.5% increase over the three-year span. During this three-year time period, only five other counties had a higher percentage of DUI arrests in the state.

Inadequate funding for adult services has caused the Probation Department to administratively "bank" more than 3,600 probationers, including both felony and misdemeanor DUI offenders. 90% of the 151 felony drunk drivers currently under the jurisdiction of the Probation Department receive little to no supervision services. More than a third of these probationers have prior records of alcohol-involved traffic offenses. These statistics demonstrate the need for increased community supervision and innovative partnerships between Probation and law enforcement to monitor those offenders at most risk of re-offending.

The Enhanced Felony Drunk Driver Supervision program commenced in Stanislaus County in June 2006. As a result of OTS funding, services have been provided to DUI offenders that were not previously achievable. During weekend and evening hours, Deputy Probation Officers have been tasked with performing community supervision of repeat DUI offenders. Services and activities specific to DUI offenders has included contacts with and searches of offenders in their homes, multi-agency sobriety checkpoints, surveillance, drug and alcohol testing, and the service of outstanding warrants. Offender data gathered from the 2005 calendar year was established as the baseline for achieving goals during the 2006-2010 grant years. The following goals/outcomes were based from OTS Grant AL0699 which was completed in 2009:

- Reduce the number of DUI offenses by DUI probationers by 15% from 38 to 32 by 5/31/09. There were 24 new DUI offenses committed by DUI probationers during the term of the grant, which is a 37% reduction. Goal achieved.
- Establish or increase the number of field and/or home contacts with DUI probationers to 240 by 5/31/09. 333 home checks/searches were conducted on felony DUI offenders. Outcome achieved.
- Increase the number of home and other 4th waiver searches of DUI probationers to 50 annually by 5/31/09. 92 searches of DUI probationers were completed. Outcome achieved.
- Participate in or conduct Special Operations (sobriety checkpoints, stakeouts, stings, and other DUI surveillance and suppression operations) 13 annually by 5/31/09. 22 DUI Checkpoint operations with local law enforcement agencies and surveillance operations were completed. Outcome achieved.
- Conduct 12 warrant service operations by 5/31/09. 13 warrant service operations were completed by probation officers and local law enforcement agencies. Outcome achieved.
- Conduct increased number of alcohol and other drug testing to 80 annually by 5/31/09. 440 alcohol/drug tests conducted both in the field and in the office. Outcome achieved.

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- Establish a HOT (Habitual Offender Tally) sheet or other program to notify other law enforcement agencies to be on the lookout for identified high-risk DUI probationers with outstanding warrants, or who may be driving without a valid license. HOT sheets were distributed to local law enforcement agencies on a regular basis informing them of DUI probationers with active warrants. Outcome achieved.

As evident by the outcomes, the program has provided a level of service to DUI offenders not previously attainable. Evidence-based practices support that increased levels of supervision assist in reduction of crime and support nation-wide objectives of improving community safety. Additional OTS funding will allow the Probation Department to continue providing increased services to and supervision of DUI offenders.

| Collision Type | 2006 | | | | 2007 | | | | 2008 | | | |
|--|------------|--------|---------|---------|------------|--------|---------|---------|------------|--------|---------|---------|
| | Collisions | | Victims | | Collisions | | Victims | | Collisions | | Victims | |
| Fatal | 68 | | 81 | | n/a | | n/a | | n/a | | n/a | |
| Injury | 2940 | | 4361 | | n/a | | n/a | | n/a | | n/a | |
| | Fatal | Injury | Killed | Injured | Fatal | Injury | Killed | Injured | Fatal | Injury | Killed | Injured |
| Alcohol Involved | 23 | 294 | 25 | 414 | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Countywide Total DUI Arrests * | 2846 | | | | 3316 | | | | n/a | | | |
| Countywide Misdemeanor DUI Convictions * | 2096 | | | | n/a | | | | n/a | | | |
| Countywide Felony DUI Convictions * | 36 | | | | n/a | | | | n/a | | | |

* Countywide DUI arrest and conviction data are available in the "2009 Annual Report of the California DUI Management Information System", Appendix B, Table B1 and Table B3.

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Provide the following information for your department for the Federal Fiscal Year (FFY) periods (**October 1 through September 30**):

| | FFY-2007 | FFY-2008 | FFY-2009 |
|---|----------|----------|----------|
| Average number of DUI Probationers under intensive supervision | 0 | 0 | 0 |
| Warrant Sweeps conducted | 4 | 4 | 5 |
| Field Contacts (without search) conducted | 422 | 288 | 248 |
| Office Contacts conducted | 0 | 0 | 0 |
| Home Searches conducted | 171 | 147 | 153 |
| Alcohol and Other Drug Tests conducted | 197 | 137 | 135 |
| HOT Sheets distributed | 6 | 9 | 5 |
| Multi-agency Operations participated in (not including Warrant Sweeps reported above) | 14 | 16 | 14 |
| Grant-Funded Full-time DUI Probation Officers | 0 | 0 | 0 |
| Non-Grant Full-time DUI Probation Officers | 0 | 0 | 0 |

PERFORMANCE MEASURES

GRANT GOALS

1. To reduce the number of **persons killed in alcohol-involved collisions** ___% from the 2009 Federal Fiscal Year base year total of ___ to ___ by September 30, 2011, and an additional ___% to ___ by September 30, 2012.*

*This data is currently unavailable.

2. To reduce the number of **persons injured in alcohol-involved collisions** ___% from the 2009 Federal Fiscal Year base year total of ___ to ___ by September 30, 2011, and an additional ___% to ___ by September 30, 2012.*

*This data is currently unavailable.

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3. To increase the number (or percentage) of **DUI offenders under formal probation supervision** 0% from the 2009 Federal Fiscal Year base year total (or percentage) of 0 to 0 by September 30, 2011.*

*Administrative bank DUI cases will be targeted for OTS activities.

4. To reduce the number of **new DUI offenses** by DUI probationers 10% from the 2009 Federal Fiscal Year base year total of 9 to 8 by September 30, 2011, and an additional 10% to 7 by September 30, 2012.

5. To reduce the number of DUI probationers **arrested/cited for driving with suspended or revoked license** __% from the 2009 Federal Fiscal Year base year total of __ to __ by September 30, 20__, and an additional __% to __ by September 30, 20__.*

*The information in Grant Goal 5 was not collected in the previous OTS grants and is not currently collected by the department. The department will track this goal and have a baseline number by October 1, 2010.

6. To increase number of DUI Probationers **in compliance** with court-ordered probation from the 2009 Federal Fiscal Year base year number (or percentage) of 5% from 91 to 96 by September 30, 2011, and an additional 5% to 101 by September 30, 2012. [Coordinator's Note: Goals such as this are hoped-for outcomes resulting from the Objectives below. A grant's performance is not judged on based upon the achievement of Goals.]

GRANT OBJECTIVES

1. To develop a written **Operational Plan** to establish the method of operation and the policies applicable to carry out the activities of the DUI Probationer Supervision grant program by October 31, 2011.
2. To obtain, or develop, and utilize a **risk or needs assessment tool** to identify high-risk DUI offenders for placement on formal probation by December 31, 2011, and continue throughout the grant.
3. To **work with court officials** and the prosecutor's office throughout the grant period to ensure the court establishes probation orders necessary to conduct and sustain intensive supervision of DUI probationers.
4. To **establish 0 caseloads** of 0 high-risk DUI probationers per caseload for intensive supervision by December 31, 2011.
5. To conduct 5 **warrant sweeps** targeting both informal and formal DUI probationers who fail to comply with the terms and conditions of probation and/or other DUI suspects who fail to appear in court by September 30, 2011, and an additional 6 warrant sweeps by September 30, 2012.

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6. To make 120 unannounced **field contacts** (field, home, work-site contacts without search) with DUI probationers by September 30, 2011, and an additional 140 unannounced field contacts by September 30, 2012.
7. To make 0 **office contacts** with DUI probationers by September 30, 2011, and an additional 0 office contacts by September 30, 2012.
8. To conduct 80 unannounced **home searches** of DUI probationers by September 30, 2011, and an additional 90 unannounced home searches by September 30, 2012.
9. To conduct 150 **alcohol and other drug tests** of DUI probationers by September 30, 2011, and an additional 170 alcohol and other drug tests by September 30, 2012.
10. To establish a "**HOT**" (**Habitual Offender Tally**) **Sheet** program to notify other local law enforcement agencies to be on the lookout for identified high-risk DUI offenders and/or individuals with outstanding warrants, or who may be driving without a valid license by January 1, 2011 and update on a monthly basis throughout the grant period.
11. To **track and report probation violations** and **probation revocation proceedings** for program participants who fail to abide by the terms and conditions of probation throughout the grant period.
12. To **establish all grant-funded positions and train staff** on defined roles and duties, including data collection and reporting requirements, by December 31, 2010.
13. To **submit in a timely manner** all statistical data, financial reimbursement claims, and quarterly performance reports, as required by OTS, throughout the grant period.
14. To **participate in the County Avoid Campaign** throughout the grant period.

Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular police officer issue a specified or predetermined number of citations in pursuance of the goals and objectives hereunder.

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Media Objectives

1. To issue a press release announcing the kick-off of the grant by November 15, 2010. The press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov and copied to your OTS Coordinator for approval 14-days prior to the issuance date of the release.
2. To email a draft of all grant-related media releases, media advisories, alerts and materials to the OTS Public Information Officer at pio@ots.ca.gov and copied to your OTS Coordinator for approval 14-days prior to the issuance date of the release (media communications reporting the results of grant activities such as checkpoints and saturation patrols are exempt from this requirement).
3. To use the following standard language in all press, media, and printed materials: "Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration."
4. To email OTS at pio@ots.ca.gov and the OTS Coordinator draft press releases for OTS approval for all grant-funded operations at least 14 days prior to the issuance date of the release.

METHOD OF PROCEDURE

Deputy Probation Officers will continue to be assigned to coordinate and participate in regular DUI operations. Operations will occur during weekend and/or evening hours and only during overtime hours. Officers will also continue to follow up with supporting the orders of the Court following operations, including violations of probation, drug testing, and referral to counseling. Operation outcomes will be provided to the Probation Department's Adult Division Manager for the collection, evaluation, and reporting of outcomes to the parent agency.

Phase 1 – Program Preparation (October 1, 2010)

If approved for grant funding, minimal program preparation will be needed due to previous OTS grant experience. Participating officers will review the grant objectives and report all operation outcomes to the Probation Division Director in a pre and post operational report format.

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Phase 2 – Program Operations (October 1, 2010 to September 30, 2011)

Program operations will begin effective October 1, 2010 and will end September 30, 2011 for FFY 2011. If approved for FFY 2012, program operations will begin October 1, 2011 and will end September 30, 2012. The Probation Division Director will select the dates of the OTS operations and inform all interested staff. Staff will then be selected to participate in the overtime OTS operation. Division Director will be in charge of tracking grant objectives and staff budget. A team leader will be selected for each OTS field operation. This officer is responsible for completing the Pre and Post Operational Reports along with any violation of probation reports necessary. The program operations cover the entire grant period.

Phase 3 – Data Gathering & Reporting – (Throughout Grant Period)

The Stanislaus County Probation Department will collect and report quarterly, appropriate data that support each of the 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. The Quarterly Evaluation Data Form, Schedule C, will be completed each quarter and submitted as part of the QPR.

These 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 will be completed in accordance with OTS requirements specified in the Grant Program Manual, Chapter 7, and submitted in compliance with the signed Acceptance of Conditions and Certifications (OTS-33) included within this agreement.

METHOD OF EVALUATION

Using the data compiled in Phase 3, the grant manager will evaluate: (1) how well the stated grant goals and objectives were accomplished, (2) if all the activities outlined in the “Method of Procedure” were performed in accordance with the grant agreement; and (3) was the grant cost effective?

ADMINISTRATIVE SUPPORT

This program has full support of the Chief Probation Officer and every effort will be made to continue the activities after the grant conclusion. The Stanislaus County Board of Supervisors has endorsed this grant by authorizing the Chief Probation Officer to apply and accept this grant on behalf of the county.

**SCHEDULE B
PAGE 1
DETAILED BUDGET ESTIMATE**

GRANT NO. TBD

| COST CATEGORY | FISCAL YEAR ESTIMATES | | | TOTAL COST TO GRANT |
|--|--|--|--|---------------------|
| | FY-1 10/1/2010 thru 9/30/2011 | FY-2 10/1/2011 thru 9/30/2012 | FY-3 10/1/2012 thru 9/30/2013 | |
| A. PERSONNEL COSTS | | | | |
| <u>Positions and Salaries</u> | | | | |
| Deputy Probation Officer II or III Overtime FY-1 (10-1-10 to 9-30-11) average \$41.05 x 1,100 hours | \$45,155.00 | \$0.00 | \$0.00 | \$45,155.00 |
| Deputy Probation Officer II or III Overtime FY-2 (10-1-11 to 9-30-12) average \$41.05 x 1,280 hours | 0.00 | 52,544.00 | \$0.00 | 52,544.00 |
| | 0.00 | 0.00 | \$0.00 | 0.00 |
| | 0.00 | 0.00 | \$0.00 | 0.00 |
| | 0.00 | 0.00 | \$0.00 | 0.00 |
| | 0.00 | 0.00 | \$0.00 | 0.00 |
| | 0.00 | 0.00 | \$0.00 | 0.00 |
| | 0.00 | 0.00 | \$0.00 | 0.00 |
| Employee Benefits @ 14.65% | 6,615.00 | 7,698.00 | \$0.00 | 14,313.00 |
| Category Sub-Total | \$51,770.00 | \$60,242.00 | \$0.00 | \$112,012.00 |
| B. TRAVEL EXPENSE | | | | |
| In State | \$1,400.00 | \$1,400.00 | \$0.00 | \$2,800.00 |
| Out of State | 0.00 | 0.00 | 0.00 | 0.00 |
| Category Sub-Total | \$1,400.00 | \$1,400.00 | \$0.00 | \$2,800.00 |
| C. CONTRACTUAL SERVICES | | | | |
| | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| Category Sub-Total | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

**SCHEDULE B
PAGE 2
DETAILED BUDGET ESTIMATE**

GRANT NO. TBD

| COST CATEGORY | FISCAL YEAR ESTIMATES | | | TOTAL COST TO GRANT |
|------------------------------|--|--|--|---------------------|
| | FY-1 10/1/2010 thru 9/30/2011 | FY-2 10/1/2011 thru 9/30/2010 | FY-3 10/1/2012 thru 9/30/2013 | |
| D. EQUIPMENT | | | | |
| None FY-1 | | | | \$0.00 |
| None FY-2 | | | | 0.00 |
| | | | | 0.00 |
| | | | | 0.00 |
| | | | | 0.00 |
| Category Sub-Total | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| E. OTHER DIRECT COSTS | | | | |
| None FY-1 | \$0.00 | \$0.00 | 0.00 | \$0.00 |
| None FY-2 | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| | 0.00 | 0.00 | 0.00 | 0.00 |
| Category Sub-Total | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| F. INDIRECT COSTS | | | | |
| None FY-1 None FY-2 | 0.00 | 0.00 | 0.00 | \$0.00 |
| Category Sub-Total | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| GRANT TOTAL | \$53,170.00 | \$61,642.00 | \$0.00 | \$114,812.00 |

SCHEDULE B-1

GRANT NO. TBD

BUDGET NARRATIVE

Page 1

PERSONNEL COSTS

Salaries – All budgeted grant activities will be conducted on an overtime basis. See below section Overtime Costs.

Position Descriptions:

Grant funded operations will be conducted by Deputy Probation Officers from the Stanislaus County Probation Department. All operations will be conducted on an overtime basis only.

Benefits Chart

Full Time Benefits

| | |
|--|--------|
| Unemployment Insurance | 0% |
| Social Security/FICA (OASDI) | 6.20% |
| Workers Compensation | 2.0% |
| Medicare | 1.45% |
| State Disability/SDI | 0% |
| Health Insurance | 0% |
| Life Insurance | 0% |
| Dental Insurance | 0% |
| Retirement | 0% |
| Shift Differential Pay | 5.0% |
| (enter name and % of additional benefit) | 0% |
| Total Benefit Rate | 14.65% |

Enforcement Supplanting Statement:

Does not apply.

Non Enforcement Supplanting Statement

Does not apply.

Overtime Costs:

Salaries – Budgeted grant activities will be conducted by agency personnel on an overtime basis. Grant funded operations may be conducted by personnel such as Deputy Probation Officer I, II, III. Personnel will be deployed as needed to accomplish the grant goals and objectives.

Costs are estimated based on an overtime hourly rate range of \$35.47/hr to \$45.84/hr. Benefits other than those listed in the table below are not included in the overtime rate.

Overtime reimbursement (OT hourly rate and benefit) will reflect actual costs of the personnel conducting the appropriate operation up to the maximum range specified.

SCHEDULE B-1
GRANT NO. TBD

BUDGET NARRATIVE

Page 2

Maximum Overtime Benefit Rate

| | |
|------------------------------|--------|
| Unemployment Insurance | 0% |
| Social Security/FICA (OASDI) | 6.20% |
| Workers Compensation | 2.0% |
| Medicare | 1.45% |
| State Disability/SDI | 0% |
| Shift Differential Pay | 5.0% |
| Total Benefit Rate | 14.65% |

TRAVEL EXPENSE

In-State - Costs are included for appropriate staff to attend conferences and training events supporting the grants goals and objectives and/or traffic safety. Funds may be used to attend OTS approved training. Anticipated travel and events include local mileage for grant activities and meetings, the PTS Seminar (if enforcement grant) and OTS Summit. Funds were included in Schedule B for \$1,400 for FFY 2011 and \$1,400 for FFY 2012 for travel and event expenses.

Out-Of-State - None

CONTRACTUAL SERVICES

None.

EQUIPMENT (Items valued in excess of \$5K each):

None.

OTHER DIRECT COSTS (Items valued less than \$5K each):

None

INDIRECT COSTS

None.

PROGRAM INCOME

There will be no program income generated as a result of this grant.

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY

OFFICE OF TRAFFIC SAFETY

2208 KAUSEN DRIVE, SUITE 300
ELK GROVE, CA 95758
www.ots.ca.gov
(916) 509-3030
(800) 735-2929 (TT/TDD-Referral)
(916) 509-3055 (FAX)

Yell Mike Karen

B6 1/26/10

ARNOLD SCHWARZENEGGER, GOVERNOR
DALE E. BONNER, SECRETARY



June 25, 2010

Jerry Powers
Chief Probation Officer
Stanislaus County Probation Department
2215 Blue Gum Avenue
Modesto, CA 95358

Dear Officer Powers:

Congratulations! Through a competitive process, the Office of Traffic Safety (OTS) has tentatively approved your funding request for the intensive supervision of high risk DUI probationers.

Your grant award will be part of the contractual services portion of a larger traffic safety grant serving a total of twelve counties and administered by the San Diego County Probation Department.

Your OTS Coordinator will contact you, to discuss your proposal and explain the Grant Agreement process, including a possible "Pre-Funding Assessment" meeting. In preparation, please visit our website, www.ots.ca.gov, at *Grants and Programs*, to view the Grant Program Manual.

OTS will initiate a statewide media news release regarding 2011 proposals selected for funding. Your agency should not publically announce this tentative award until the grant agreement is fully negotiated and signed by OTS.

Again, congratulations on the success of your proposal. If you have any questions, please contact Ron Miller, Regional Coordinator, at (916) 509-3020 or e-mail at rmiller@ots.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Chris Murphy".

CHRISTOPHER J. MURPHY
Director

RM:kn

BOARD OF SUPERVISORS
2011 OCT 14 P 2:25

Memorandum of Agreement
STANISLAUS COUNTY AND SAN DIEGO COUNTY
Intensive Probation Supervision for High-Risk Felony and Repeat DUI
Offenders Program
Office of Traffic Safety Grant Project # AL1186
October 1, 2010 through September 30, 2011

Parties

This Memorandum of Agreement ("MOA") is entered into this 1st day of October, 2010 and is made between the County of San Diego by and through its Department of Probation and the County of Stanislaus by and through its Department of Probation. The parties to this MOA may be referred to herein collectively as the "parties" or individually as a "party."

Recitals

1. The Office of Traffic Safety (OTS) distributes federal funding apportioned to California under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Grants are used to mitigate traffic safety program deficiencies, expand ongoing activities, or develop new programs. OTS grants address traffic safety priority areas including Driving Under the Influence (DUI).

2. Pursuant to County of San Diego Board of Supervisors authorization (September 14, 2010 (4)), San Diego County Probation Department continues as the Grant Administrator for the \$2,269,622 grant funds covering from October 1, 2010 through September 30, 2011. Responsibilities include, but are not limited to, facilitating the claiming and reporting processes and coordinating other grant activities for the next year. San Diego Probation Department believes that the statewide implementation of a DUI Offender program is a worthy endeavor because it provides much needed intensive supervision and intervention services to a high risk DUI offender population.

3. OTS grant funds are to be used to support the goal of development, implementation, and management of the Intensive Probation Supervision for High-Risk Felony and Repeat DUI Offenders program to provide enhanced supervision of adult DUI offenders who are on probation. Improved communication, collaboration, and information sharing between law enforcement and probation will enhance the ability to arrest probationers identified with outstanding warrants, violations of probation, and who are a danger to the community. In addition, accountability of offenders on probation for driving under the influence offenses will be significantly increased.

4. **Intensive Probation Supervision for High-Risk Felony and Repeat DUI Offenders Program:** Stanislaus County will provide DUI related services to offenders on probation including:

- a. **Project Goal # 1:** To reduce the number of **persons killed in alcohol-involved collisions** 10% from the 2008 Federal Fiscal Year base year total of 19 to 17 by September 30, 2011.

- b. **Project Goal # 2:** To reduce the number of **persons injured in alcohol-involved collisions** 10% from the 2008 Federal Fiscal Year base year total of 546 to 491 by September 30, 2011.
- c. **Project Goal # 3:** To increase the number of **DUI offenders under formal probation supervision** 0% from the 2009 Federal Fiscal Year base year total (or percentage) of 0 to 0 by September 30, 2011.***

***Administrative bank DUI cases will be targeted for OTS activities.
- d. **Project Goal # 4:** To reduce the number of DUI offenses by DUI probationers 10% from the 2009 Federal Fiscal Year base year total of 9 to 8 by September 30, 2011.
- e. **Project Goal # 5:** To reduce the number of DUI probationers **arrested/cited for driving with suspended or revoked license** __% from the 2009 Federal Fiscal Year base year total of ___ to ___ by September 30, 2011.****

****The information in Grant Goal 5 was not collected in the previous OTS grants and is not currently collected by the department. The department will track this goal and have a baseline number by October 1, 2010.
- f. **Project Goal # 6:** To increase the number of DUI probationers in **compliance with court-ordered probation** 5% from the 2009 Federal Fiscal Year base year number of 91 to 96 by September 30, 2011. [Coordinator's note: Goals such as this are hoped for outcomes resulting from the objectives below. A grant's performance is not judged based upon the achievement of Goals.]
- g. **Project Objective # 1:** To develop and submit a written **Operational Plan** to establish the method of operation and the policies applicable to carry out the activities of the DUI Probationer Supervision grant program by October 31, 2010.
- h. **Project Objective # 2:** To obtain, or develop, and utilize a **risk or needs assessment tool** to identify high-risk DUI offenders for placement on formal probation by December 31, 2010, and continue throughout the grant.
- i. **Project Objective # 3:** To **work with court officials** and the prosecutor's office throughout the grant period to ensure the court establishes probation orders necessary to conduct and sustain intensive supervision of DUI probationers.
- j. **Project Objective # 4:** To **establish 0 caseloads** of 0 high-risk DUI probationers per caseload for intensive supervision by December 31, 2010.
- k. **Project Objective # 5:** To conduct **5 warrant sweeps** targeting both informal and formal DUI probationers who fail to comply with the terms

and conditions of probation and/or other DUI suspects who fail to appear in court by September 30, 2011.

- i. **Project Objective # 6:** To make 210 unannounced **field contacts** (field, home, work-site contacts without search) with DUI probationers by September 30, 2011.
- m. **Project Objective # 7:** To make 0 **office contacts** with DUI probationers by September 30, 2011.
- n. **Project Objective # 8:** To conduct 120 unannounced **home searches** of DUI probationers by September 30, 2011.
- o. **Project Objective # 9:** To conduct 150 **alcohol and other drug tests** of DUI probationers by September 30, 2011.
- p. **Project Objective # 10:** To establish a “**HOT**” (**Habitual Offender Tally**) **Sheet** program to notify other local law enforcement agencies to be on the lookout for identified high-risk DUI offenders and/or individuals with outstanding warrants, or who may be driving without a valid license by January 1, 2011 and update on a monthly basis throughout the grant period.
- q. **Project Objective # 11:** To **track and report probation violations and probation revocation proceedings** for program participants who fail to abide by the terms and conditions of probation throughout the grant period.
- r. **Project Objective # 12:** To **establish all grant-funded positions and train staff** on defined roles and duties, including data collection and reporting requirements, by December 31, 2010.
- s. **Project Objective # 13:** To **submit in a timely manner** all statistical data, financial reimbursement claims, and quarterly performance reports, as required by OTS, throughout the grant period.
- t. **Project Objective # 14:** To **participate in the County Avoid Campaign** throughout the grant period.
- u. **Media Objective # 1:** To issue a press release announcing the kick-off of the grant by November 15, 2010. The press releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov and copied to your OTS Coordinator for approval 14-days prior to the issuance date of the release.
- v. **Media Objective # 2:** To email a draft of all grant-related media releases, media advisories, alerts and materials to the OTS Public

Information Officer at pio@ots.ca.gov and copied to your OTS Coordinator for approval 14-days prior to the issuance date of the release (media communications reporting the results of grant activities such as checkpoints and saturation patrols are exempt from this requirement).

- w. **Media Objective # 3:** To use the following standard language in all press, media, and printed materials: "Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration."
- x. **Media Objective # 4:** To email OTS at pio@ots.ca.gov and the OTS Coordinator draft press releases for OTS approval for all grant-funded operations at least 14 days prior to the issuance date of the release.

5. The Stanislaus County Board of Supervisors, on January 26, 2010 (Board Action #2010-047) has authorized the Stanislaus County Probation Department to accept DUI Offender Program grant funds and to enter into a memorandum of agreement with the County of San Diego for the disbursement and administration of grant funds.

THEREFORE, in consideration of the foregoing recitals and the mutual covenants and promises set forth below, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. **Administration of MOA:** Each party identifies the following individual to serve as the authorized administrative representative for that party. Any party may change its administrative representative by notifying the other party in writing of such change. Any such change will become effective upon the receipt of such notice by the other party to this MOA. Notice of the authorized representative should be sent to each party as follows:

| <u>County of San Diego</u> <u>Probation Department</u> | <u>Stanislaus County</u> |
|---|---|
| <p>Program Contact:</p> <ul style="list-style-type: none"> • NAME: Josie Enriquez • TITLE: Principal Accountant • PHONE: 858-514-3226 • MAIL STOP: P-232 • EMAIL: Josie.Enriquez@SDCounty.ca.gov <p>Accounting Contact:</p> <ul style="list-style-type: none"> • NAME: Cecilia Pilpa • TITLE: Senior Accountant • PHONE: 858-514-3132 • MAIL STOP: P-232 • EMAIL: Cecilia.Pilpa@SDCounty.ca.gov | <p>Program Contact:</p> <ul style="list-style-type: none"> • NAME: Mike Hamasaki • TITLE: Division Director • PHONE: 209 567-4126 • MAIL STOP • EMAIL: hmskim@stancounty.com <p>Accounting Contact:</p> <ul style="list-style-type: none"> • NAME: Karen Curci • TITLE: Administrative Services Manager • PHONE: 209 525-4556 • MAIL STOP: • EMAIL: curcik@stancounty.com |

- 2.1. **Responsibilities of San Diego Probation Department:** San Diego Probation Department will process billing for completion of work authorized pursuant to this MOA and planned deliverables.
 - 2.1.1 San Diego County Probation will review and process appropriate claims.
 - 2.1.2 San Diego County Probation will review and process Progress Reports.
- 2.2. **Responsibilities of Stanislaus County:**
 - 2.2.1 Stanislaus County agrees to comply with all terms and conditions of the grant and will provide the services identified in ***Schedule A-OTS 38b Project Description***.
 - 2.2.2 Stanislaus County will provide quarterly evaluation reports (See Attached Schedule C) electronically no later than 15 calendar days following the end of the quarter with a signed, paper copy to be postmarked within five (5) additional calendar days. The final progress report is to be submitted electronically no later than 30 calendar days following the project end date, or October 30, 2011, with a signed, paper copy to be postmarked within ten (10) additional days, or November 10, 2011. Email address for submitting progress reports is maria.joseph@SDCounty.ca.gov. Evaluation reports and claims shall be submitted together.
 - 2.2.3 Stanislaus County agrees to comply with fiscal responsibilities and requirements related to project accounting, equipment management, record retention, and audits as described in ***Chapter 4, OTS Grant Program Manual***. The online manual can be found at <http://www.ots.ca.gov/grants/program.asp>.

3. Compensation

- 3.1 Stanislaus County shall receive OTS grant funds amounting to no more than the approved budget of \$47,860 for the performance of Stanislaus County's obligations under this MOA. San Diego Probation Department agrees to disburse said OTS grant funds to Stanislaus County in arrears only after receipt and approval by San Diego Probation Department of properly submitted, detailed and itemized original invoice referencing this MOA, and once funds are made available to San Diego County Probation Department by OTS. Services to be paid for upon receipt of a claim from Stanislaus County in the format specified in ***OTS 39a Project Claim Invoice with Instructions (Chapter 5, OTS Manual)***, incorporated herein by reference. The online claim can be found at <http://www.ots.ca.gov/forms/default.asp>.
- 3.2 Claims are to be submitted electronically to San Diego County Probation no later than 15 calendar days following the end of the quarter with a signed, paper copy to be postmarked within five (5) additional calendar days. The final claim is to be submitted electronically no later than 30 calendar days following

the project end date, or October 31, 2011, with a signed, paper copy to be postmarked within ten (10) additional calendar days, or November 10, 2011. Email address for submitting claims is maria.joseph@SDCounty.ca.gov. Claims and Evaluation reports shall be submitted together.

- 3.3 Total cost shall not exceed \$47,860. Invoices or expenditure reports, with supporting documentation will be prepared by Stanislaus County and submitted quarterly to:

County of San Diego
Probation Department, Accounting (P-232)
9444 Balboa Ave, Suite 500
San Diego, CA 92123
Attn: Maria Joseph, Associate Accountant

4. **Disclaimer/Disallowances:** San Diego County is not responsible for any audit disallowances that may arise from this MOA with participating counties.
5. **Amendments to MOA:** Any party may propose amendments to this MOA by providing written notice of such amendments to the other party. This MOA may only be amended by a written amendment signed by each party's authorized administrative representative. The County of Stanislaus' authorized administrative representative shall not have authority to amend this MOA for an expenditure that exceeds the OTS grant funds distributed to the County of Stanislaus pursuant to this MOA. Budget Amendments may be required.
6. **Scope of MOA:** This MOA only applies to the program described herein and does not set forth any additional current or future obligations or agreements between the parties, except that the parties may by written amendment amend the scope of this MOA.
7. **Term:** This MOA shall become effective October 1, 2010, and be in force until September 30, 2011.
8. **Termination:** This MOA may be terminated at any time by either party by providing 30 days' written notification to the non-terminating party.
9. **Indemnification:**

a. Claims Arising From Sole Acts or Omissions of County

The County of San Diego (County) hereby agrees to defend and indemnify the County of Stanislaus, its agents, officers and employees (hereinafter collectively referred to in this paragraph as 'Stanislaus'), from any claim, action or proceeding against Stanislaus, arising solely out of the acts or omissions of County in the performance of this Agreement. At its sole discretion, Stanislaus may participate at its own expense in the defense of any claim, action or proceeding, but such participation shall not relieve County of any obligation imposed by this Agreement. Stanislaus shall notify County promptly of any claim, action or proceeding and cooperate fully in the defense.

b. Claims Arising From Sole Acts or Omissions of Stanislaus

Stanislaus hereby agrees to defend and indemnify the County of San Diego, its agents, officers and employees (hereafter collectively referred to in this paragraph as 'County') from any claim, action or proceeding against County, arising solely out of the acts or omissions of Stanislaus in the performance of this Agreement. At its sole discretion, County may participate at its own expense in the defense of any such claim, action or proceeding, but such participation shall not relieve Stanislaus of any obligation imposed by this Agreement. County shall notify Stanislaus promptly of any claim, action or proceeding and cooperate fully in the defense.

c. Claims Arising From Concurrent Acts or Omissions

County hereby agrees to defend itself, and Stanislaus hereby agrees to defend itself, from any claim, action or proceeding arising out of the concurrent acts or omissions of County and Stanislaus. In such cases, County and Stanislaus agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph 5 below.

d. Joint Defense

Notwithstanding paragraph 3 above, in cases where County and Stanislaus agree in writing to a joint defense, County and Stanislaus may appoint joint defense counsel to defend the claim, action or proceeding arising out of the concurrent acts or omissions of Stanislaus and County. Joint defense counsel shall be selected by mutual agreement of County and Stanislaus. County and Stanislaus agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in paragraph 5 below. County and Stanislaus further agree that neither party may bind the other to a settlement agreement without the written consent of both County and Stanislaus.

e. Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, County and Stanislaus may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

10. Insurance:

Without limiting the indemnification of each party, it is understood and agreed that San Diego County and Stanislaus County shall each maintain, at their sole expense, insurance policies or self-insurance programs including, but not limited to, an insurance pooling arrangement and/or Joint Powers Agreement to fund their respective liabilities throughout the term of this agreement. Coverage shall be provided for comprehensive general liability, automobile liability, professional liability, and workers' compensation exposure. Evidence of Insurance, Certificates of Insurance or other similar documentation shall not be required of either party under this Agreement.

11. Additional General Terms Conditions and Certifications:

11. Additional General Terms Conditions and Certifications:

Additional applicable terms and conditions identified in the **OTS Grant Program Manual (GPM), Exhibit 6-A, General Terms, Conditions, and Certifications** are incorporated herein by reference and made a part of this Agreement.

Dated: 9/30/10

**County of San Diego,
Probation Department**

By: 

Dated: 9/22/10

Stanislaus County

By: 

**Jerry Powers
Chief Probation Officer**

CONTACTS

SAN DIEGO PROBATION DEPARTMENT

Program Contact:

- **NAME:** Josie Enriquez
- **TITLE:** Principal Accountant
- **PHONE:** 858-514-3226
- **MAIL STOP:** P-232
- **EMAIL:** Josie.Enriquez@SDCounty.ca.gov

Accounting Contact:

- **NAME:** Cecilia Pilpa
- **TITLE:** Senior Accountant
- **PHONE:** 858-514-3132
- **MAIL STOP:** P-232
- **EMAIL:** Cecilia.Pilpa@SDCounty.ca.gov

STANISLAUS COUNTY

Program Contact:

- **NAME:** Mike Hamasaki
- **TITLE:** Division Director
- **PHONE:** 209 567-4126
- **MAIL STOP:**
- **EMAIL:** hmskim@stancounty.com

Accounting Contact:

- **NAME:** Karen Curci
- **TITLE:** Administrative Services Manager
- **PHONE:** 209 525-4556
- **MAIL STOP:**
- **EMAIL:** curcik@stancounty.com