

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

DEPT: District Attorney SL

BOARD AGENDA # *B-6

Urgent ☐

Routine ☒

AGENDA DATE October 11, 2011

CEO Concurs with Recommendation YES ☐ NO ☐
(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Authorize the District Attorney's Office to Apply for and Accept the Fiscal Year 2011-2012 Alcohol and Other Drugs Grant from the State of California Office of Traffic Safety for Impaired Driver Vertical Prosecution Program and Associated Staffing Changes

STAFF RECOMMENDATIONS:

1. Authorize the District Attorney's Office to Apply for and Accept the Alcohol and Other Drugs Grant from the State of California Office of Traffic Safety for Impaired Driver Vertical Prosecution Program for FY 2011- 2012 totaling \$344,055 for the Federal Fiscal Year.
2. Authorize the District Attorney to sign the grant award agreement including any extension, renewals or amendments.
3. Direct the Auditor-Controller to establish a new fund and organizational number for the Impaired Driver Vertical Prosecution Program.

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FISCAL IMPACT:

Estimated revenue and appropriations for the Alcohol and Other Drugs grant will total \$344,055 from the US Department of Transportation National Highway Traffic Safety Administration. The grant is based on the Federal Fiscal Year of October 1 through September 30. Once the new fund and organizational numbers are established a budget journal will be submitted to reflect the anticipated funding. The grant will fund two prosecutors' positions along with training and travel expenses. There is no exposure to the County General Fund.

BOARD ACTION AS FOLLOWS:

No. 2011-619

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow

and approved by the following vote,

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

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:

ATTEST:

Christine Ferraro

CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Authorize the District Attorney's Office to Apply for and Accept the Fiscal Year 2011-2012 Alcohol and Other Drugs Grant from the State of California Office of Traffic Safety for Impaired Driver Vertical Prosecution Program and Associated Staffing Changes

STAFF RECOMMENDATIONS CONT:

4. Amend the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section, to be effective the start of the first pay period after Board approval.

DISCUSSION:

The Alcohol and Other Drugs grant is a new funding opportunity for the District Attorney's Office. The grant agreement will be between the Office of Traffic Safety and County of Stanislaus with funding provided by the US Department of Transportation National Highway Traffic Safety Administration (NHTSA). Due to budget cuts and reorganization regarding the allocation of attorney resources to cover courts and all cases, it has been very difficult to give dedicated time to cases involving habitual drunk drivers and drunk drivers causing injury or death. In addition, the office has no training funds to send Deputy District Attorneys to the courses available in this area. The funding from this grant will allow the Stanislaus County District Attorney to hire two new Deputy District Attorneys and establish an Impaired Driver Vertical Prosecution Unit. The unit will review, issue and prosecute all drunk driving and driving under the influence of drugs cases which result in death or injury, as well as cases involving habitual drunk drivers. These two DDA's will also monitor and prosecute all ignition interlock device violations working in conjunction with the County's Avoid the 12. The Avoid the 12 brings law enforcement agencies together county-wide to crackdown on drinking and driving. The grant will also allow the two DDA's to attend training regarding Standard Field Sobriety Testing, 11550 H&S school, the Advanced Roadside Impaired Driving Enforcement (ARIDE) training offered by the NHTSA and Vehicular Homicide training through the California District Attorneys Association. The assigned DDA's will then, in turn, be able to provide training to other DDA's in the District Attorney's Office.

In 2007, Stanislaus County had 569 alcohol involved collisions in which victims were killed or injured. Stanislaus ranked 12th out of the 58 counties in alcohol involved collisions by daily vehicle miles traveled. The County was 30th out of 58 by average population. In 2008, Stanislaus had 475 alcohol involved collisions in which victims were killed or injured and was ranked 15th in alcohol involved collisions by daily vehicle miles traveled and 33rd by average population. In 2009, the County had 501 alcohol involved collisions in which victims were killed or injured and it ranked 4th in alcohol involved collisions by daily vehicle miles traveled and 21st by average population.

The Stanislaus County District Attorney's Office will aggressively prosecute alcohol and drug involved cases which result in death or injury as well as habitual driving under the influence offenders by developing and implementing a program to vertically prosecute those arrested for alcohol related fatality and serious injury crimes. This office, in cooperation with Avoid the 12, will accomplish these goals through reduced caseloads for unit attorneys, officer and attorney training, media relations and community awareness.

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POLICY ISSUES:

Acceptance of this grant will assist the District Attorney's Office in meeting the Board's goal of A Safe Community.

STAFFING IMPACTS:

Due to the increase in grant funding, the District Attorney's Office is requesting to add one new allocated, block budgeted Deputy District Attorney V position to the District Attorney's Impaired Driver Vertical Prosecution Program. Additionally, the Department is requesting to transfer one Deputy District Attorney V position (position #1833) from the District Attorney's General Fund budget to the Impaired Driver Vertical Prosecution Program. It is recommended the Salary and Position Allocation changes be effective the first pay period after Board approval.

CONTACT INFO:

Birgit Fladager, District Attorney
(209) 525-5550

DRAFT

OFFICE OF TRAFFIC SAFETY

GRANT AGREEMENT

Federal Fiscal Year 2012

10/1/2011 - 09/30/2012

GRANT AGREEMENT

(REV. 08/11)

GRANT NUMBER

20746

1. This Agreement is entered into between the Office of Traffic Safety and the County of Stanislaus .
2. Grant Period: 10/01/2011 to 09/30/2012
3. Federal Funds allocated under this Agreement shall not exceed: \$344,055.00
4. Grant Title: Impaired Vertical Prosecution Program
5. Grant Description: The Stanislaus District Attorney's Office will aggressively prosecute alcohol and drug involved cases which result in death or injuries as well as habitual DUI offenders by developing and implementing a program to vertically prosecute those arrested for alcohol-related fatality and serious injury crimes. This office, in cooperation with Avoid the 12, will accomplish these goals through reduced caseloads for unit attorneys, officer and attorney training, media relations, and community awareness.
6. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement:
 - Exhibit A – Budget Summary, Budget Estimate and Narrative
 - Exhibit A1 – Sub-Budget Summary, Sub-Budget Estimate and Narrative (if applicable)
 - Exhibit B – Goals and Objectives
 - Exhibit C – Problem Statement, Method of Procedure
 - Exhibit D – Certifications and Assurances
 - Exhibit E* – OTS Grant Program Manual

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto. These documents can be viewed at: www.ots.ca.gov/Grants/Grant_Administration/Program_Manual.asp

We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.

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

Grantee Agency

By (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

ADDRESS

California Office of Traffic Safety

By (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Christopher J. Murphy, Director

ADDRESS

2208 Kausen Drive, Suite 300, Elk Grove, CA 95758

**EXHIBIT A
BUDGET SUMMARY**

COST CATEGORY	TOTAL COSTS
Personnel	\$342,055.34
Travel	\$1,999.66
Contractual Services	\$
Equipment	\$
Other Direct Costs	\$
Indirect Costs	\$
TOTAL GRANT AMOUNT	\$344,055.00