

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

January 28, 2025

FROM

JASON ANDERSON, District Attorney

SUBJECT

Grant Application to the California Office of Traffic Safety for the Alcohol and Drug Impaired Driver Vertical Prosecution Program

RECOMMENDATION(S)

1. Approve grant application to the California Office of Traffic Safety for the Alcohol and Drug Impaired Driver Vertical Prosecution Program, in the amount of \$1,616,976, for the period of October 1, 2025, through September 30, 2026.
2. Authorize the District Attorney, as required by the California Office of Traffic Safety, to execute the grant application documents and any subsequent non-substantive amendments necessary on behalf of the County, subject to review by County Counsel.
3. Adopt **Resolution No. 2025-47** authorizing the District Attorney to submit the grant application electronically to the California Office of Traffic Safety, by January 31, 2025, including any non-substantive grant application amendments, subject to review by County Counsel.
4. Direct the District Attorney to transmit the grant application and non-substantive grant application amendments to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

Approval of this item will not result in the need for additional Discretionary General Funding (Net County Cost). The District Attorney (Department) has received funding for the Alcohol and Drug Impaired Driver Vertical Prosecution Program (Program) grant since 2012, which currently funds two Deputy District Attorneys, one District Attorney Senior Investigator, drug testing services and some training costs. The current application requests \$1,616,976 to fund three Deputy District Attorney positions, one District Attorney Senior Investigator position, one Victim Advocate position, drug testing services, and some training costs. This grant does not require a match from the Department. If awarded, the Department will return to the Board of Supervisors (Board) to accept the grant, add one new Deputy District Attorney and one new Victim Advocate position, and request budget adjustments, if necessary.

BACKGROUND INFORMATION

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed within San Bernardino County pursuant to Government Code 26500. The

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Department has received the grant to administer the Program since 2012 to manage alcohol and drug-impaired driving cases through each step of the criminal process, including prosecution. This grant requires recipient agencies to structure prosecution in a manner referred to as "Vertical Prosecution". The Vertical Prosecution Team is composed of members from other law enforcement agencies, including the Sheriff's Department, California Highway Patrol, and other city police stations. This team reviews, files and prosecutes Driving Under the Influence (DUI) cases from beginning to end. The vertical structure of the Program allows the Deputy District Attorney to work directly with investigating law enforcement agencies to provide guidance during the investigation, initial review of the case, additional investigation (if required), filing, prosecution, and eventually sentencing of a criminal defendant. These cases range from misdemeanor DUI through felony DUI vehicle homicide.

The Program is currently staffed by two Deputy District Attorney positions and one Senior Investigator. The Department requests funding to add a third Deputy District Attorney and a Victim Advocate. If funding is awarded to allow for the addition of one new Deputy District Attorney, the Department will be able to assign the new position to the Desert Division and prosecute cases by region, allowing distribution of the heavy caseload. If funding is awarded for one new Victim Advocate, the Department will be able to assign the advocate to provide victim services to all DUI cases and allow the attorney to spend more time preparing for court.

The number of misdemeanors for DUI cases has steadily increased over the last several years. In 2019, the Department filed nearly 4,500 misdemeanor alcohol cases, and just over 5,600 misdemeanor alcohol cases in 2020. In addition, the Department has seen an increase in cases with multiple substances. In 2020, the Department filed just under 700 misdemeanor combination drug cases, and 902 misdemeanor combination drug cases in 2021. The number of felonies for drug combinations have also increased. In 2020, the Department filed 90 cases, and 136 cases in 2021. Of these cases, the Program attorneys prosecute the most difficult alcohol and drug-related involving special circumstances or death. Currently, there are too many specialized cases resulting in general prosecution attorneys being assigned the additional workload.

The grant also provides some funding for forensic toxicology services. Starting with the 2018-19 Program, the Department was awarded funding to offset costs of its contract with Bio-Tox Laboratories, Inc. (Bio-Tox) to test blood and urine samples for substances. On January 28, 2020 (Item No. 37), the Board approved a contract change with Bio-Tox to provide quantitative analysis for all samples instead of delaying quantitative analysis pending direction from the Department. The contract also added routine testing for more types of sedatives and opioids, including fentanyl. These changes ensure faster settlement of cases because of the evidence available prior to prosecution.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Daniella Hernandez, Deputy County Counsel, 387-5455) on January 2, 2025; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on January 7, 2025; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on January 13, 2025.

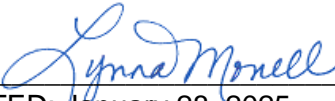
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: January 28, 2025



cc: File - District Attorney w/application w/resolution
CCM 01/29/2025