

# Application Information

---

Application No: 21-002813

Application Type:	Vertical Prosecution	Agency (City or County):	<u>San Bernardino County</u>	Department (Police Dept, DA Office, etc):	<u>San Bernardino County District Attorneys Office</u>
Authorized Representative:	<u>Michael Fermin</u>	DUNS Number:	626913172	DUNS Expiration Date:	3/28/2020
DUNS Registered Address:	303 West 3rd Street	DUNS City:	San Bernardino	DUNS ZIP+4:	92415-0502

# Application Summary

---

Grants Made Easy Application Titles and Descriptions are pre-populated. For General Grants, provide the Application Title and Application Description.

---

Application Title:

Alcohol and Drug Impaired Driver Vertical Prosecution Program

Application Description:

The County District Attorney's Office (or City 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.

## Problem Statement:

In 2018, the Highway Loss Data Institute observed an increase in overall collision claims as much as 6% after retail sales of marijuana began in Colorado, Washington, Oregon and Nevada when compared with nearby states whose laws regarding marijuana did not change over the same period. (HLDI April 2018). Similarly, the Insurance Institute for Highway Safety reported a 5.2% rate of "police-reported crashes" in Colorado, Washington and Oregon as compared to neighboring states that did not legalize retail sales. (Monfort October 2018). The Centers for Disease and Prevention found that marijuana use is increasing and 13-percent of the time, weekend drivers have the drug in their system. The study also stated that marijuana users were about 25 percent more likely to be involved in a crash than drivers with no evidence of marijuana use. And drugs other than alcohol - both legal and illegal - are involved in about 16 percent of vehicular accidents. (CDC 2017.)

Currently eleven states have zero-tolerance laws that criminalize driving with any amount of marijuana in a person's body, while five states have criminalized specific amounts of marijuana in the person's body. These laws may apply only to THC or THC and its metabolites while there is variance on the type of specimen and the amount depending on the specimen collected. (IIHS December 2019) While driving under the influence of marijuana is illegal in all 50 states and D.C., the absence of a per se law regarding marijuana and driving in California poses a significant challenge in successfully prosecuting a driving under the influence of marijuana case. While there are tools on the horizon to detect THC-delta-9-tetrahydrocannabinol in the breath of a suspect, many questions remain. (Paris, *Scientists Unveil Weed Breathalyzer, Launching Debate Over Next Steps*, 2019). Unlike alcohol, the amount of marijuana present in a person's body doesn't consistently relate to impairment. THC, or Tetrahydrocannabinol, is the primary psychoactive component of cannabis. A positive test for THC and its active metabolite doesn't mean the driver was impaired at the time of the crash. Habitual users of marijuana may have positive blood tests for THC days or weeks after using the drug. Specialized training is necessary to understand the challenges posed to prosecution and how to overcome those challenges. Recreational marijuana has become the new norm in society, but the use and abuse must be understood and regulated. With an area of approximately 20,105 square miles, San Bernardino County is the largest county in the United States by area and is located on the eastern side of the Los Angeles metropolitan area. In 2017, the average census estimated population size was 2,157,404, an increase of over 20.1% since 2000. Marijuana use is already having an impact in San Bernardino County. As such, the magnitude and effect can only be mitigated through sufficient education, training, enforcement, and prosecution.

While driving under the influence of marijuana poses a significant risk to the public, there is an emerging regional crisis involving methamphetamine. The National Drug Early Warning System published in 2018 their findings of regional variation across the United States. The NDEWS Sentinel Community Epidemiologists noted "treatment systems in the West [are] overwhelmed with primary methamphetamine admissions, while there were almost no such admissions in the East sites [which were studied] (12% to 29% vs. <1%)." (National Drug Early Warning System, "Methamphetamine A Regional Drug Crisis", Sept. 2018). With a looming regional crisis involving a drug of abuse, we need to be ready to vigorously prosecute these offenders who get behind the wheel while under the effects of methamphetamine or a combination of drugs.

Another significant danger on our roadways is the issue of unsafe speed. In 2017, using the SWITRS data, the number of collisions which had as their primary collision factor as unsafe speed resulted in 5 more fatal collisions leaving 8 more victims deceased than driving under the influence being the primary collision factor. The data also shows there were close to 5 times as many total collisions due to unsafe speed than driving under the influence with approximately 4 times as many victims injured. The severity of those injuries also outnumbered those of driving under the influence by 44. Such disparity was similarly seen in 2018. There were approximately 4.78 more collisions due to unsafe speed, 11 more fatal collisions with 15 more victims killed with approximately 3.9 times more victims injured. While there were reductions in the number collisions in 2019, the disparity of the number of collisions remained.

In 2019, there were approximately 5 times more collisions due to unsafe speed, 11 more fatal collisions with 14 more victims killed with approximately 4.5 more victims injured, with 70 more of those victims experiencing severe injuries than in those cases of driving under the influence. When these cases result in a death, a robust and specialized prosecution team is necessary to help direct investigations, answer questions from both law enforcement and the surviving families of the victims and if necessary, prosecute the offender in court. Such prosecutions would require specialized training and understanding of the law and facts to explain to the juries the importance of such cases. Such specialization naturally crosses over with the skills and training needed to successfully prosecute a driving under the influence case. Due to system limitations, the number of felony and misdemeanor cases may be underreported. When a case is reviewed and turned down for filing, currently, there is not a mechanism to show whether it was a misdemeanor or a felony offense.

The San Bernardino County District Attorney's Office continues to expand in the area of education of both our general staff as well as local law enforcement, to reach out to local law enforcement to strengthen teambuilding and will be making further inroads in the community for awareness and prevention. Through active education, training, and prosecution the San Bernardino County District Attorney's Office stands ready to combat the effects of not only driving under the influence cases but all vehicular crimes committed within our county.

Traffic Data Summary:

Complete the table below using SWITRS data and update the 20XX years in the table.

	2017				2018				2019			
Crashes	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured	Fatal	Injury	Killed	Injured
Alcohol-Involved	50	758	54	1184	42	872	43	1304	29	762	30	1125

Using the DMV DUI Management Information System (MIS) report, complete the table below.

	2013		2014		2015	
	Felony	Misdemeanor	Felony	Misdemeanor	Felony	Misdemeanor
Countywide DUI Arrests	314	9822	331	8896	316	9134

Using local data, complete the table below. If your data system cannot differentiate DUI cases by alcohol, drug, and combo, report all cases on the alcohol row and include an explanation below the table.

	FFY-2017						FFY-2018						FFY-2019					
Cases	Reviewed		Filed		Guilty		Reviewed		Filed		Guilty		Reviewed		Filed		Guilty	
DUI	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis	Fel	Mis
Alcohol	457	5494	456	5488	381	4441	474	5678	471	5670	345	4021	430	4443	421	4421	393	4374
Drug	78	407	77	405	114	306	23	49	22	49	19	106	3	4	3	4	8	43
Combo	37	287	37	285	14	96	65	498	64	496	27	174	71	387	69	384	43	256

## Proposed Solution

Strategies:

### Staff augmentation.

Through staff augmentation, training, outreach and coordination with law enforcement and data compilation and management, and most importantly, fair prosecution, the District Attorney's Office seeks to achieve the grant goals.

The District Attorney's Office proposes an increase staff for a vertical driving under the influence and vehicular homicide prosecution group, with emphasis on the prosecution of driving under the influence cases and training of general staff to prosecute vehicular crimes.

Previously, the Office of Traffic Safety awarded a grant to the Office for the use of 1.0 prosecutor for driving under the influence cases. As a result of that grant, an experienced prosecutor was assigned to the Rancho Cucamonga office for the express purpose of handling all serious driving under the influence cases. Recently an experienced prosecutor was assigned to the Central Office to take over these duties with an emphasis on

trial prosecution, mentorship and training. To address the driving under the influence activity and the number of vehicular deaths that occur on our roadways each year, the San Bernardino District Attorney proposes a team of 3.0 full time prosecutors. While we have three regions in our office, the prosecutors would not need to be assigned to a specific region, but they would be available to travel to any region that would need assistance as the assigned prosecutor is doing now. By having a vertical prosecution group that is not bound by office geographical limitations, specific locations in the county requiring more specialized assistance could receive the needed assistance, while improving the overall quality of prosecutions in the county. The additional prosecutors would also result in more outreach, mentorship and involvement with stakeholders necessary to prevention and prosecution. The expanded group would better be able to address the NHTSA Program Priority Areas of alcohol-impaired, driving, drug-impaired driving and roadway safety. The assigned attorneys will be able to work with the investigating law enforcement agencies directly – to provide guidance during the investigation, the initial review of the case, direction for additional investigation, to the filing, prosecution and eventual sentencing of a criminal defendant.

The San Bernardino County District Attorney's Office, being committed to confronting vehicular crimes, assigned an investigator to aid the Office of Traffic Safety Grant prosecutor and the Vehicular Homicide Unit. The investigator possesses expertise in obtaining information from event data recorders (EDRs) as well as vehicle infotainment systems. The San Bernardino County District Attorney's Office also possesses equipment in order retrieve this crucial data from EDRs and infotainment systems. This allows the Office to assist agencies countywide with data retrieval which aids in the investigation and prosecution of driving under the influence cases as well as those involving homicide. In appropriate circumstances, it is also contemplated that this assistance could be given to agencies outside of the county. Currently the San Bernardino County District Attorney's Office has a BOSCH Premium CDR kit and software subscription. Currently we are able to download 85% of the registered vehicles on the roadway with modules produced between 2003 and 2018. In order to access newer technology and expand the number of vehicles we are able to download, upgrades and additional stand-alone kits are required. This would allow the San Bernardino County District Attorney's Office to be a hub to assist all other agencies within our county and potentially outside our county as well. Additionally, the attorneys will be able to fully utilize other sections of the Office not funded by the grant, including the Bureau of Victim's Services and the Bureau of Investigation. As it applies to Victim Services, Victim Advocates are available in each region to help with the need of victims of crime, and in fatality cases, the families, providing support and guidance, assistance with restitution, as well as other services. With the Bureau of Investigation, the Office has investigators and investigative technicians available to assist attorneys with trial preparation, transportation of witnesses, and emergent needs before and during trial.

#### **Outreach and coordination with other law enforcement agencies.**

Along with their prosecution of the vertically assigned cases, team attorneys will be responsible for meeting with law enforcement agencies within the county. In addition to the fifteen different Sheriff stations and five CHP offices, our jurisdiction includes the following police departments: Barstow, Colton, Redlands, Rialto, San Bernardino, Montclair, Upland, Chino, Fontana and Ontario. Communication with allied law enforcement agencies is the key to the suppression of drivers under the influence. With thirty different law enforcement stations within the county, it is imperative that attorney team members make contact with watch commanders, M.A.I.T. sergeants and their members, as well as traffic personnel to build relationships with the stations, to answer any questions related to driving under the influence suppression, as well as to provide training to line deputies and officers about legal updates in the area as well as statistical trends unique to each region. By building a team approach and communicating with our law enforcement partners, we can provide a greater enforcement effort.

#### **Training attorneys in the area of driving under the influence suppression.**

Along with working with increasing communication with local law enforcement stations as described above, the team attorneys will provide extended driving under the influence as well as vehicular homicide training for other prosecutors from this Office on the handling of all aspects of driving under the influence prosecution as well as vehicular homicide.

#### **Statistical gathering and analysis.**

Currently, our case management system does discriminate between the types of driving under the influence cases for statistical purposes based upon the type of drug ingested which are submitted for review, rejected, filed, pled, tried and convicted. It is imperative to accurately gather data for review, to understand not just the raw number of driving under the influence cases submitted for prosecution, but as to which drugs were involved in driving under the influence of drugs or a combination of drugs. Armed with this detailed data collection, we can examine trends within the County and within regions and age classifications. We can also evaluate what impact additional training, awareness and intervention programs will have on reducing the

numbers of driving under the influence cases countywide. Additionally, this statistical data will assist the Office of Traffic Safety to assess the grant goals and objectives. By having accurate data collections and analysis, we can maximize efforts by targeting the most prominent issues.

Agency Qualifications:

The San Bernardino County District Attorney's Office Executive Staff is directly involved in this grant to an unprecedented degree. Involved Executive Staff members include the Assistant District Attorney, along with the Chief of Administration. All two of these individuals have participated in the grant application and will be involved in the implementation and oversight of the grant. The Office has superbly qualified fiscal staff that manage other local, state and federal grants. Activities that involve direct contact with youth as described in this application would be carried out by Deputy District Attorneys, District Attorney Investigators or Victim Witness Advocates, all of whom are required to pass a rigorous background check as a condition of employment and who are subject to stringent requirements to maintain their employment with the Office.

Program Sustainability:

Is a portion of funding for this activity/program being provided by another source, such as other grants, an MOU, use of General Funds, etc? If yes, list the type and approximate amount of additional funding.

- No portion of this activity is being provided by another source. Given state and local budget parameters, the vertical prosecution of DUI/DUID cases as described herein is not currently sustainable by this office absent grant funding.

Has the proposed activity/program been previously funded by OTS? If yes, list the years funded, approximate dollar amounts and progress to date in addressing the identified problem.

- This Office has received a previous grant from OTS for the 2012-2013 grant period in the amount of \$230,000, a grant from OTS for the 2014-2015 grant period in the amount of \$196,150, a grant from OTS for the 2015-2016 grant period in the amount of \$196,489, a grant from OTS for the 2016-2017 grant period in the amount of \$207,924, a grant from OTS for the 2017-2018 grant period in the amount of \$211,883, a grant from OTS for the 2018-2019 grant period in the amount of \$278,700, and also a grant from OTS for the 2019-2020 grant period in the amount of \$291,747.

What other funding opportunities has your Department/Agency/City/County/Jurisdiction applied for, is planning to apply for, or has received for activities that compliment/address the objectives listed in this application?

- The Department is not currently aware of any funding available for activities that compliment or address the objectives listed in this application.

Is your Department/Agency/City/County/Jurisdiction receiving "Active Transportation Program" or "Highway Safety Improvement Program" grant funding for the same or similar projects?

- The Department is not currently aware of any funding available for activities that compliment or address the objectives listed in this application.

What future funding sources may be available to continue proposed grant activities at the conclusion of OTS grant funding?

- The Department is not currently aware of any funding available for activities that compliment or address the objectives listed in this application

# Goals

---

## Description

Improve the prosecution knowledge and expertise of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases.

Increase the number of DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combination cases filed and prosecuted.

## Custom Description

To assist other agencies in obtaining data from Event Data Recorders and Infotainment systems to help facilitate just prosecutions.

To improve the prosecution knowledge and expertise of vehicular homicides.

# Objectives

---

Included	Target Number	Description
Yes	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 <a href="mailto:pio@ots.ca.gov">pio@ots.ca.gov</a> , and copied to your OTS Coordinator, for approval 14 days prior to the issuance date of the release.
Yes	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.
Yes	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 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.
Yes	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
Yes	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.
Yes	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.
Yes	7	Send the funded prosecutor(s) to trainings/meetings sponsored by OTS and/or the California Traffic Safety Resource Prosecutor Training Network.
Yes	8	Coordinate and host four regional roundtable law enforcement meetings (one each quarter, with telephone or internet conference capabilities) 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.
Yes	9	Coordinate with local law enforcement agencies on the development of an on-call response protocol for the investigation of fatal and major injury DUI vehicle crashes, and to report on response activities
Yes	10	Participate in at least one DUI saturation ride-along and attend/observe at least one DUI checkpoint. Note: The funded vertical prosecutor(s) and investigator should participate within the first quarter of the grant. Saturation patrol ride-along and checkpoint observation may be combined into one evening.
Yes	11	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.
Included	Target Number	Custom Description
Yes	12	Expand a Vertical Prosecution Program with the District Attorney's Office by November 30. The program will also facilitate the prosecution of all vehicular homicides as well as training and mentorship of general staff to do the same, as staffing permits.
Yes	13	Assist agencies outside of the District Attorney's Office with at least 5 EDR or Infotainment system data extractions in support of a DUI drug, DUI alcohol and drug combination cases or vehicular homicide case. Note: this objective should be achieved within the first three quarters of the grant.

# Method of Procedure

---

## Phase 1 - Program Preparation:

- Recruit and hire all staff for the grant.
- Procure all materials necessary to implement the grant.
- Identify dates and schedule the four Roundtable Meetings (one each quarter with telephone 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 project.
- 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 announcing the kick-off of the grant by November 15, but no earlier than October 1. If unable to meet the November 15 date, communicate reasons to your OTS Coordinator. The kick-off press releases and any related media advisories, alerts, and materials must be emailed for approval to the OTS Public Information Officer at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), and copied to your OTS Coordinator, 14 days prior to the issuance date of the release.



## Phase 2 - Program Operations:

- 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

- Send all grant-related activity press releases, media advisories, alerts and general public materials to the OTS Public Information Officer (PIO) at [pio@ots.ca.gov](mailto:pio@ots.ca.gov), with a copy to your OTS Coordinator. The following requirements are for grant-related activities and are different from those regarding any grant kick-off release or announcement.
- If an OTS-supplied, template-based press release is used, there is no need for pre-approval, however, the OTS PIO and Coordinator should be copied when at the same time as the release is distributed to the press.
- If an OTS-supplied template is not used, or is substantially changed, a draft press release shall be sent to the OTS PIO for approval. Optimum lead-time would be 10 days prior to the release distribution date, but should be no less than 5 working days prior to the release distribution date.
- Press releases reporting the immediate and time-valued results of grant activities such as enforcement operations are exempt from the recommended advance approval process, but still should be copied to the OTS PIO and Coordinator when the release is distributed to the press.
- Activities such as warrant or probation sweeps and court stings that could be compromised by advanced publicity are exempt from pre-publicity, but are encouraged to offer embargoed media coverage and to report the results.
- Use the following standard language in all press, media, and printed materials: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Email the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator at least 30 days in advance, a short description of any significant grant-related traffic safety event or program so OTS has sufficient notice to arrange for attendance and/or participation in the event.
- Submit a draft or rough-cut of all printed or recorded material (brochures, posters, scripts, artwork, trailer graphics, etc.) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval 14 days prior to the production or duplication.
- Space permitting, include the OTS logo, on grant-funded print materials; consult your OTS Coordinator for specifics and format-appropriate logos.
- Contact the OTS PIO or your OTS Coordinator, sufficiently far enough in advance of need, for consultation when deviation from any of the above requirements might be contemplated

Phase 3 - Data Collection:

1. Prepare and submit invoice claims (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.

## Budget

---

### Personnel Costs

---

**Positions** - If requesting hours for positions, enter them as straight time or overtime (for Enforcement Overtime, please use section below) and include the amount of hours that they will spend on grant operations. Example: One position getting paid 100% by the grant working a full year at \$41.00 per hour would be entered as Straight time, 2080 Units, \$41.00 Unit cost or Rate, and 100 Percent Paid by Grant. This gives a total of \$85,280.00 for the year.

**Benefits** – If requesting benefits for positions, enter all benefits as a separate line item for each position. Start the Item Name with the word 'Benefits', enter the corresponding salary or overtime total amount in the Unit Cost or Rate, and enter the Benefits Rate to have the system calculate Benefit Costs. (Unit Cost) X (Benefits Rate) = Benefit Costs. To properly relate benefits to the correct position use the Display Order, for example use 100.0 for the position Display Order and 100.1 for Benefits Display Order.

Display Order	Cost Category	Item Name	Position Type	Benefit Rate	Unit Cost or Rate	Units	Percent Paid by Grant	Calculated Cost to Grant
100.0	A. Personnel Costs	Prosecutor	Straight time	0.00%	\$78.91	6,240	100.00%	\$492,398.40
100.1	A. Personnel Costs	Benefits	Straight time	48.48%	\$492,398.40	1	100.00%	\$238,714.74

Display Order	Cost Category	Enforcement Activity	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
---------------	---------------	----------------------	-----------	-------------------	-------	--------------------------

Personnel Costs: \$731,113.14

### Travel Expenses

---

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
200.0	B. Travel Expenses	In State Travel	\$2,000.00	1	\$2,000.00

Travel Expenses: \$2,000.00

### Contractual Services

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
300.0	C. Contractual Services	DUI Drug Testing and Confirmation by mass spectrometry	\$200.00	2,200	\$440,000.00

Contractual Services: \$440,000.00

### Equipment (must have Unit Cost of at least \$5000)

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
400.0	D. Equipment	EDR Retrieval Equipment	\$12,795.00	1	\$12,795.00

Equipment: \$12,795.00

### Other Direct Costs

Display Order	Cost Category	Item Name	Unit Cost or Rate	Units	Calculated Cost to Grant
500.0	E. Other Direct Costs	none	\$0.00	0	\$0.00

Other Direct Costs: \$0.00

### Indirect Costs

Item Name should indicate the % and the Cost Category for Indirect Costs e.g. 15% of Salaries and Benefits. Use the Percent Paid by Grant for the Indirect Rate and the Unit Cost or Rate field to indicate the total amount for which Indirect Costs will be claimed. The system will calculate the Cost to Grant.

Display Order	Cost Category	Item Name	Indirect Rate	Amount Subject to Indirect	Calculated Cost to Grant
600.0	F. Indirect Costs	none			\$0.00

Indirect Costs: \$0.00

Total Requested Funding: \$1,185,908.14

## Narrative Review

Review and update Narrative for Budget Items

Cost Category	Item	Narrative
A. Personnel Costs	Prosecutor	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. Example: 1 x \$41.91 x 2080 = \$87,173.00
A. Personnel Costs	Benefits	Benefits-Deputy District Attorney @48.48% - Total Benefits - 48.48% Health Insurance - 8.33% Life Insurance - 1.03% Medicare - 1.33% Retirement - 33.17% State Disability/SDI - .84% Vision Insurance - 0.05% Workers Compensation Insurance - 3.73% TOTAL BENEFIT RATE 48.48%
B. 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 (enter other known conferences or required events). 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.
C. Contractual Services	DUI Drug Testing and Confirmation by mass spectrometry	<p>The current evaluation of drug impaired driving within San Bernardino County relies upon the submission of blood evidence to make a toxicological determination of drug(s) present in a suspected DUI driver. The types of toxicological evaluations performed are based primarily on what drug(s) are suspected to be present by the arresting officer/deputy, with an evaluation generally consisting of a 6-panel drug of abuse screen. But oftentimes, impaired drivers do not solely have just one drug present in their blood at the time of their arrest, but rather are poly-drug (including alcohol) users. Further, many of the additional drugs may not be detected in the standard 6-panel drug of abuse screen, but could be detected in a more expansive toxicology test battery. Whereas a majority of drugs used by drug-impaired drivers fall into one of the six drug of abuse categories, drug use trends are increasing toward poly-prescription drugs and novel psychoactive drugs that are not included in the standard 6-panel drug of abuse screen. Based on recommendations published by the National Safety Council's Alcohol, Drug and Impairment Division 5 (formerly known as the Committee on Alcohol and Other Drugs), it is the goal to be a front runner in evaluating DUI prevalence in one of California's largest counties by expanding upon the current toxicology testing per case to better assess what drug(s) and drug combinations are present in San Bernardino County DUI/DUID drivers. The proposed expanded testing is as follows to better assess impaired driving in the county:</p> <ol style="list-style-type: none"> <li>1) Perform a 6/10-panel drug of abuse screen with subsequent drug confirmation(s), and alcohol testing on all San Bernardino County (and contracted cities) misdemeanor DUI cases.</li> <li>2) Perform a 6/10-panel drug of abuse screen with subsequent drug confirmation(s), and alcohol testing on all San Bernardino County (and contracted cities) felony DUI cases.</li> <li>3) Testing to be performed by Bio-Tox Laboratories, Riverside, California; currently performing toxicological testing for the majority of San Bernardino County.</li> </ol> <p>The expanded testing on all relevant DUI/DUID samples will assist in evaluating the DUI prevalence for the county. In addition, all collected data can be shared with neighboring Orange County to provide an expanded assessment of DUI/DUID prevalence in Southern California.</p>

This equipment request is for several items for Event Data Recorder data retrieval.

Firstly, we are requesting a Bosch CDR 900 upgrade kit for 4000.00 which would interface with equipment already possessed by the San Bernardino County District Attorney's office. Our office currently has a BOSCH Premium CDR Kit and software subscription. Our current kit allows us to download the Event Data Recorders in 85% of the registered vehicles on the roadway, with modules produced between 2003 and 2018. As we move forward the new modules installed by the automobile manufacturers will utilize a newer technology. The Bosch CDR 900 upgrade kit is needed to access these newer modules.

D. Equipment EDR Retrieval Equipment

Tesla has a stand alone kit to specifically access their vehicles. The diagnostic software for the kit is provided free from Tesla. The price is 1200.00.

Kia has their own specific kit which is 7100.00. The diagnostic software for this kit is 495.00.

These upgrades would allow our office to aid agencies both inside the county and out with the retrieval of data from Event Data Recorders.

E. Other Direct Costs none None

F. Indirect Costs none None

## Upload Documents (Optional)

Please try to include all information in the application itself, but if necessary, upload additional documents here

Document Name	Update Date/Time
DUI Stats(Quarterly-CW)Oct2018-Dec2018)(JLiu).docx	1/29/2020 4:03 PM
DUI Stats(Quarterly-CW)Apr2019-Jun2019)(JLiu).docx	1/29/2020 4:03 PM
DUI Stats(Quarterly-CW)Jan2019-Mar2019)(JLiu).docx	1/29/2020 4:02 PM
DUI Stats(Quarterly-Jul2019-Sept2019)(JLiu) REV 012820.docx	1/29/2020 4:02 PM
SWITRS2019PrimaryCollisionFactor.pdf	1/29/2020 4:02 PM
SWITRS2018PrimaryCollisionFactor.pdf	1/29/2020 4:01 PM
SWITRS2017PrimaryCollisionFactor.pdf	1/29/2020 4:01 PM

# Evaluation, Support, and Submittal

---

## Evaluation, Support, and Submittal

---

### 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.

### Administrative Support:

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

### Total Requested Funding:

\$1,185,908.14