



Office of the Los Angeles City Attorney  
Hydee Feldstein Soto

## MEMORANDUM

To: The Honorable Karen Bass  
Mayor of Los Angeles  
City Hall  
Los Angeles, CA 90012

Honorable Members of City Council  
City Of Los Angeles  
City Hall  
Los Angeles, CA 90012

From: Kyle Kirkpatrick, Grants Coordinator 

Date: December 26, 2023

Re: FY 2023-24 California Office of Traffic Safety Grant Award

Transmitted herewith for Mayor and City Council consideration is grant funding totaling \$1,069,900 awarded by the Office of Traffic Safety, which is the pass-through agency for the National Institute of Traffic and Highway Safety Agency. Now in its tenth year, this award will provide reimbursable funding for the salaries and fringe benefits for four Deputy City Attorney positions from October 1, 2023, through September 30, 2024. Together, this team will aggressively prosecute driving under the influence offenders (both alcohol and drugs) within the City of Los Angeles as part of the "Alcohol and Drug Impaired Driving Vertical Prosecution Program."

Impaired driving is a significant public safety issue. During the first three quarters of the FY 2021-22 grant period (10/01/2021 – 6/30/2022), the Los Angeles City Attorney's Office reviewed 4,671 driving under the influence cases, of which 1,133 cases reviewed involved driving under the influence of drugs. The Los Angeles City Attorney's Office filed 3,276 under the influence of alcohol cases and 599 driving under the influence of drugs cases.

It is anticipated that grant funding will continue beyond FY 2023-24 as a result of grantee performance and the ongoing need for resources in this area.



**City of Los Angeles**  
Grant Award Notification and Acceptance

Recipient Department			
This Grant Award <input type="checkbox"/> New <input checked="" type="checkbox"/> Continuation/Renewal <input type="checkbox"/> Supplemental <input type="checkbox"/> Suballocation			
is:			
Grants Coordinator:	Vanessa Chavez	E-Mail:	<a href="mailto:vanessa.chavez@lacity.org">vanessa.chavez@lacity.org</a> Phone: 213-978-2449
Project Manager:	Vanessa Chavez	E-Mail:	<a href="mailto:vanessa.chavez@lacity.org">vanessa.chavez@lacity.org</a> Phone: 213-978-2449
Department/Bureau/Agency:	City Attorney		Date: 12/26/2023

Grant Information				
Name of Grantor:		Pass Through Agency:		
CA Transportation Agency				
Grant Program Title:		Notification of Award Date:		
California Office of Traffic Safety (OTS): General Grants - FY 2024		09/08/2023		
Funding Source (Public / Private):	Grant Type:	Funds Disbursement:	Agency's Grant ID:	
State	Competitive/Discretionary	Reimbursement	CFDA#:	
			Other ID#:	
			eCivis ID#:	
Match Requirement:	None	Amount:	\$0.00	%Match 0
Match Type:	N/A	Identify Source of Match:		
<b>Fiscal Information:</b>	Awarded Funds:	Match/In-Kind Funds:	Additional/Leverage Funds:	Total Project Budget:
	\$ 1,069,900.00	\$ -	\$ 28.00	\$ 1,069,928.00

Approved Grant Budget Summary				
Category	Awarded	Match	Additional	Explanation
Personnel				
Deputy City Attorney III	\$ 169,874.00	\$ -	\$ -	Supervising DCA 100% FTE
Deputy City Attorney II	\$ 156,936.00	\$ -	\$ -	100% FTE
Deputy City Attorney I	\$ 110,406.00	\$ -	\$ -	100% FTE
Deputy City Attorney I	\$ 115,731.00	\$ -	\$ -	100% FTE
Administrative Coordinator I	\$ 102,378.00	\$ -	\$ -	100% FTE
Travel				
In State Travel	\$ 8,000.00	\$ -	\$ -	
Contractual Services				
Medical Expert Witness Fees	\$ 10,000.00	\$ -	\$ -	
Other				
City Attorney Personnel Fringe -- CAP 41	\$ 285,591.00	\$ -	\$ -	43.58%
City Attorney Personnel Indirect -- CAP 41	\$ 110,984.00	\$ -	\$ 28.00	16.94% -- \$28 in additional funding will be covered by the City Atty Adopted Budget
Total	\$ 1,069,900.00	\$ -	\$ 28.00	

### Approved Project

Descriptive Title of Funded Project: DUID FY 2023-2024

Performance Period Start/End Dates (Month/Day/Year): Citywide: yes

Start: 10/01/2023 End: 09/30/2024 Affected Council District(s): all  
Affected Congressional District(s): all

Purpose: drugged impaired driving enforcement

Identify Internal Partners (City Dept/Bureau/Agency): LAPD

Identify External Partners: Los Angeles County District Attorney's Office

### Summary

Please provide a project summary including goals, objectives (metrics), specific outcomes, and briefly describe the activities that will be used to achieve these goals. You may attach an additional sheet of paper if necessary.

The Los Angeles City Attorney's Office has a grant funded specialized team to prosecute alcohol and drug impaired driving cases to 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.

### Recommendations

Please provide a complete list of necessary actions for implementation, including acceptance of the award by the City, Controller instructions for fund and accounts set-up, coordination of project activities (such as contract and position authorities).

1. AUTHORIZE the City Attorney, or designee, to:
  - a. Retroactively apply for and execute the grant award agreement between the Office of Traffic Safety and the City Attorney's Office;
  - b. Accept the grant award in the amount of \$1,069,900 from the Office of Traffic Safety;
  - c. Prepare Controller instructions for any necessary technical adjustments, subject to the approval of the City Administrative Officer and instruct the Controller to implement the instructions.
2. AUTHORIZE the Controller to:
  - a. Establish a receivable within Fund 368 in the amount of \$1,069,900 from the Office of Traffic Safety;
  - b. Establish a new appropriation account within Fund 368 as follows:  
Account 12Y231 – Impaired Driving Prosecution - \$1,069,900
  - c. Upon receipt of grant funds and approval of grant expenses, TRANSFER up to \$491,494 from Fund 368, Department 12, Account 12Y231 – Impaired Driving Prosecution to Fund 100, Department 12, Account 001010 – Salaries General as reimbursement for City Attorney salary expenses of the five (5) resolution authorities;
  - d. Upon receipt of grant funds and approval of grant expenses, TRANSFER up to \$396,575 from Fund 368, Department 12, Account 12Y231 – Impaired Driving Prosecution to Fund 100, Department 12, Revenue Source 5346 – Related Cost Reimbursement from Grants as reimbursement for City Attorney fringe benefits and indirect costs related to the Impaired Driving Prosecution.
3. AUTHORIZE the City Council to Instruct the City Clerk to place on Council Calendar for July 1, 2024, the following action relative to the Impaired Driving Prosecution:
  - a. That the City Council, subject to the approval of the Mayor, AUTHORIZE the Controller to TRANSFER up to \$163,831 from Fund 368, Department 12, Account 12Y231 – Impaired Driving Prosecution to Fund 100, Department 12, Account 001010 – Salaries General as reimbursement for City Attorney salary expenses of the five (5) resolution authorities.

### Fiscal Impact Statement

Please describe how the acceptance of this grant will impact the General Fund. Provide details on any additional funding that may be required to implement the project/program funded by this grant.

The total cost of the Impaired Driving Prosecution is \$1,069,928 of which \$1,069,900 will be reimbursed by the Office of Traffic Safety. The General fund contribution is \$28 in related costs (CAP 41) which are already included in the City Attorney adopted budget.

### Acceptance Packet

The above named Department has received an award for the Grant Program identified above, accepts full responsibility for the coordination and management of all Grant funds awarded to the City, and will adhere to any policies, procedures and compliance requirements set forth by the Grantor and its related agencies or agents, as well as those of the City, and its financial and administrative departments. The following items comprise the Acceptance Packet and are attached for review by the CAO Grants Oversight Unit:

☒ Grant Award Notification and Acceptance

☐ Copy of Award Notice

☒ Grant Project Cost Breakdown (Excel Document)

☒ Copy of Grant Agreement (if applicable)

☒ Detail of Positions and Salary Costs (Excel Document)

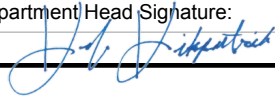
☐ Additional Documents (if applicable)

Department Head Name:

Department Head Signature:

Date:

Kyle Kirkpatrick



12/26/2023

### For CAO Use Only

The Office of the City Administrative Officer, Grants Oversight Unit has reviewed the information as requested, and has determined that the Acceptance Packet is:

☐ Complete The Acceptance Packet has been forwarded to appropriate CAO analyst

☐ Returned to Department (Additional information/documentation has been requested.

☐ Flagged (See comments below.)

Comments:

CAO Grants Oversight Unit Signature:

Date:

Grant Name: Alcohol and Drug Impaired Driving Vertical Prosecution			Department:		
Grant Project Breakdown	Grant Funds	Additional Costs**		Total	Comments
		City Funds	Non-City Funds		
<u>Salaries</u>					
1010 Salaries General	655,325			655,325	
1020 Salaries Grant Reimbursed				-	
1070 Salaries As Needed				-	
1090 Overtime				-	
Salaries Total:	655,325	-	-	655,325	
<u>CAP 41</u>					
<u>Related Costs*</u>	<u>Rate</u>				
Fringe Benefits	43.58%	285,591		285,591	
Central Services	12.60%	82,571		82,571	
Dept Admn	4.34%	28,413	28	28,441	
Related Costs Total:		396,575	28	-	396,603
<u>Expense</u>					
2120 Printing & Binding				-	
2130 Travel	8,000			8,000.00	Annual state conference
3040 Contractual Services- Medical Expert	10,000			10,000.00	Medical Expert Witness
3310 Transportation				-	
4160 Governmental Meetings				-	
6010 Office Supplies				-	
6020 Operating Supplies				-	
7300 Equipment				-	
Other-				-	
Expenses Total:	18,000	-	-	18,000	
Grand Total:	1,069,900	28	-	1,069,928	

\*Please use the full Cost Allocation Plan (CAP) rates unless disallowed by the Grantor.  
CAP rates should be applied to Gross Salaries (including Compensated Time Off.)

\*\*Other sources of funding. Please indicate whether these funds are part of a match requirement and whether they are already provided or new funding is required.

**Department: City Attorney****Project Name: Alcohol and Drug Impaired Driving****Other Funding Sources****City****Non-City****Non-Reimbursable\*\***

<b>Job Classification</b>	<b>Total</b>	<b>New</b>	<b>Existing</b>	<b>Grant Funding No.</b>	<b>Cost</b>	<b>Reimbursable* No.</b>	<b>Cost</b>	<b>No.</b>	<b>Cost</b>	<b>No.</b>	<b>Cost</b>	<b>Comments</b>
Deputy City Attorney III	1		1	1	169,874.00							
Deputy City Attorney II	1		1	1	156,936.00							
Deputy City Attorney I	1		1	1	110,406.00							
Deputy City Attorney I	1		1	1	115,731.00							
Administrative Coordinator I	1		1	1	102,378.00							

**Total:**      5      0      5      5      655,325      0      -      0      0      0      0

Indicate classification code by each position and percentage of time spent on this grant. The amounts shown here should only reflect salary costs. Related costs (fringe benefits, department administration and central services) are separate and when combined with salaries, will result in the full costs for personnel. \*Reimbursable costs are savings to the City. These costs would include all currently City-funded positions working for the specified grant program activities that will be reimbursed by grant funds.

\*\*Non-reimbursable costs may not be reimbursed by the Grant but could be used as a Match or as additional costs needed to enhance the program.

<b>1. GRANT TITLE</b> <b>Alcohol and Drug Impaired Driver Vertical Prosecution Program</b>	
<b>2. NAME OF AGENCY</b> <b>Los Angeles</b>	<b>3. Grant Period</b> From: 10/01/2023 To: 09/30/2024
<b>4. AGENCY UNIT TO ADMINISTER GRANT</b> <b>Los Angeles City Attorney's Office</b>	
<b>5. GRANT DESCRIPTION</b> The 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.	
<b>6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$1,069,900.00</b>	
<b>7. TERMS AND CONDITIONS:</b> The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none"><li>• Schedule A – Problem Statement, Goals and Objectives and Method of Procedure</li><li>• Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)</li><li>• Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)</li><li>• Exhibit A – Certifications and Assurances</li><li>• Exhibit B* – OTS Grant Program Manual</li><li>• Exhibit C – Grant Electronic Management System (GEMS) Access</li></ul> <p>*Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto.</p> <p>These documents can be viewed at the OTS home web page under Grants: <a href="http://www.ots.ca.gov">www.ots.ca.gov</a>.</p> <p>We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions.</p> <p>IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.</p>	
<b>8. Approval Signatures</b>	
<b>A. GRANT DIRECTOR</b> NAME: Kyle Kirkpatrick TITLE: Grants Coordinator EMAIL: kyle.kirkpatrick@lacity.org PHONE: (213) 978-3928 ADDRESS: 200 North Main Street, 8th Floor Los Angeles, CA 90012  _____ (Signature) (Date)	<b>B. AUTHORIZING OFFICIAL</b> ADDRESS: Ian Thompson Chief of Staff ian.thompson@lacity.org (213) 978-8100 200 North Main Street, 8th Floor Los Angeles, CA 90012  _____ (Signature) (Date)
<b>C. FISCAL OFFICIAL</b> ADDRESS: Michiko Reyes Budget Director michiko.reyes@lacity.org 213-978-7020 200 N. Main Street, 8th floor Los Angeles, CA 90012  _____ (Signature) (Date)	<b>D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY</b> ADDRESS: Barbara Rooney Director barbara.rooney@ots.ca.gov (916) 509-3030 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758  _____ (Signature) (Date)

<b>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</b>  NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758	<b>9. SAM INFORMATION</b>  SAM #: WT4DW46STJ REGISTERED ADDRESS: 200 N Main Street Los Angeles CA 90012 CITY: Los Angeles ZIP+4: 90012-4110
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
405d AL-24.1	20.616	0521-0890-101	2022	43/22	BA/22	\$363,766.00
405d AL-24	20.616	0521-0890-101	2023	12/23	BA/23	\$706,134.00
				<b>AGREEMENT TOTAL</b>		<b>\$1,069,900.00</b>
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				AMOUNT ENCUMBERED BY THIS DOCUMENT		<b>\$1,069,900.00</b>
				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		<b>\$ 0.00</b>
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED	TOTAL AMOUNT ENCUMBERED TO DATE		
				<b>\$1,069,900.00</b>		



## 1. PROBLEM STATEMENT

As the **largest city in the state of California**, and the second largest city in the nation, local traffic safety is paramount in Los Angeles due to the magnitude of traffic related injury and fatality rates. Per the latest OTS Crash Ranking data, in 2020 the City of Los Angeles had **(26,132 individuals)** of victims killed or injured in vehicular crashes for cities with populations over 250,000 in the state of California.

Further compounding the problem as of January 1, 2017, Los Angeles, also become the largest city in the nation to allow for recreational cannabis use. Since Jan 1, 2018, the availability of Cannabis has increased which has only increased the amount of traffic related injuries and fatalities as evidenced by neighboring states who also allowed for recreational cannabis use.

Local data shows that there has been an increase of more than 50% of driving under the influence of drugs (DUID) cases brought for prosecution since 2018. As of 2021 more than 50% of all DUID cases involve cannabis as one of the drugs found in drivers arrested for DUID. To combat this trend in DUID drivers and provide additional training to other agencies the vertical prosecution team for the City Attorney's office needs to maintain four (4) prosecutors and one (1) administrative coordinator for the 2023-2024 grant cycle.

### Prosecution

The Los Angeles City Attorney Office is solely responsible for all misdemeanor drug impaired driving cases within the city of Los Angeles. Covering more than 500 square miles, the City expands from North Valley to the Harbor. Six courthouses preside over the DUID cases in the City. Two Courthouses are in downtown Los Angeles, two in the Van Nuys area, one in the Pacific region near LAX and one is located in San Pedro, nearly 50 miles south from the most northerly courthouse.

Although all six courthouses review misdemeanor drug DUI cases, three courthouses review the majority of these types of cases. The Metropolitan Branch, Pacific Van Nuys Branch and San Fernando Branch cover 96% of all drug DUI cases in the city. With previous OTS grant funds, all four of these prosecutors have been strategically placed within these three courthouses which have the highest DUID arrests and this proposal will continue that practice.

### Maintaining Case Load

The DUID unit reviewed over 1,041 cases in FY 2021-2022 in comparison to 1,451 cases in FY 2020-2021. The Los Angeles City Attorney's Office attributes this reduction due to the COVID pandemic as well as a reduction in law enforcement arrests. This trend of low enforcement is seen throughout the state.

Furthermore, with the lifting of COVID restrictions, we expect an increase in DUID related case reviews for FY 2022-2023. In FY 2021-2022 the Metropolitan Branch alone handling 50% of all DUID case reviewed by the Los Angeles City Attorney's Office. Maintaining the existing unit of four (4) prosecutors and one (1) administrative coordinator ensures that we continue to review DUID cases to combat the steady rate of drivers under the influence of drugs.

### Geographical Limitations

An associated problem is the geographical location of the Los Angeles courthouses. The large distances between each courthouse makes it difficult to have less than four attorneys to cover the each location. Currently, two prosecutors are based out of the Metropolitan and Airport branches while the other two prosecutors cover the two Valley branches. In 2022, the Valley branch reviewed just over 400 cases, which has been the steady amount of cases since 2020 and nearly 50% more than in 2019.

The minimum of four (4) funded prosecutors are needed to effectively address and prosecute the number of DUID cases the city faces. Furthermore, the size of the city prohibits the ability of having less than the four vertical prosecutors to oversee all other DUID case. The map above shows the amount of Los Angeles City Attorney misdemeanor drug DUI cases reviewed at each courthouse in FY 2021-2022.

Drug Impaired driving is a complex issue to prosecute. The vertical prosecution format truly is the most efficient and effective manner to handle these multifaceted cases. The Vertical Prosecution model allows prosecutors to acquire specialized knowledge that is necessary to successfully prosecute these offenses. In 2020 the OTS Crash Ranking Data identified the City of Los Angeles with having 2,282 victims killed and injured in alcohol involved crashes. Based on the OTS Crash Ranking Data, DUID cases remain consistent to prior years with 2017, 2018 and 2019 having well over 2,500 victims involved in alcohol related crashes and we believe these numbers will increase further in the future. In recent years, drug impaired driving arrest rates have soared throughout the City of Los Angeles, which corresponds with 2016 data that 15% of all drivers killed in a motor vehicle crash, who were tested, tested positive for legal and/or illegal drugs. Our local data shows that 50% of DUID drivers arrested have cannabis detected in blood samples, and a majority of those drivers are poly drug users. Our local data also shows an increase of impaired drivers under the influence of fentanyl, which correlates to higher traffic crash probability.

To compound the problem, DUID trial convictions are among the most challenging to secure, even for the most experienced and dedicated attorneys, due to evidentiary issues related to impairment and the public's perception regarding certain drugs being "non-offensive."

#### Training

The current four (4) grant funded and one (1) city funded vertical DUID prosecutors do much more than prosecution. They are involved in providing training to both the California Highway Patrol and Los Angeles Police Department. The vertical prosecutors help improve police investigations by educating officers to help increase the likelihood of their cases being filed and thereafter successful in trial. Furthermore, the vertical prosecutors share this knowledge with all other prosecuting agencies to better improve all impaired driving cases throughout the state.

#### Data Collection

The Los Angeles City Attorney's Office looks forward to continuing to working with OTS to improve data collection efforts. Accurate and reliable data is the first step in being able to address the problem of driving under the influence of drugs. Without accurate data it will be impossible to understand the magnitude and characteristics of the problem. Data will provide stakeholders individual, regional and legislative intelligence to address and implement countermeasures to the problems presented by DUID cases. The current data detection systems, although powerful tools, unfortunately lack certain data points that are valuable to better understanding the overall problem of DUID cases.

By maintaining the current DUID prosecutors, the DUID team can continue collaborating, collecting data related to DUID cases, and prosecuting DUID cases to trial. Los Angeles is the most ideal location for data collection as it is the first group A city in California to legalize commercial sales, it covers a diverse group of people, has the infrastructure such as the Los Angeles Police Depart Drug Recognition Experts to conduct evaluations and LAPD crime lab to analyze the toxicology.

#### Need for Medical Doctors as Experts

The prosecution of DUID cases requires proving that the defendant not only had drug(s) in their system, but that they were subject to their intoxicating effects at the time of driving. Unlike alcohol, the legislator has not set a per se limit and the mere presence of a drug in a person's system does not necessarily show that they were under its influence. Coupling this with possible injuries caused by a crash, it is necessary to have a medical doctor provide expert testimony in specific cases.

Much of the time, the defense calls an expert with a medical degree whose testimony essentially consists of confusing the jury, by explaining away observed drug symptomatology as naturally occurring in the body and not a result of drug intoxicating or attributing it to crash trauma. Further, this "expert" often criticizes the testimony given by the People's toxicology experts, police officers, and drug recognition experts.

Most police officers and drug recognition experts do not have medical training. While the toxicologists have expertise in drugs, they read studies and perform the physical testing of the blood. However, they do not have the medical training and so are unable to rebut defense expert testimony regarding the physical processes of the body or to distinguish between trauma and intoxication. Hence, questions of signs and

symptoms of a concussion as opposed to a lack of balance or slow and slurred speech cannot be addressed. This often leads to the creation of reasonable doubt in the juror's minds. Jury desires concrete medical opinions, and the toxicologists are not able to offer those opinions and unfortunately, this leaves the People with no experts that they can call to rebut or establish medical testimony. Therefore, the DUID unit is requesting funding for a Medical Expert to assist in the prosecution of DUID cases.

### Conclusion

Impaired driving continues to consume law enforcement, prosecutorial, and judicial resources across the nation, grant funding for four (4) vertical prosecutors and one (1) administrative coordinator is critically needed within the City Attorney's Office. OTS grant funded vertical prosecutors serve the role of providing in-house expertise across branches as needed, assume the most difficult and challenging DUID cases, achieve higher conviction rates than branch trial deputies, and maintain a personal fidelity to the cases they prosecute that inspires others to achieve the same goal of zero deaths. Moreover, their roles help drive impaired driving policy improvements through their participation in task forces, roundtables with other prosecuting agencies, research projects, and innovative new initiatives (such as data collection with OTS). By maintaining four (4) vertical prosecutors and one (1) administrative coordinator during the FFY 2023-2024 it will ensure the collaborative efforts of the Los Angeles City Attorney's Office with other prosecuting agencies and law enforcement, moreover that the aggressive and sustained enforcement of drivers under the influence of drugs in the City of Los Angeles remains in full force and effect.

## **2. PERFORMANCE MEASURES**

### **A. Goals:**

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

### **B. Objectives:**

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.	<b>Target Number</b> 1
2. Create or expand a Vertical Prosecution Program with the City Attorney or District Attorney's Office by November 30. The program will facilitate the prosecution of all DUI drug cases, all DUI alcohol and drug combination cases, and if applicable, all felony DUI alcohol cases with death or injury.	1
3. Designate prosecutor position(s) and investigator position(s) to the DUI caseload to prosecute DUI Alcohol, DUI Drug and DUI Alcohol/Drug Combo cases. The individual(s) will be dedicated solely to this assignment allowing them to gain expertise in the investigation and prosecution of DUI Alcohol, DUI Drug, and DUI Alcohol/Drug Combo cases. While employed by the City Attorney's or District Attorney's Office, the individual(s) in the grant-funded DUI Vertical Prosecutor position(s) should remain the same throughout the term of the grant.	4
4. Develop and implement a system for gathering, tracking, and reporting all DUI case reviews, filings, and outcomes in the county/city by December 31, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination	1
5. Report on all DUI case reviews, filings and outcomes in the county or city throughout the grant, differentiating between: 1) DUI Alcohol-only; 2) DUI Drug-only; and 3) DUI Combination Alcohol and Drug cases.	4
6. Partner with the California Traffic Safety Resource Prosecutor Training Network to provide comprehensive training in the prosecution of DUI Alcohol and DUI Drug cases with an effort to reach prosecutors and investigators.	1
7. Send the funded prosecutor(s) to trainings/meetings sponsored by OTS and/or the California Traffic Safety Resource Prosecutor Training Network.	4
8. Coordinate and host four regional roundtable law enforcement meetings (one each quarter, with telephone or internet conference capabilities) to provide information	4

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.	
9. 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.	2
10. Identify straight time personnel and report on activities completed. Include any vacancies or staff changes that have occurred.	4
11. Partner with the California Traffic Safety Resource Prosecutor Training Network as a presenter/instructor at a minimum of 1 of the multi-day "Traffic Safety College" trainings held in Northern and Southern CA.	1

### 3. METHOD OF PROCEDURE

#### A. Phase 1 – Program Preparation (1<sup>st</sup> Quarter of Grant Year)

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

#### B. Phase 2 – Program Operations (Throughout Grant Year)

- Prosecution will be on-going. The Deputy District/City Attorney(s) will review DUI cases from all law enforcement agencies in the county/city.
- Training for law enforcement personnel, District Attorney Investigators and other Deputy District/City Attorneys will begin and continue throughout the program.
- Prosecutor(s) will:
  - a) Work to secure convictions (as justice requires) and appropriate sentences that reflect the public safety risk posed by the offender.
  - b) Mentor trial attorneys on how to successfully try high-risk DUI offenders.
  - c) Host Quarterly Roundtable meetings with law enforcement personnel, TSRP and OTS Coordinator.
  - d) Work with the TSRP to obtain and deliver high quality DUI prosecution training programs to non-grant-funded prosecutors.
  - e) Work with the TSRP to obtain and deliver high quality DUI investigation, report writing and courtroom testimony training programs to law enforcement personnel (police officers, deputies, District Attorney Investigators and crime lab scientists).

- f) Attend training programs that cover evaluation and preparation of DUI drug cases, marijuana, prescription drugs, drug trends, people's experts, defense challenges, cross-examination of experts, SFST evidence, jury considerations and toxicology evidence, and incorporate this information into DUI trainings for attorneys and law enforcement personnel.
- g) Send the funded vertical prosecutor(s) and investigator to the NHTSA "Advanced Roadside Impaired Driving Enforcement" (ARIDE) 16 hour POST-Certified training, if not already trained. Note: The funded vertical prosecutor(s) and investigator(s) should achieve this objective within the first quarter of the grant.

### Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your OTS coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the Coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, press releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your OTS coordinator when any material is distributed to the media and public, such as a press release, educational material, or link to social media post. The OTS-supplied kick-off press release templates and any kickoff press releases are an exception to this policy and require prior approval before distribution to the media and public.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy to your OTS Coordinator. Optimum lead time would be 7 days prior to the scheduled release date, but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Press releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are exempt from the OTS PIO approval process. The OTS PIO and your Coordinator should still be notified when the grant-related activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).
- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are exempt from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and your Coordinator with embargoed date and time or with "INTERNAL ONLY: DO NOT RELEASE" message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval. Please send to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) for approval and copy your grant coordinator at least 3 business days prior to the scheduled release date.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator for approval prior to the production or duplication.

- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult your OTS Coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at [pio@ots.ca.gov](mailto:pio@ots.ca.gov) and copy your OTS Coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any press releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- Contact the OTS PIO or your OTS Coordinator for consultation when changes from any of the above requirements might be warranted.

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

1. Prepare and submit grant claim invoices (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)
  - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
  - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
  - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
  - Collect, analyze and report statistical data relating to the grant goals and objectives.

### **4. METHOD OF EVALUATION**

Using the data compiled during the grant, the Grant Director will complete the "Final Evaluation" section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant's accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

### **5. ADMINISTRATIVE SUPPORT**

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

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT		
405d AL-24	20.616	Impaired Driving Countermeasures	\$1,069,900.00		
COST CATEGORY		FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS					
<b><u>Straight Time</u></b>					
Supervising Deputy City Attorney III	405d AL-24	\$81.67	2,080	\$169,874.00	
Benefits- Supervising Deputy City Attorney III	405d AL-24	\$74,031.00	1	\$74,031.00	
Deputy City Attorney II	405d AL-24	\$75.45	2,080	\$156,936.00	
Benefits- Deputy City Attorney II	405d AL-24	\$68,393.00	1	\$68,393.00	
Deputy City Attorney I	405d AL-24	\$53.08	2,080	\$110,406.00	
Benefit- Deputy City Attorney I	405d AL-24	\$48,115.00	1	\$48,115.00	
Deputy City Attorney I	405d AL-24	\$55.64	2,080	\$115,731.00	
Benefits- Deputy City Attorney I	405d AL-24	\$50,436.00	1	\$50,436.00	
Administrative Coordinator I	405d AL-24	\$49.22	2,080	\$102,378.00	
Benefits Administrative Coordinator I	405d AL-24	\$44,616.00	1	\$44,616.00	
<b><u>Overtime</u></b>				\$0.00	
Category Sub-Total				\$940,916.00	
B. TRAVEL EXPENSES					
In State Travel	405d AL-24	\$8,000.00	1	\$8,000.00	
				\$0.00	
Category Sub-Total				\$8,000.00	
C. CONTRACTUAL SERVICES					
Medical Expert	405d AL-24	\$10,000.00	1	\$10,000.00	
Category Sub-Total				\$10,000.00	
D. EQUIPMENT					
				\$0.00	
Category Sub-Total				\$0.00	
E. OTHER DIRECT COSTS					
				\$0.00	
Category Sub-Total				\$0.00	
F. INDIRECT COSTS					

Indirect Cost	405d AL- 24		1	\$110,984.00
Category Sub-Total				\$110,984.00
<b>GRANT TOTAL</b>				<b>\$1,069,900.00</b>



**GRANT AGREEMENT**

DI24006

Schedule B-1

**BUDGET NARRATIVE****PERSONNEL COSTS**

Supervising Deputy City Attorney III - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office

Benefits- Supervising Deputy City Attorney III - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.

Deputy City Attorney II - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office

Benefits- Deputy City Attorney II - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.

Deputy City Attorney I - 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

Benefit- Deputy City Attorney I - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.

Deputy City Attorney I - Hours for prosecutor dedicated to vertically prosecute all felony cases involving driving under the influence of alcohol and/or drugs. Hours may include wages or authorized absences, such as annual leave and sick leave, provided they are accrued during the grant term. The prosecutors will attend training provided by the Traffic Safety Resource Prosecutor Program and deliver training to law enforcement, investigators and other attorneys within the District Attorney's Office

Benefits- Deputy City Attorney I - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.

Administrative Coordinator I - This position will assist the vertical prosecution team with preparing DUID case filings, securing evidence such as toxicology reports, coordinating witnesses, assisting with legal discovery requests and data collection. In addition, the Administrative Coordinator will ensure grant compliance and oversee fiscal and administrative operations.

Benefits Administrative Coordinator I - Claimed amounts must reflect actual benefit costs for straight time or overtime hours charged to the grant.

**TRAVEL EXPENSES**

In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include California Traffic Safety Summit. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds.

**CONTRACTUAL SERVICES**

Medical Expert - Funding for a medical professional to provide medical expertise on cases.

**EQUIPMENT**

-

**OTHER DIRECT COSTS**

-

**INDIRECT COSTS**

**STATEMENTS/DISCLAIMERS**

There will be no program income generated from this grant.

Salaries may include wages, salaries, special compensations, or authorized absences such as annual leave and sick leave provided the cost for the individual employee is (a) reasonable for the services rendered, and (b) follows an appointment made in accordance with state or local laws and rules and meets federal requirements.

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

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

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

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

#### GENERAL REQUIREMENTS

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

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

#### NONDISCRIMINATION

(applies to all subrecipients as well as States)

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

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

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

#### GENERAL ASSURANCES

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

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

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

#### **SPECIFIC ASSURANCES**

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

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

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

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

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

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

The Subgrantee will provide a drug-free workplace by:

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

#### **POLITICAL ACTIVITY (HATCH ACT)**

(applies to all subrecipients as well as States)

**The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.**

#### **CERTIFICATION REGARDING FEDERAL LOBBYING**

(applies to all subrecipients as well as States)

#### **CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.



This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., “grassroots”) lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

#### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION** (applies to all subrecipients as well as States)

#### **INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)**

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled “Instructions for Lower Tier Participant Certification” including the “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction,” provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

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

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

#### CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION— LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

## **BUY AMERICA**

**(applies to subrecipients as well as States)**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

## **CERTIFICATION ON CONFLICT OF INTEREST**

**(applies to subrecipients as well as States)**

### **GENERAL REQUIREMENTS**

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

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

### **DISCLOSURE REQUIREMENTS**

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

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

### **PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**

**(applies to all subrecipients as well as States)**

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



## **POLICY ON SEAT BELT USE**

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

## **POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

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

## INSTRUCTIONS FOR ADDING OR UPDATING GEMS USERS

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

### GRANT DETAILS

Grant Number:	DI24006
Agency Name:	Los Angeles City Attorney's Office
Grant Title:	Alcohol and Drug Impaired Driver Vertical Prosecution Program
Agreement Total:	\$1,069,900.00
Authorizing Official:	Ian Thompson
Fiscal Official:	Michiko Reyes
Grant Director:	Kyle Kirkpatrick

### CURRENT GEMS USER(S)

#### 1. Vanessa Chavez

Title: Grant Coordinator

Media Contact: No

Phone: (213) 978-8100

Email: [vanessa.chavez@lacity.org](mailto:vanessa.chavez@lacity.org)

#### 2. Kyle Kirkpatrick

Title: Grants Coordinator

Media Contact: No

Phone: (213) 978-3928

Email: [kyle.kirkpatrick@lacity.org](mailto:kyle.kirkpatrick@lacity.org)

#### 3. Michiko Reyes

Title: Budget Director

Media Contact: No

Phone: 213-978-7020

Email: [michiko.reyes@lacity.org](mailto:michiko.reyes@lacity.org)

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

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