



Board Agenda Item 24

DATE: September 24, 2024

TO: Board of Supervisors

SUBMITTED BY: Lisa A. Smittcamp, District Attorney

SUBJECT: Grant Application and Agreement with the State of California Office of Traffic Safety for the Alcohol and Drug Impaired Driver Vertical Prosecution Program

RECOMMENDED ACTION(S):

- 1. Retroactively approve and authorize the District Attorney's previous submittal of a grant application to the California Office of Traffic Safety for continuation of the Alcohol and Drug Impaired Driver Vertical Prosecution Program for FY 2024-25 (\$813,432); and**
- 2. Approve and authorize the Chairman to execute Grant Agreement (Grant Number DI25024), with an electronic signature, for the Alcohol and Drug Impaired Driver Vertical Prosecution Program with the California Office of Traffic Safety (OTS) for the period October 1, 2024 through September 30, 2025 (\$665,900).**

There is no additional Net County Cost associated with the recommended actions, which will allow for the continuation of the Alcohol and Drug Impaired Driver Vertical Prosecution program (ADIVPP) through September 30, 2025. The ADIVPP grant program will fund two Deputy District Attorneys and one part time Senior District Attorney Investigator to handle cases throughout each step of the criminal process, work to increase the capabilities of the program by obtaining and delivering specialized training, and enable the grant program staff to share information with peers and law enforcement personnel throughout the County and across the State. To meet the grant filing deadline, the application was submitted to the OTS, contingent on your Board's approval. OTS requires an electronic signature to execute the grant agreement. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, this program will not be funded for FY 2024-25, which would result in the elimination of two Deputy District Attorney and one part time Senior District Attorney Investigator positions, unless alternative funding is found.

FISCAL IMPACT:

There is no increase in Net County Cost associated with these actions. There is no match requirement for the receipt of the funds. The Department submitted a grant application on January 30, 2024, in the amount of \$813,432. The OTS awarded \$665,900 to Fresno County for the FY 2024-25 ADIVPP to fund two Deputy District Attorneys and one part time Senior District Attorney Investigator positions.

DISCUSSION:

The goal of the ADIVPP is to investigate and vertically prosecute felony alcohol and drug-impaired driving cases and will accomplish the grant objectives to prevent impaired driving and reduce alcohol and

drug-involved traffic fatalities and injuries. The ADIVPP grant program will fund two Deputy District Attorneys and one part time investigator to investigate and prosecute cases throughout each step of the criminal process, and work to increase the capabilities of the program by obtaining and delivering specialized training. The ADIVPP program staff will also share information with peers and law enforcement personnel throughout the County and across the State.

The OTS grant manual, which is incorporated into the grant, requires the County to indemnify the State for any claims or losses resulting to any contractor or other entity furnishing or supplying work services, materials, or supplies in connection with the performance of the agreement, as well as any person, firm, or corporation who may be injured or damaged by the County in the performance of this agreement. The OTS grant manual also contains a non-standard limitation on liability.

In addition to the standard State and Federal certifications included in the Board of Supervisor's Administrative Policy No. 47, the grant also requires that the Grantee Agency will comply with the Hatch Act, a Federal law restricting the partisan political activities of employees "whose principal employment activities are funded in whole or part with Federal Funds."

If grant funding is eliminated, the associated positions will be deleted, unless alternative funding is found.

REFERENCE MATERIAL:

BAI #31, September 19, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Agreement with OTS

CAO ANALYST:

Fine Nai