



# Board Agenda Item 39

DATE: October 22, 2024

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Grant Application and Agreement with the State of California Office of Traffic Safety for Intensive Probation Supervision for High-Risk Felony and Repeat DUI Offenders

## RECOMMENDED ACTION(S):

- 1. Retroactively approve and authorize the Chief Probation Officer's previous submittal of a grant application to the State of California Office of Traffic Safety (OTS) for the Probation Department's 2025 Intensive Supervision of High-Risk Felony and Repeat DUI Offenders (Repeat DUI) Program (\$343,000); and**
- 2. Approve and authorize the Chairman to execute a Retroactive Grant Agreement with OTS (Grant Number AL25022), with an electronic signature, to provide Intensive Probation Supervision for Repeat DUI Offenders for the period of October 1, 2024 through September 30, 2025 (\$343,000).**

There is no additional Net County Cost associated with the recommended actions. The OTS Repeat DUI funding allows for continuation of the Probation Department's Repeat DUI Program, originally funded by OTS in 2006. To meet the grant application deadline of January 31, 2024, the Department submitted the application on January 30, 2024, contingent upon your Board's approval. The second recommended action will approve a retroactive Agreement with OTS, effective October 1, 2024. OTS requires an electronic signature to execute the recommended grant agreement. This item is countywide.

## ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the grant agreement will be returned to OTS. The loss of these grant funds will result in the elimination of two Deputy Probation Officer (DPO) positions unless an alternative source of funding is found. In such an event, high-risk felony and Repeat DUI offenders would no longer receive the intensive supervision currently provided.

## RETROACTIVE AGREEMENT:

The recommended Grant Agreement was originally scheduled to come before your Board on September 24, 2024. However, OTS was unable to complete internal review of the grant agreement by that date. This item being brought to your Board at the next available Board date.

## FISCAL IMPACT:

There is no increase in Net County Cost or match requirement associated with the recommended actions. The grant will pay direct costs, not to exceed \$343,000, to operate the Repeat DUI Program for the period of October 1, 2024 through September 30, 2025. Sufficient appropriations and estimated revenues for this

grant have been included in Probation's FY 2024-25 Adopted Budget for Org 3432. This grant funds two DPO positions. No indirect costs are included in the grant. Based on the Probation Department's current indirect rate of 20.65% of salaries and benefits, the indirect costs associated with the grant are \$69,593. Probation's indirect costs have been included in the Probation Department's FY 2024-25 Org 3430 Adopted Budget and funded with Net County Cost.

#### DISCUSSION:

In 2006, the Probation Department began receiving funds for this Program, intended to make Fresno County streets safer by reducing the number of repeat drunk driving offenders. At that time, it was called "Preventing Repeat Impaired Driving Effectively" (PRIDE). In 2010, OTS retitled the Program to "Intensive Probation Supervision for High-Risk Felony and Repeat DUI Offenders. This grant was administered through a Memorandum of Agreement with San Diego County. Effective October 1, 2011, the California Office of Traffic Safety began granting funds directly to participating counties. The County has applied for and received Repeat DUI grant funds directly from OTS since FY 2011-12. Most recently, the Department was awarded grant funds for FY 2022-23, which your Board approved on September 19, 2023.

The Repeat DUI grant funds two DPOs. The DPOs provide intensive supervision to approximately 160 felony/repeat and/or drug-involved DUI offenders, which is a comparable caseload to last year, but still below the Department's capacity for supervision at 200 offenders. It is anticipated that with the Court's resumption of normal calendars, the DPOs' caseloads will increase accordingly.

The offenders on these caseloads are considered to be the most dangerous to the safety of our community. The DPOs assigned to these offenders oversee compliance with court orders, administer evidence-based risk assessments, develop and manage case plans, conduct home searches and warrant operations, assist in surveillance efforts targeting unlicensed drivers on felony DUI probation, administer on-the-spot alcohol testing, and assist in sobriety checkpoints in Fresno County. The Repeat DUI Program is a component of a comprehensive countywide approach to decreasing the number of DUI collisions by keeping these dangerous drivers off the roadways.

OTS published a request for applications for Federal FY 2024-25 on December 21, 2023. To meet the grant application deadline of January 31, 2024, the Department submitted the application on January 30, 2024, contingent upon your Board's approval. On July 8, 2024, the Department received a notification tentatively approving the application.

In addition to the standard State and Federal certifications included in 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 in part with Federal Funds."

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 the recommended agreement. The OTS manual also contains a non-standard limitation on liability.

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

#### REFERENCE MATERIAL:

BAI #48, September 19, 2023

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Agreement with OTS

CAO ANALYST:

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