



## Legislation Text

**File #:** 21-0665, **Version:** 1

**DATE:** October 5, 2021  
**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 for the State of California Office of Traffic Safety's Intensive Probation Supervision for High-Risk Felony and Repeat DUI-Offenders Program, to fund Probation's Repeat DUI caseload positions for the period of October 1, 2021 through September 30, 2022; and**
- 2. Approve and authorize the Chairman to execute a retroactive grant agreement, with the State of California Office of Traffic Safety (Grant Number AL22023) to provide Intensive Probation Supervision for High-Risk Felony and Repeat DUI-Offenders for the period of October 01, 2021 through September 30, 2022 (\$325,000).**

There is no additional Net County Cost associated with the recommended actions. The State of California Office of Traffic Safety (OTS) High-Risk Felony and Repeat DUI Offenders (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, 2021, the Department submitted the application on January 29, 2021, contingent upon your Board's approval. 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 positions, unless an alternative source of funding is found. Therefore, high-risk felony and Repeat DUI offenders will no longer receive the intensive supervision currently provided.

### RETROACTIVE AGREEMENT:

The recommended agreement is retroactive, due to the grant application submission deadline of January 31, 2021, and receipt of the final award approval notification on August 17, 2021. This item is being brought before your Board on the first available date within agenda item processing deadlines.

### 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 \$325,000, to operate the Repeat DUI Program for the period of October 1, 2021 through September 30, 2022. Sufficient appropriations and estimated revenues for this grant have been included in Probation's FY 2021-22 Adopted Budget for Org 3432. This grant funds two Deputy Probation Officer positions (DPOs). No indirect costs are included in the grant. Based on the Probation

Department's current indirect rate of 25.86% of salaries and benefits, the indirect costs associated with the grant are \$74,423. Probation's indirect costs have been included in the Probation Department's FY 2021-22 Org 3430 Adopted Budget, and funded with Net County Cost. There are no pending invoices for the recommended agreement.

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. Fresno County has applied for and received Repeat DUI grant funds since FY 2011-12. Most recently the Department was awarded grant funds for FY 2020-21, which your Board approved on October 6, 2020.

The Repeat DUI grant funds two DPOs. The DPOs provide intensive supervision to approximately 165 felony/repeat and/or drug-involved DUI offenders, which is a decrease of 35 from the Department's capacity for supervision of 200 offenders. The decrease is due to the impact of the COVID-19 Public Health Emergency on the Court System. It is anticipated the capacity will increase when the Court resumes normal calendars.

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.

It should be noted that OTS published a request for applications for Federal FY 2021-22 on December 07, 2020. To meet the grant application deadline of January 31, 2021, the Department submitted the application on January 29, 2021, contingent upon your Board's approval.

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 in part with Federal Funds."

REFERENCE MATERIAL:

BAI # 35, October 6, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Grant Agreement with OTS

CAO ANALYST:

Greg Reinke